



Legislative Budget and Finance Committee

A JOINT COMMITTEE OF THE PENNSYLVANIA GENERAL ASSEMBLY

Offices: Room 400 Finance Building, 613 North Street, Harrisburg

Mailing Address: P.O. Box 8737, Harrisburg, PA 17105-8737

Tel: (717) 783-1600 • Fax: (717) 787-5487 • Web: <http://lbfc.legis.state.pa.us>

SENATORS

JOHN R. PIPPY

Chairman

JAY COSTA, JR.

WAYNE D. FONTANA

ROBERT B. MENSCH

DOMINIC PILEGGI

JOHN N. WOZNIAK

REPRESENTATIVES

ROBERT W. GODSHALL

Secretary

DAVID K. LEVDANSKY

Treasurer

STEPHEN E. BARRAR

JIM CHRISTIANA

H. SCOTT CONKLIN

ANTHONY M. DELUCA

EXECUTIVE DIRECTOR

PHILIP R. DURGIN

Feasibility of Establishing a Statewide Blighted Property Registry

Conducted Pursuant to Senate Resolution 2009-142

December 2009

Table of Contents

	<u>Page</u>
I. Introduction	1
II. Feasibility of Implementing a Statewide Blighted Property Registry	3
III. Appendix	17
A. Senate Resolution 2009-142.....	18

I. Introduction

Senate Resolution 142 calls on the Legislative Budget and Finance Committee to study the cost and potential organizational placement of a statewide blighted property registry. As stated in SR 142, such a registry could be used by municipalities to deny individuals local permits for one or more properties if the individuals own one or more blighted properties and a history of not maintaining these properties. Such denials are not allowed under current law, but would be allowed under the provision of Senate Bill 2009-900.

Study Objectives

1. To assess the feasibility of establishing a statewide blighted property registry.
2. To determine the potential cost of such a registry.
3. To assess organizational placement options for such a registry.

Methodology

To assess the feasibility, cost, and potential organizational placement of a statewide blighted property registry, we:

- Met with municipal codes officials from approximately 10 different municipalities representing approximately 6 different counties.
- Met with representatives of two different software companies, and had a telephone meeting with a third software company, specializing in municipal codes software development and implementation.
- Participated in discussions with several members of the Pennsylvania Blight Task Force.
- Had discussions with officials from the Department of Community and Economic Development, Pennsylvania Office of Attorney General, and the Administrative Office of Pennsylvania Courts.
- Researched statewide blighted property databases in other states.¹

¹Although several states (e.g., Colorado, Connecticut, Maryland, and West Virginia) have enacted certain reporting and registry requirements regarding foreclosed properties, we did not find any states that have enacted a statewide blighted property registry such as envisioned in SR 142.

Acknowledgements

We would like to thank the many municipal codes officials who assisted us in our work. We also thank Mr. Jeri Stumpf of the Pennsylvania Statewide Blight Task Force, and the three software vendors who helped outline the various approaches to a statewide blighted property registry.

Important Note

This report was developed by Legislative Budget and Finance Committee staff. The release of this report should not be construed as an indication that the Committee or its individual members necessarily concur with the report's findings and recommendations.

Any questions or comments regarding the contents of this report should be directed to Philip R. Durgin, Executive Director, Legislative Budget and Finance Committee, P.O. Box 8737, Harrisburg, Pennsylvania 17105-8737.

II. Feasibility of Implementing a Statewide Blighted Property Registry

In May 2009, the Housing Alliance of Pennsylvania testified before the Pennsylvania Senate Committee on Urban Affairs and Housing. Citing research they first published in 2003, the Alliance cited three key findings:

- **Blighted, abandoned properties have a devastating economic impact on the value of the adjacent properties.** In 2001, Dr. Anne Schlay and Gordon Whitman at Temple University researched the impact of blighted, abandoned properties on nearby homes. They found that one abandoned property on a block caused a net decrease of \$6,467 in sales price on the other homes on that block. More abandoned properties on a block brought larger net losses in value. At five abandoned properties on the block, local sales prices experienced a net decrease of \$10,043. Schlay and Whitman also found that blocks that started with only one abandoned, blighted property soon came to have two, then three and more abandoned properties.
- **Blight and abandonment are widespread Pennsylvania problems that affect rural, urban and suburban communities.** Contrary to public perception, blight and abandonment are not just big city problems. In large cities, small cities, and rural towns throughout the state, an estimated 300,000 buildings stand vacant. While 35,000 of these are in Philadelphia and almost 19,000 are in Pittsburgh, smaller cities also grapple with blight: 1,591 in Altoona, 932 in Lebanon, and 2,278 in Wilkes-Barre. Though fewer in number, vacant properties also litter small towns throughout rural Pennsylvania. The causes of blight and abandonment vary but are generally rooted in the historic loss of industry and population, and an aging housing stock.
- **Outdated state laws constrain the ability of local communities to effectively address blight.** Addressing blight is largely a local responsibility, yet state law provides the framework for the acquisition and disposition of blighted and abandoned property, especially when code enforcement fails or is inadequate. State law sets out the range of allowable practices under tax sale law, eminent domain, property donation, urban redevelopment and spot condemnation. The Alliance found that many of these laws are antiquated, enacted in a different era when no one could have foreseen the problems of today.

Legislative Actions to Address Blight

Over the past 12 years, the Pennsylvania General Assembly has enacted various pieces of legislation to address the issue of community blight. These include:

- **Municipal housing code avoidance is now a misdemeanor.** In 1998, Section 7510 of Title 18 (Crimes and Offenses) was amended to establish municipal housing code avoidance as misdemeanor offence for persons who are (1) convicted of a fourth or subsequent violation of the same subsection of a municipal housing code for the same property and where (2) the violation has been continual and uncorrected, (3) the violation poses a threat to the public's health, safety or property, and (4) no reasonable attempt has been made by the person to correct the violation.

While the municipal code officials we spoke to thought elevating municipal housing code avoidance to a misdemeanor has been a positive step, they also expressed frustration that the law was written so narrowly: not only do the violations have to be for the same property, but also for the same subsection of the housing code.

- **Pennsylvania Abandoned and Blighted Property Conservatorship Act.** The Abandoned and Blighted Property Conservatorship Act (Act 2008-135) allows a municipality, redevelopment authority, community organization, neighbor, or businessperson to petition the court to appoint an independent third party (conservator) to rehabilitate an abandoned property when the owner has died, disappeared, or refuses to act. The conservator is authorized to rehabilitate a deteriorating building and incur debt that may ultimately be the owner's responsibility. The conservator is responsible for bringing buildings into municipal code compliance when owners fail to do so as a way to prevent demolition of deteriorating structures.

The act's four initial conditions for appointing a conservator include:

- the property was not legally occupied for the previous 12 months,
- the property was not actively marketed for sale during the 60 days before filing the petition,
- the property is not subject to an existing foreclosure, and
- the property was not acquired within the preceding six months.

In addition, the court must find that at least three of the following conditions apply:

- the property is a public nuisance.
- the property is in need of substantial rehabilitation and no rehabilitation has taken place during the previous 12 months.
- the property is unfit for human habitation, occupancy or use.
- the condition and vacancy of the building materially increase the risk of fire to the building and adjacent properties.
- the building is subject to unauthorized entry leading to potential health and safety hazards.
- the property is an attractive nuisance to children.
- the presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds has created potential health hazards and the owner has failed to take reasonable and necessary measures to remedy the appearance or the condition.
- the property is an attractive nuisance for illicit purposes such as prostitution, drug use and vagrancy.

Although there does not appear to be widespread use of the Conservatorship Act yet, we did speak to one individual who works with the codes offices in several municipalities who reported that he has had good success in using the Conservatorship Act to address problems with blighted property.

The Housing Alliance has cited these and other legislative changes as positive developments in the fight against blight. They also cited additional changes they believe necessary to revitalize blighted communities. Many of these changes are incorporated into the Neighborhood Blight Reclamation and Revitalization Bill (Senate Bill 1291) that was introduced in the 2007-08 legislative session.

Among the provisions of Senate Bill 1291 is the creation of a statewide blighted property registry (database). As envisioned in SB 1291, the registry would allow municipal officials to determine if a potential buyer of property in their municipality currently has serious code violations in other municipalities in the Commonwealth. Certain state and municipal certificates, licenses, and permits could then potentially be denied for owners of property found to have serious violations of municipal housing, building, property maintenance, or fire safety code requirements if the owner has not taken substantial steps to bring the property into compliance. SB 1291 defined a serious violation as “a violation of a housing, building, property maintenance or fire safety code that poses an immediate threat to the health and safety of a dwelling occupant, occupants in surrounding structures or passersby.”

Although SB 1291 expired at the end of the 2007-08 legislative session, SB 900, introduced during the 2009-10 legislative session, contains many of the SB 1291 provisions. SB 900 does not, however, include a statewide blighted property registry, reportedly out of concerns over its potential costs.

Cost and Feasibility of a Blighted Property Registry

In assessing the potential cost and feasibility of a statewide blighted property registry, we found:

Although not technically complex, a statewide blighted property registry presents several administrative, legal, and policy difficulties. We spoke to three different software vendors familiar with municipal property maintenance code and building permitting computer systems, and none believed a statewide blighted property registry would be a technically complex endeavor. All three noted they had already implemented significantly more complex systems in various municipalities in Pennsylvania and other states.

Although none of the vendors were able to give precise software cost estimates, one vendor was willing to venture that they could probably develop such a software program for an amount in the neighborhood of several hundred thousand dollars.² This vendor envisioned a batch-processing system (described below) that would be piloted with 5-10 municipalities. Once the pilot project was deemed successful, the program could then be expanded, with relatively little additional software development cost to the Commonwealth's remaining municipalities.

Greater difficulties, however, lie in the administrative, policy and legal complexities involved in implementing such a system, including:

State law does not currently allow municipalities to deny permits based on violations in another jurisdiction. Municipalities do not currently have the ability to deny permits or licenses based on property violations in another jurisdiction. SB 900 would grant municipalities such authority. But until SB 900 (or a similar bill) is enacted, there is little motivation for a municipality to spend much time or effort in entering and updating information on a statewide registry as there is little they could do with the information. Some municipal officials (often from larger municipalities) indicated the inability to act on the information contained in the registry would be a substantial impediment to their participation, while others (typically from smaller municipalities or municipalities that did not have large numbers of

²In our March 2004 report entitled *Commonwealth and Local Government Efforts to Ameliorate Blight*, we cited a rough estimate of \$1 million in one-time start-up costs (database design, testing, server, forms development, and training) and annual costs of \$250,000 to operate and maintain a statewide system of property maintenance and nuisance code violations registry. A blighted property registry for serious violations only is, however, much more limited than the system envisioned in our 2004 report.

blighted properties) believed the information on a blighted property registry would nevertheless be beneficial and worth the investment of their time.

It can be difficult to identify the “true” owners of blighted property. One of the difficulties municipal codes officials currently face is identifying the “true” owners of the property. Property owners who wish to avoid detection can disguise or hide their identity in several ways by: placing the property in the name of a spouse or other relative, using a property management company as the owner of record, or having the properties held under a corporate name. Although corporations are required to submit the list of the names of their original incorporators at the time of incorporation, there is no requirement that the currently responsible persons, such as the current corporate officers, directors, or agents, be listed. While the municipal officials we spoke to acknowledged that identifying owners can be a problem, most indicated that the “true” owners could be readily identified in the large majority of cases. This, of course, might change if a blighted property registry, with associated sanctions, were implemented.

Many municipalities do not have property maintenance codes, and in those municipalities that do have such codes, the codes are not uniform. The Housing Alliance of Pennsylvania estimates that about one-third of Pennsylvania’s municipalities have not enacted a property maintenance code. Clearly these municipalities could not report property code violations to a statewide blighted property registry.³

Because the Commonwealth has not enacted a uniform, statewide property maintenance code, the municipalities that do have property maintenance codes have adopted them locally.⁴ While these municipal codes are often based in large part on the International Property Maintenance Code, they frequently contain amendments or provisions specific to that municipality. Without a uniform state property maintenance code, it would be virtually impossible for a statewide blighted property registry to have consistent definitions or code references. However, because the definition of a serious code violation in SB 900 is broad—i.e., “a violation of a housing, building, property maintenance or fire safety code that poses an immediate threat to the health and safety of a dwelling occupant, occupants in surrounding structures or passersby⁵”—it may not be necessary to have a specific, uniform municipal code.

Depending on how it is designed, a blighted property database could impose a significant burden on state and local officials. The cost of a statewide blighted property registry—hardware, software, and personnel—to state, county and municipal government would depend on the type of system implemented. One

³Municipalities without property codes could conceivably report owners of property that is condemned under the municipalities’ police powers.

⁴Only two states, New York and Virginia, have a statewide property maintenance code.

⁵ And for which the owner has not taken substantial steps to bring the property into compliance.

model envisioned would have the county be the focal point for collecting, verifying, and updating data from their municipalities. County representatives we spoke to, however, noted that the enforcement of property maintenance codes is a municipal, not county, function and that most counties would be reluctant to take on additional responsibilities in this area.

Alternatively, a system could be designed where the municipalities' data would be imported directly into the registry without county involvement. According to one software vendor we spoke to, for most municipalities, this could be done relatively easily through periodic (perhaps quarterly) batch processing. Municipalities would download their data in an appropriate format to a disk, and then send the disk to the registry administrator, who would upload the information into the registry. The vendor was confident that, despite the wide variety of computer systems being used by municipalities, such transfers could be successfully accomplished in most cases. A second vendor we spoke to concurred that they have generally been successful in merging data from different systems into one unified database.

The alternative to periodic batch processing would be an online processing system wherein municipalities would input data over the Internet that would immediately update the registry. However, online processing would almost certainly involve the municipalities having to enter data twice; first in their municipal system and then a second time into the statewide registry, according to the vendor. Based on input from various municipalities, entering data twice would not be an undue burden for many municipalities—particularly those with relatively few blighted properties—but could be a burden for larger municipalities, especially those with large numbers of blighted properties. Unfortunately, these larger municipalities would appear to be those most important to participate in the registry if it is to be effective.

Often in the discussions we had with municipal officials, suggestions were made for additional information that would be useful to include in a blighted property registry. Suggestions included maintaining information on all code violations at the property, both past and present and both serious and nonserious, as a way to get a more comprehensive history of the property; names and contact persons for the companies that insure the property so that code officials can contact the insurers, who may be in a better position to apply pressure to property owners than codes officials; names and contact persons for any property management company involved; and the names and contact person of the bank or mortgage company that holds title to the property.

Another suggestion was that, in conjunction with a blighted property registry, landlords be required to register with the Commonwealth, similar to the manner in which home improvement contractors must now register with the state Attorney General's office. As part of that process, it was suggested that landlords

be required to provide contact information on insurers, property management companies, mortgage holders, and actual address for property owners (not post office boxes). Landlords that failed to maintain their properties in acceptable condition could also then be delisted from the registry.

Designing a system that ensures the data is accurate and unbiased could be problematic. If the registry is used to deny permits or licenses, steps need to be taken to ensure the data on the registry is accurate and up-to-date. One suggestion made in this regard was for municipalities to forward their registry information to the counties, with the counties then having responsibility for verifying the accuracy of the data. However, as mentioned above, counties appear to have no interest in assuming this responsibility.

Another suggestion was to use other code enforcement officials, possibly from nearby jurisdictions to reduce the possibility of bias, to verify the condition of the property. Under this system, pictures and possibly code enforcement reports could be e-mailed to another codes official to verify that the property violations meet the definition of a serious violation. The property would not be included on the registry until agreed upon by at least two officials.

Neither the Department of Community and Economic Development nor the Office of Attorney General has been receptive to administering a blighted property registry. The Department of Community and Economic Development has expressed reservations about taking on the responsibility for administering a statewide blighted property registry. DCED's concerns primarily regard the potential cost to the department to purchase, operate, and maintain the system. DCED is also concerned about the potential difficulties that could arise if the municipalities did not properly submit and update their data.

As a possible alternative, we contacted the state Attorney General's office, the office which administers the state home improvement contractor registry. The AG's office stated that they are a law enforcement agency and that property maintenance complaints are typically violations of local ordinances, not state laws for which the office has enforcement authority. They also noted that they receive very few calls involving blighted property complaints (unlike for home improvement contractors, where they receive about 3,000 written complaints a year), and therefore do not believe their office is the proper office to administer a statewide blighted property registry.

The Magisterial District Court Dockets of the Unified Judicial System

Given the potential difficulties of establishing a new statewide blighted property registry, we investigated the possibility of adapting an existing system for this purpose. Specifically, a municipal codes official suggested the possibility of using the

district justice (Magisterial District Court) computer system⁶ as either the basis for, or in lieu of, a statewide blighted property registry. While perhaps not as inclusive what the sponsors of SR 142 envisioned, we found that, with some relatively minor modifications, this system offers much that could be useful to municipalities. In particular, the Magisterial Court (Municipal Court in Philadelphia) docket system:

- is a statewide system (includes all 67 counties),
- is able to identify citations issued by municipal code enforcement officials,
- includes the first and last name of the defendant and at least a general address (e.g., Altoona),
- identifies the county and municipality in which the citation was issued,
- includes a brief description of the violation, and
- provides information on the status and disposition of the case and the amount and status of any fines that were issued.

Using this system, municipal code officials could readily identify whether a property owner coming into their jurisdiction ever (dating back to the 1990s) had a property code citation brought before a district justice anywhere in the state⁷ and, if so, the current status of each of those violations.

Exhibits 1 and 2 show two of the key screens from this system. Exhibit 1 shows the results of an initial search of a known owner of blighted property in the Allentown area, and Exhibit 2 shows the publically available detail from one of those cases.

Several relatively easy steps could be taken to make the district justices system even more useful to municipalities seeking information on property code violators appearing before a district justice:

Include an “All Counties” function. Currently, the Magisterial Court system allows users to select and search only one county at a time. To be useful as a statewide system, users would need to be able to enter a code violator’s name and search all counties in one search. This is often an option in statewide databases (see, for example, the Common Level Ratio search function on the State Tax Equalization Board’s website) and would not appear to be a difficult modification.

Obtain date of birth when bringing a property maintenance code violation before a district justice. Having only the defendant’s first and last name is often not

⁶The public may access much of the information on this system at <http://ujportal.pacourts.us/DocketSheets/MDJ.aspx>

⁷As explained below, the system currently requires the user to select one county. To readily get information for all counties would require some new software code to provide a “search all counties” option.

Magisterial District Courts Docket Sheets [Help](#)

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these docket sheets. Docket sheet information should not be used in place of a criminal history background check, which can only be provided by the Pennsylvania State Police. Employers who do not comply with the provisions of the Criminal History Record Information Act (18 Pa.C.S. Section 9101 et seq.) may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

On November 23, 2009 the AOPC began releasing the new Magisterial District Judge Case Management System (MDJS) on a county-by-county basis. MDJ docket sheets are available for specific docket types (see Participant Name search type) with a docket year going back to 2000 for magisterial districts still using the legacy MDJS. MDJ docket sheets are available for all docket types and all cases in a magisterial district using the new MDJS.

Click [here](#) to see the county rollout schedule and the planned go-live date for each.

The webpage you are viewing is operated and maintained by Pennsylvania's Unified Judicial System as a source of public information. The webpage is not affiliated with any search system for public records provided by private organizations for which fees may be incurred. **The ability to search for and review information contained in these web docket sheets is a free public service.**

Select a MDJ Docket Search Type from the dropdown (default search type is by Docket Number)

* Search Type:


Enter the desired search criteria and click Search (available search criteria changes based upon the type selected above)

* Last Name:

(Example: Smith)

* First Name:

(Example: James or Ja)

Date of Birth: 

and any combination of

County:

Court Office:











Docket Type:

Case Status:

Date Filed:  through 

Exhibit 1 (Continued)


Click the Print Preview icon to display the report

	Docket Number	Court Office	Short Caption	Filing Date	County	Case Status	Primary Participant(s)	Date of Birth
	NT-0001066-09	MDJ-31-1-01	COMMONWEALTH OF PENNSYLVANIA -V- THOR, ADAM	10/16/2009	Lehigh	Active	THOR, ADAM	
	NT-0000319-09	MDJ-31-1-01	COMMONWEALTH OF PENNSYLVANIA -V- THOR, ADAM	02/23/2009	Lehigh	Adjudicated	THOR, ADAM	
	NT-0001141-08	MDJ-31-1-01	COMMONWEALTH OF PENNSYLVANIA -V- THOR, ADAM	11/03/2008	Lehigh	Appealed	THOR, ADAM	
	NT-0001207-08	MDJ-31-1-02	COMMONWEALTH OF PENNSYLVANIA -V- THOR, ADAM	10/22/2008	Lehigh	Adjudicated	THOR, ADAM	
	NT-0001208-08	MDJ-31-1-02	COMMONWEALTH OF PENNSYLVANIA -V- THOR, ADAM	10/22/2008	Lehigh	Adjudicated	THOR, ADAM	
	NT-0001209-08	MDJ-31-1-02	COMMONWEALTH OF PENNSYLVANIA -V- THOR, ADAM	10/22/2008	Lehigh	Adjudicated	THOR, ADAM	
	NT-0001210-08	MDJ-31-1-02	COMMONWEALTH OF PENNSYLVANIA -V- THOR, ADAM	10/22/2008	Lehigh	Adjudicated	THOR, ADAM	
	NT-0000903-08	MDJ-31-1-02	COMMONWEALTH OF PENNSYLVANIA -V- THOR, ADAM	07/18/2008	Lehigh	Adjudicated	THOR, ADAM	
	NT-0000077-08	MDJ-31-2-01	COMMONWEALTH OF PENNSYLVANIA -V- THOR, ADAM	01/08/2008	Lehigh	Adjudicated	THOR, ADAM	5/17/1980
	NT-0000918-07	MDJ-31-1-02	COMMONWEALTH OF PENNSYLVANIA -V- THOR, ADAM	08/01/2007	Lehigh	Adjudicated	THOR,ADAM	

First Previous [1](#) [2](#) [3](#) Next Last

Source: Magisterial District Judge website, December 2009. (<http://ujspportal.pacourts.us/DocketSheets/MDJ.aspx>)

Exhibit 2

Magisterial District Judge 31-1-01				
DOCKET				
		Docket Number: NT-0001066-09		
		Non-Traffic Citation Docket		
COMMONWEALTH OF PENNSYLVANIA				
v.				
THOR, ADAM				
Page 1 of 1				
CASE INFORMATION				
Judge Assigned:	ENGLER, PATRICIA M	Issue Date:	10/18/2009	
OTN:		File Date:	10/18/2009	
Arresting Agency:	CODE ENFORCEMENT, MUNICIPAL	Case Disp:		
Arresting Officer:	SANDT, ROBERT	Disp Date:		
Complaint/Incident #	P8886217-2	Requested:	\$0.00	
County:	LEHIGH	Judgment:	\$0.00	
Township:	ALLENTOWN CITY	Case Status:	Active	
DEFENDANT INFORMATION				
Name:	THOR, ADAM	Address:	FAIRLAWN, NJ 07410	
Date Of Birth:		Sex:		
		Race:		
CHARGES				
#	Charge	Grade	Description	Disposition
1	1741.15	S	PROPERTY REHAB & MAINTENANCE CODE	
CALENDAR				
Schedule Date	Event Type		Status	
11/30/2009 11:45 AM	Summary Trial		CONT	
01/04/2010 01:30 PM	Summary Trial			
CASE ACCOUNTING				
Total Due:	\$0.00	Total Adj:	\$0.00	
Total Paid:	\$0.00	Balance:	\$0.00	
AFFIANT INFORMATION				
Name: SANDT, ROBERT				

1200

Printed: 12/22/2009 12:37 pm

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these docket sheets. Docket sheet information should not be used in place of a criminal history background check, which can only be provided by the Pennsylvania State Police. Employers who do not comply with the provisions of the Criminal History Record Information Act (18 Pa.C.S. Section 9101 et seq.) may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

sufficient enough identification to ensure that the correct person has been identified. Date of birth, however, can be recorded and made available without privacy/confidentiality issues and, especially when combined with the defendant's name and address, would result in identifications with a high degree of certainty. As both the date of birth and address fields are already part of the Magisterial Court system, it would simply require the codes officials to collect this information on the property maintenance code citations they bring before the district justice. If the property owner's date of birth is not available through property records, it might be obtained through other county or municipal records (e.g., county voting records include date of birth information).

Identify serious violations. Because property maintenance codes vary from one municipality to another, there is no uniform coding system that would allow municipalities to know the exact nature or severity of the violation that was brought before the district justice. As defined in SB 900, however, a serious violation does not refer to a specific code provision, but rather is “a violation of a housing, building, property maintenance or fire safety code that poses an immediate threat to the health and safety of a dwelling occupant, occupants in surrounding structures or passersby.” If a municipal codes official believed that the violation being brought before the district justice met this standard, they could simply add a prefix or suffix (perhaps the letters “SV”) to the charge number. This, together with the other suggestions identified above, would allow a codes official to conduct a statewide search for a specific defendant who has had, or who currently has, a serious property code violation before a district justice.

While the above steps would appear relatively easy to implement, using the district justice system in lieu of a statewide blighted property registry would have certain limitations, including:

Not all serious property maintenance code violations are brought before a district justice. Serious property maintenance code violations may remain with the municipal codes office for weeks or months before being brought before a district justice. In some municipalities, serious violations may only be rarely brought before a district justice, and instead be dealt with almost exclusively by the property codes office. These violations would therefore not be included in the Magisterial Court system.

A case may be adjudicated, but the property may not have been repaired. Municipal codes officials informed us that it is quite common for a property owner to pay the fine imposed by the district justice but not make the necessary repairs or fix the underlying problem. This is especially true if the district justice reduces the fine to a nominal amount. Codes officials can, however, cite the property owner repeatedly for the same violation if it is not corrected, even if the fine has been paid.

The docket information does not include the property address. None of the docket sheets we reviewed contained the specific address of the property at which the violation occurred. This information would be included in the supporting documents for the violation, but the docket sheet itself only shows the county and municipality where the property is located.

A decision would need to be made on how to treat cases on appeal. Property owners can appeal the district justice's decision to higher courts. If municipalities were given the ability to deny permits, licenses, or certificates of occupancy to property owners with outstanding serious violations, the Legislature would have to make a decision as to whether cases that are adjudicated by the district judge but are appealed and pending a decision at a higher court should be included as an outstanding serious violation while on appeal. (Under SB 900, cases under appeal regarding delinquency on taxes, water, sewer or refuse collection charges would not be subject to permit denials.)

III. Appendix

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 142 Session of
2009

INTRODUCED BY ARGALL, YAW, WASHINGTON, HUGHES, BOSCOLA,
RAFFERTY, O'PAKE, TARTAGLIONE AND KASUNIC, JUNE 26, 2009

REFERRED TO URBAN AFFAIRS AND HOUSING, JUNE 26, 2009

A RESOLUTION

Directing the Legislative Budget and Finance Committee to complete a study and cost analysis of the implementation of a Statewide blighted property database and report its findings, conclusions and recommendations to the Senate.

WHEREAS, The issue of neighborhood blight impacts every corner of this Commonwealth; and

WHEREAS, Individuals who own blighted properties often leave them and move on and victimize other communities in this Commonwealth by not maintaining the real property that they own; and

WHEREAS, A Statewide blighted property database maintained by the Commonwealth would help to mitigate the impact of blighted property owners by giving municipalities the ability to identify blighted property owners in other parts of this Commonwealth; and

Appendix A (Continued)

WHEREAS, The Statewide blighted property database could be used by municipalities to deny individuals local permits for one or more properties if the individuals have a record of owning one or more blighted properties, as well as a history of not maintaining those properties; therefore be it

RESOLVED, That the Legislative Budget and Finance Committee complete a study and cost analysis of the implementation of a Statewide blighted property database; and be it further

RESOLVED, That the Legislative Budget and Finance Committee submit to the Senate a recommendation on which State agency would best operate and maintain a Statewide blighted property database; and be it further

RESOLVED, That the Legislative Budget and Finance Committee report its findings to the Senate no later than three months from the adoption of this resolution.