



POLICY STATEMENT URBAN RENEWAL

Background

The Pennsylvania General Assembly continues to review issues impacting abandoned and blighted property and effective methods of stimulating the economic revitalization of Pennsylvania boroughs, cities, and urban areas. In recent years, legislation has been introduced that is designed to create more affordable housing while helping consumers, local governments, and community groups eliminate blight.

Legislation has been primarily directed towards increasing affordable housing opportunities and preventing code violators from expanding their ownership of blighted property. It has not been the intent to harm any person who purchases and owns real property and maintains such property in compliance with municipal building, housing, and fire codes.

PAR Position

PAR recognizes that there is powerful political support for resolving blighted neighborhood problems and that passage of legislation is likely to occur. PAR will continue to support such legislation and the elimination of blight but will work effectively and cooperatively with legislators and various interest groups to assure the passage of legislation that will protect our membership and the consumers they serve, while preserving private property rights.

PAR supports enforcement of current laws that have been enacted to eliminate blight, including the enforcement of municipal code programs. However, PAR holds the following to be overbroad and/or unreasonable restrictions that target a limited sector of the public and provide little relief from blight:

- **Definitions of “blighted property” that are not clearly linked to an imminent threat to public health, safety or welfare.** Clearly defining the term “blighted property” would limit the amount of frivolous actions that are filed against an owner and would help ensure that limited municipal and state resources are not expended on less deteriorated properties.
- **Denial of any state or municipal permit, variance, license, or approval for contemplated action.** As real estate salespersons must be attached to a broker at all times, they would not be able to renew their licenses and continue to work if their broker does not receive tax clearance. By targeting only licensed professions, there is a lack of consistency applied to all tax paying citizens of the Commonwealth. Further, Commonwealth v Hoffman determined that local taxing authorities lack the express, implied and necessary power to enact the provisions of an ordinance to withhold licenses and permits as a means of collecting real estate taxes and municipal debt.

- **Tax delinquency as a basis for denial of permits or licenses.** Individuals who make deliberate decisions not to comply with state law face fines, liens, public disclosure or criminal investigations that could lead to prosecution. Denying an individuals' attempt to practice a profession only leads to further delinquency and inability to comply with prescribed law.
- **Statewide central registry of code violators.** A statewide central registry would be cost prohibitive, an administrative burden to municipalities for timely reporting, and may be a hindrance in the purchase of property.
- **Mortgage lenders, court-appointed receivers or conservators to be held responsible for bringing residential buildings into municipal code compliance, unless the property conditions are such that they are an imminent danger to public health, safety or welfare.** Appointing an individual who is not the legal owner of a property as the party responsible for the rehabilitation of a property without providing just compensation to the legal owner could be considered an unlawful "taking" and may be met with dedicated opposition.

*Approved by the PAR Board of Directors May 2005
Revised and Approved June 2008*