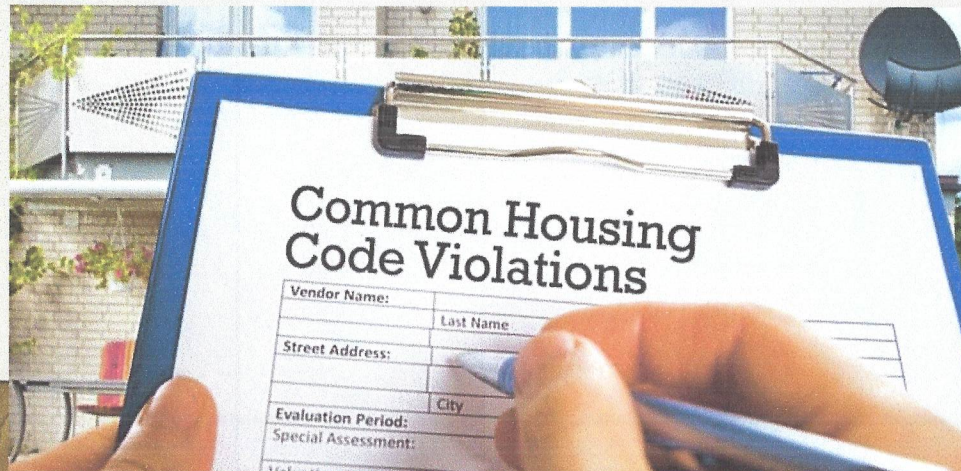


# Essential Tool

## Enact Asset Encumbrance/Permit Denial Ordinance



**This ordinance gives municipalities leverage to obtain compliance from owners who have been convicted of serious code violations.**





# Essential Tool

## Enact Asset Encumbrance/Permit Denial Ordinance



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### *What is the Purpose of Asset Encumbrance?*

- It gives the Municipality the authority to encumber real and personal assets of owners where the Municipality has incurred costs to address serious violations, including the demolition of a property.
- It gives the Municipality the authority to encumber all property owned in Pennsylvania that is titled the same way.





# Essential Tool

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### *What is the Purpose of Including Permit Denial?*

- This allows the Municipality to deny permits (including rental housing license) when the owner is delinquent in the payment of taxes, or has been found guilty of a serious code violation.
- The owner must be given six months after the guilty judgment before the MDJ to take substantial steps to correct the violation.





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### *Why does this make sense?*



- This grabs the attention of the owner and gives the Municipality leverage to be reimbursed for unpaid municipal liens.
- Permit denial provisions may be effective with landlords that have been found guilty of serious code violations because it would also municipalities to deny rental housing license.





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### *What Encumbrance Provisions are Typically Included?*

- A lien may be placed against any and all assets of an owner of real property if it is in serious code violation, or is regarded as a public nuisance after a judgment, decree or order is entered by a court of competent jurisdiction against the owner of the property for an adjudication under section 6111 (relating to actions).
- Any and all assets of the owner that are situated in the Commonwealth of Pennsylvania may be liened by the Municipality.





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### *What Permit Denial Provisions are Typically Included?*

- The Municipality must give the owner notice that it has denied the issuance of a permit and provide specific reasons (e.g. delinquent taxes or conviction for serious code violations). The owner may provide documentation to rebut the reason for the permit denial.
- The denial remains in effect until the owner provides information that he/she is in good standing, i.e., taxes have been paid or repairs have been made.





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### Definition

**"SERIOUS VIOLATION"** shall mean and refer to a violation of a State law or a code that poses an imminent threat to the health and safety of a dwelling occupant, occupants in surrounding structures, or passersby.





# Essential Tool

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*How do I find out more about this ordinance?*

***Neighborhood Blight Reclamation and Revitalization Act  
53 Pa.C.S. Sections 6101 et. Seq***

