

## No. 604

## AN ACT

SB 1260

Amending the act of May 20, 1949 (P. L. 1608), entitled "An act merging and consolidating State housing with State planning; merging the State Board of Housing with the State Planning Board; establishing a State Planning Code; and repealing certain acts," transferring certain powers and duties of the State Planning Board to the Department of Community Affairs, and transferring records, appropriations and equipment relative thereto.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clauses (5), (7), (8), (9), (10), (11), (12), (13), (14), and (15) of section 3, act of May 20, 1949 (P. L. 1608), known as the "State Planning Code," are repealed.

Section 2. The act is amended by adding after section 3, a new section to read:

Section 3.1. Powers and Duties of the Department of Community Affairs.—The Department of Community Affairs shall have the power to:

(1) Cooperate with county, municipal and regional planning commissions, zoning commissions, parks or recreation boards, community development groups, and similar agencies created for the purposes of aiding and encouraging an orderly productive and coordinated development of the State, and encourage and assist in their creation; and also, to cooperate with planning boards and similar bodies of other states and of the Federal government in formulating comprehensive regional plans and in the solution of regional problems. The department also shall cooperate with and enlist the support of civic bodies, corporations and individuals in the attainment of these and similar objectives.

(2) Study housing conditions and needs throughout the Commonwealth and devise ways and means of eliminating conditions of bad housing, such as slums or unsafe, unsanitary, inadequate, or overcrowded dwellings, or a combination of these conditions, accompanied and aggravated by an acute shortage of decent, safe and sanitary dwellings, and of securing economies in the construction or renovation of dwellings so that additional safe and sanitary houses may become available.

(3) Collect or develop and distribute information relating to housing, to improved methods of construction, planning and financing of housing, to the administration of public housing authorities, and to the construction, maintenance and operation of projects by such authorities.

(4) Suggest and assist in the preparation of legislation relating to housing conditions and needs, building codes, health and sanitation standards, and advise and assist municipalities in the formulation of ordinances relating thereto.

(5) Develop, administer or assist in the administration of any State program for the providing of housing.

(6) Exercise such jurisdiction and powers of supervision over housing authorities and their projects and redevelopment authorities and their projects as provided for in this act or as otherwise prescribed by law.

(7) Encourage, approve, supervise and control the organization and operation of limited dividend housing companies and their projects.

(8) Recommend or approve areas, which areas may be within, adjacent to, or separate and apart from, areas of bad housing, as designated by the department, within which the development of housing projects by limited dividend housing companies may be undertaken.

(9) Cooperate with local or regional housing officials, agencies or authorities, as well as with those of other states and of the Federal government.

(10) Promulgate rules and regulations to enforce and effectuate the purposes of this act.

Section 3. Sections 4, 7, 8, 9 and 10 of the act are amended to read:

Section 4. Eminent Domain.—The [State Planning Board] Department of Community Affairs shall have the power, in the name of the Commonwealth, to exercise the right of eminent domain in the manner provided by law for the exercise of such right by cities or counties, as the case may be, of the same class as the city or county in which such [board] department has approved the initiation of a project. Title to

any property acquired by the [board] department through eminent domain shall be an absolute or fee simple title unless a lesser title shall be designated in the eminent domain proceedings. If any of the real property in the area which is to be acquired has, prior to such acquisition, been devoted to another public use, it may nevertheless be acquired by condemnation: Provided, That no real property belonging to a city, county, borough, town or township, or to the Commonwealth, may be acquired without its consent. No real property belonging to a public utility corporation may be acquired without the approval of the Pennsylvania Public Utility Commission.

Section 7. Investigative Powers of the [Board] Department.—The [board] Secretary of Community Affairs or any [member or the executive director thereof] duly authorized representative, when authorized to do so by [a majority at any meeting of the board] the secretary, may hold public hearings, and in conducting public hearings may administer oaths and take affidavits. [Each member of the board or its] The secretary or his duly authorized agents shall have the power to make personal inspections of all places concerned in the performance of their duties.

Section 8. Procedure and Appeal.—All actions of the [board] department shall be taken subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with the provisions of the "Administrative Agency Law" approved the fourth day of June, one thousand nine hundred forty-five (Pamphlet Laws 1388), or any amendment or reenactment thereof, relating to adjudication procedure.

Section 9. Reports from Housing or Redevelopment Authorities.—The [board] department may require a Housing or Redevelopment Authority to file periodical reports in addition to annual reports, but not oftener than quarterly, covering its operations and activities. Such reports shall be in a form prescribed by the [board] department. The [board] department may, from time to time, require from such an authority or any member thereof and authorities and members are directed to give, specific answers to questions upon which the [board] department may require information in order to effectuate the purposes of this act.

Section 10. Supervision of Members of Authorities.—If it shall appear to the [board] department that any member or employee of a

Housing Authority or of an Urban Redevelopment Authority has had any undisclosed interest in any property included in any project of such authority or in any contract for materials or services furnished to such authority, the [board] department shall call the fact to the attention of the Attorney General that appropriate action may be taken to surcharge such member or employee.

Section 4. All personnel, appropriations, allocations, contracts, agreements, equipment, files, obligations, documents and other material which relate to the administration and enforcement of the act of May 20, 1949 (P. L. 1608), known as the "State Planning Code" as it applies to the powers and duties of the "State Planning Board" as enumerated in this act are transferred to the Department of Community Affairs with the same force and effect as if the appropriation had been made to the Department of Community Affairs in the first instance, and said contracts, agreements and obligations of the said State Planning Board had been incurred or entered into by the said Department of Community Affairs.

Section 5. This act shall take effect July 1, 1966.

APPROVED—The 2d day of February, A. D. 1966.

WILLIAM W. SCRANTON

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No. 605

AN ACT

SB 1261

Amending the act of May 2, 1949 (P. L. 819), entitled "An act requiring the secretary or clerk of every political subdivision to file in the Bureau of Municipal Affairs a copy of every tax-levying ordinance or resolution of such political subdivision," transferring certain powers and duties of the Bureau of Municipal Affairs to the Department of Community Affairs and transferring records, appropriations and equipment relative thereto.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The title and section 2, act of May 2, 1949 (P. L. 819), entitled "An act requiring the secretary or clerk of every political subdivision to file in the Bureau of Municipal Affairs a copy of every tax-levying ordinance or resolution of such political subdivision," are amended to read: