

No. 138

AN ACT

HB 1042

Amending the act of June 22, 1964 (P. L. 84), entitled "An act to codify, amend, revise and consolidate the laws relating to eminent domain," further providing for just compensation and measure of damages.

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

Section 1. The act of June 22, 1964 (P. L. 84), known as the "Eminent Domain Code," is amended by adding, after section 614, four new sections to read:

Section 615. Replacement Housing.—(a) *In addition to amounts of damages otherwise authorized, the condemnor shall, as is hereinafter provided, make a payment to the condemnee whose real property is improved by a single, two, or three-family dwelling actually owned and occupied by the condemnee for not less than one year prior to the condemnation. Such payment, not to exceed five thousand dollars (\$5,000), shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a comparable dwelling determined to be a decent, safe and sanitary dwelling adequate to accommodate the condemnee, reasonably accessible to public services and places of employment and available on the private market. Such payment shall be made only to a condemnee who purchases and occupies a dwelling within one year subsequent to the date on which he is required to move from the dwelling acquired by the condemnor.*

(b) *In addition to amounts otherwise authorized, the condemnor shall make a payment to any individual or family displaced from any dwelling not eligible to receive a payment under subsection (a) of this section which dwelling was actually and lawfully occupied by such individual or family for not less than ninety days prior to the condemnation. Such payment, not to exceed fifteen hundred dollars (\$1500), shall be the amount which is necessary to enable such person to lease or rent for a period not to exceed two years, or to make the down payment on the purchase of a decent, safe and sanitary dwelling of standards adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities.*

Section 616. Expenses Incidental to Transfer of Property.—*In addition to amounts of damages otherwise authorized, the condemnor shall reimburse the condemnee for reasonable and necessary expenses incurred for recording fees, transfer taxes, and similar closing expenses incidental to conveying such property and penalty costs for prepayment*

of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for the record on the date of filing of the declaration of taking by the condemnor. The condemnor shall also reimburse the condemnee for reasonable and necessary expenses incurred for recording fees and similar closing expenses incurred by the condemnee on the replacement property if such replacement property is settled after condemnation and within one year of the final settlement for the condemned property.

Section 617. Payments on Account of Increased Mortgage Costs.—Whenever the taking of property results in the termination of mortgage financing thereby requiring the condemnee to enter into another mortgage or other evidence of debt on the property purchased for the same use in substitution for the property condemned and such mortgage is more costly to the condemnee the condemnor shall make compensation therefor as damages.

Such damages shall be equivalent to the excess in the aggregate interest and other debt service costs of that amount of the principal of the new mortgage equal to the unpaid balance of the terminated mortgage over the term of the new or replacement mortgage.

Payment of such damages shall be made together with all other damages and shall be computed by the reduction of the aggregate of the aforesaid excess costs to a lump sum, at six per cent interest, at either the date of the new mortgage or the date damages are actually paid, whichever is earlier.

Section 618. Farm Business Dislocation Damages.—Any condemnee who conducts any type of agricultural, dairy or other farming operation upon the condemned property and who cannot thereafter continue the same operation because the remaining property is for any reason unsuitable therefor, or if all of his property is taken and another similar property is not available in the area, shall be entitled to recover damages for farm business dislocation, not to exceed five thousand dollars (\$5000).

Section 2. This act shall take effect immediately and shall apply to all condemnation proceedings hereafter initiated.

APPROVED—The 5th day of December, A. D. 1969.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly
No. 138.



Robert L. Kelley
Secretary of the Commonwealth.