



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

RESOLUTION NO. 180040

Introduced January 25, 2018

Councilmember Quiñones Sánchez for Councilmember Council President
Clarke

Referred to the
Committee on Law and Government

RESOLUTION

Proposing an amendment to the Philadelphia Home Rule Charter relating to the Philadelphia Land Bank’s ability to acquire vacant, tax delinquent property and to return such property to productive use while revitalizing neighborhoods fairly and equitably, and to Council’s authority to enact legislation with respect to how the City exercises its powers and duties with respect to the Land Bank, and making conforming changes to the powers of the Law Department to collect all debts, taxes and accounts due the City; and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. §13106), an amendment to the Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the following amendment to the Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

Strikethrough indicates matter deleted by these amendments.

Bold italics indicates matter added by these amendments.

ARTICLE II
LEGISLATIVE BRANCH
The Council – Its Election, Organization, Powers and Duties

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City of Philadelphia

RESOLUTION NO. 180040 continued

CHAPTER 3 LEGISLATION

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§2-311. Land Bank Legislation.

(1) For purposes of this Section, the following definitions shall apply:

(a) “Land Bank.” A Land Bank created by the City under the provisions of 68 Pa.C.S. §2104.

(b) “Vacant Lot.” A piece of ground without any permanent building or structure erected thereon.

(2) Council shall have power by ordinance:

(a) To assign to the Land Bank a tax or municipal claim of the City against a vacant lot, and to set forth the terms and conditions of such assignment that will be acceptable to the City, pursuant to the powers set forth in 68 Pa.C.S. §2117(d)(1).

(b) To set forth the form, substance and timing of the payment of a bid tendered by the Land Bank that will be acceptable to the City for purposes of 68 Pa.C.S. §2117(d)(4)(ii), but only with respect to bids on vacant lots.

(c) To require the City Solicitor and the Law Department to provide notice to the Land Bank concerning specified actions the City may take under any provision of the act of May 16, 1923 (P.L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law (53 P.S. § 7101 et seq.). Such ordinances may specify that notice be provided to the Land Bank either before or after a specified action is taken.

(3) Any reference in this Section to particular provisions of the laws of the Commonwealth of Pennsylvania in force at the time this Section was added to the Charter shall be interpreted to include a reference to any successor provisions of law.

ARTICLE IV. EXECUTIVE AND ADMINISTRATIVE BRANCH – POWERS AND DUTIES – The Mayor, The City Representative and Departments, Boards, Commissions and Offices under the Mayor

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CHAPTER 4

City of Philadelphia

RESOLUTION NO. 180040 continued

LAW DEPARTMENT

§ 4-400. Functions.

The Law Department shall have the power and its duty shall be to perform the following functions:

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(b) Litigation. *Subject to the provisions of any ordinance enacted under the authority of Section 2-311, the* ~~The~~ Department shall collect by suit or otherwise all debts, taxes and accounts due the City which shall be placed with it for collection by any officer, department, board or commission, and it shall represent the City and every officer, department, board or commission in all litigation. It shall keep a proper docket, or dockets, duly indexed, in which it shall make and preserve memoranda of all such claims, showing whether they are in litigation and their nature and status.

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