

ORDINANCE NO. 02-2025

AN ORDINANCE OF THE COUNTY OF BERKS, PENNSYLVANIA, PURSUANT TO ACT 48 OF 2024, ESTABLISHING A COUNTY DEMOLITION AND REHABILITATION FUND AND IMPOSING A FEE TO BE COLLECTED BY THE BERKS COUNTY TAX CLAIM BUREAU FROM PURCHASES AT SALES UNDER THE REAL ESTATE TAX SALE LAW AND BY THE BERKS COUNTY SHERIFF FROM JUDICIAL SALES IN MORTGAGE FORECLOSURE ACTIONS; DEFINING TERMS; AND PROVIDING FOR SEVERABILITY, REPEALER AND EFFECTIVE DATE.

BE IT HEREBY ENACTED AND ORDAINED by the Board of Commissioners of the County of Berks, Pennsylvania, pursuant to and under the authority of Pennsylvania Act 48 of 2024, amending Section 631 of the Pennsylvania Real Estate Tax Law, 72 P.S. § 5860.631, as follows:

1. **SHORT TITLE**: This ordinance may be referred to herein and elsewhere as the “Demolition and Rehabilitation Fund Ordinance.”
2. **DEFINITIONS**: As used in this Ordinance, the following terms shall have the following meanings set forth below:
 - a. “Tax sale” shall mean any upset tax sale, private sale, judicial sale or repository sale conducted by the Berks County Tax Claim Bureau for delinquent real property taxes pursuant to the Pennsylvania Real Estate Tax Law, 72 P.S. § 5860.101, *et. seq.*, but shall not include any property that is sold for delinquent real property taxes to a non-profit entity, land bank or government entity or to a property acquired by the Pennsylvania Housing Finance Agency.
 - b. “Mortgage foreclosure sale” shall mean any sale of real property conducted by the Office of the Berks County Sheriff in connection with a mortgage foreclosure action pursuant to the authority of Article XII of the Pennsylvania County Code, 16 P.S. § 1201, *et. seq.*, and the Pennsylvania Rules of Civil Procedure, 231 Pa. Code § 51, *et. seq.*
3. **ESTABLISHMENT OF THE BERKS COUNTY DEMOLITION AND REHABILITATION FUND**: Effective as of the adoption of this ordinance, a Berks County Demolition and Rehabilitation Fund shall be established by the Berks County Treasurer, pursuant to Pennsylvania Act 48 of 2024.
4. **DIRECTIVES**:
 - a. Effective January 1, 2026, the Board of Commissioners of the County of Berks authorizes and directs the Berks County Tax Claim Bureau and the Office of the Berks County Sheriff to collect a fee in the amount of two hundred fifty dollars (\$250.00) from each and every purchaser of real

property from a tax sale or a mortgage foreclosure sale, respectively, in addition to the purchase price of the property and all other associated fees and costs. Each and every separate parcel of real estate sold at a tax sale or mortgage foreclosure sale shall be subject to the purchaser's obligation to pay the said fee in the amount of two hundred fifty dollars (\$250.00).

- b. As soon as practicable after each tax sale or mortgage foreclosure sale, the Berks County Tax Claim Bureau and the Berks County Sheriff's Office shall promptly deliver any and all funds collected pursuant to this Demolition and Rehabilitation Fund Ordinance to the Berks County Treasurer for deposit into the Berks County Demolition and Rehabilitation Fund.
- c. The Board of Commissioners, and any agent authorized by the Board of Commissioners are hereby directed to take any such other actions as may be necessary or appropriate to carry out the purposes of this Ordinance.

5. **ADMINISTRATION OF THE BERKS COUNTY DEMOLITION AND REHABILITATION FUND:**

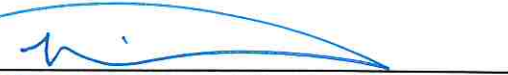
- a. Any and all funds collected by the Berks County Tax Claim Bureau and the Office of the Berks County Sheriff pursuant to this Demolition and Rehabilitation Ordinance shall be promptly deposited by the Berks County Treasurer.
- b. The methods of custody, divestiture, disbursement and application of any and all funds deposited into the Berks County Demolition and Rehabilitation Fund shall be consistent with generally accepted accounting principles (GAAP) and the laws of the Commonwealth of Pennsylvania.
- c. Funds deposited and maintained in the Berks County Demolition and Rehabilitation Fund shall be administered by the Berks County Redevelopment Authority, which within its sole discretion, may use the funds for its own demolition and/or rehabilitation projects or may award funds by application on a competitive basis to municipalities, school districts, redevelopment authorities and/or other non-profit entities for demolition and/or rehabilitation within Berks County, Pennsylvania.
- d. The Berks County Redevelopment Authority may act in its sole discretion to approve the use of funds deposited and maintained in the Berks County Demolition and Rehabilitation Fund by a non-profit or for-profit corporation that has a contract with the County of Berks or with any taxing district, redevelopment authority, land bank or other government entity, for demolition and/or rehabilitation of blighted properties within Berks County, Pennsylvania.


6. **FORM AND METHOD OF NOTICE TO AFFECTED AGENCIES:** Notice that the Berks County Board of Commissioners has established a Demolition and Rehabilitation Fund, and that the fee imposed herein shall be collected and deposited as provided by Section 4 herein, shall be transmitted to each of the offices of the Berks County Tax Claim Bureau, Office of the Berks County Sheriff, Berks County Treasurer, Berks County Prothonotary and Berks County Redevelopment Authority by transmitting a true, correct and accurate copy of the within Demolition and Rehabilitation Fund Ordinance to the department head of each said office via U.S. Mail, electronic mail and/or hand-delivery within two (2) working days of its enactment.
7. **SEVERABILITY:** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.
8. **REPEALER:** Any ordinance, parts of ordinances, resolutions or parts of resolutions conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions.
9. **EFFECTIVE DATE:** This Ordinance shall become effective on the date enacted.

ENACTED AND ORDAINED this 25 day of September, 2025 by the Board of Commissioners of the County of Berks, Pennsylvania.

COUNTY OF BERKS

By: 
Christian Y. Leinbach, Chair

By: 
Michael S. Rivera, Vice Chair

By: 
Dante Santoni, Jr., Commissioner

Attest:


Jessica Blausen
Deputy Chief Clerk