
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1411 Session of
2015

INTRODUCED BY BROWNE, NOVEMBER 16, 2016

REFERRED TO JUDICIARY, NOVEMBER 16, 2016

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 drug nuisances; providing for drug nuisance abatement and for
4 duties of the Department of Drug and Alcohol Programs;
5 prescribing penalties; and establishing the Treatment for
6 Displaced Residents Fund.

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

9 Section 1. Subchapter H of Chapter 83 of Title 42 of the
10 Pennsylvania Consolidated Statutes is repealed:

11 [SUBCHAPTER H
12 DRUG NUISANCES

13 Sec.

14 8381. Short title of subchapter.

15 8382. Definitions.

16 8383. Action to abate.

17 8384. Complaint.

18 8385. Service of original process.

19 8386. Preliminary injunction.

20 8387. Protection of witnesses.

1 8388. Security.
2 8389. Judgment and remedies.
3 8390. Violation of injunctions or abatement order.
4 8391. Release and cancellation.
5 8392. Severability.
6 § 8381. Short title of subchapter.

7 This subchapter shall be known and may be cited as the Drug
8 Nuisance Law.

9 § 8382. Definitions.

10 The following words and phrases when used in this subchapter
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Community-based organization." Any group affiliated with or
14 organized for the benefit of one or more communities or
15 neighborhoods, or any group organized to benefit the quality of
16 life in a residential area.

17 "Controlled substance act." The act of April 14, 1972 (P.L.
18 233, No.64), known as The Controlled Substance, Drug, Device and
19 Cosmetic Act.

20 "Drug-related nuisance." The use of any property, in whole
21 or in part, which facilitates or is intended to facilitate any
22 violation of the act of April 14, 1972 (P.L.233, No.64), known
23 as The Controlled Substance, Drug, Device and Cosmetic Act, or
24 similar act of the United States or any other state.

25 "Manufacture" or "manufacturing." The production,
26 preparation, propagation, compounding, conversion or processing
27 of a controlled substance, other drug or device or the packaging
28 or repackaging of such substance or article, or the labeling or
29 relabeling of the commercial container of such substance or
30 article, but does not include the activities of a practitioner

1 who, as an incident to his administration or dispensing such
2 substance or article in the course of his professional practice,
3 prepares, compounds, packages or labels such substance or
4 article. The term "manufacturer" means a person who manufactures
5 a controlled substance, other drug or device.

6 "Owner." An individual, corporation, partnership, trust
7 association, joint venture or any other business entity in whom
8 is vested all or any part of the title to the property alleged
9 to be a drug-related nuisance.

10 "Property." Any tangible or intangible property, including
11 an interest in any leasehold, license or real estate, such as
12 any house, apartment building, condominium, cooperative, office
13 building, store, restaurant, tavern, nightclub or warehouse, and
14 the land extending to the boundaries of the lot upon which the
15 structure is situated and anything growing on, affixed or found
16 on the land.

17 "Tenant." A person who resides in or occupies real property
18 belonging to another person pursuant to a lease agreement or
19 common law tenancy.

20 § 8383. Action to abate.

21 Wherever there is reason to believe that a drug-related
22 nuisance exists, the district attorney, the Attorney General, if
23 requested by a district attorney, the solicitor for the county
24 or municipality, a resident within 1,000 feet of the property,
25 including a tenant of the property, the owner of property or any
26 community-based organization may file an action in the court of
27 common pleas to abate, enjoin and prevent the drug-related
28 nuisance. Such actions shall be commenced by the filing of a
29 complaint alleging the facts constituting the drug-related
30 nuisance.

1 § 8384. Complaint.

2 (a) Adverse impact.--The complaint or an affidavit attached
3 thereto shall describe the adverse impact associated with the
4 drug nuisance upon the surrounding neighborhood. Adverse impact
5 includes, without limitation, the presence of any one or more of
6 the following conditions:

7 (1) Diminished property value.

8 (2) Increased fear of residents to walk through and in
9 public areas, including sidewalks and streets, increased
10 volume of vehicular and pedestrian traffic to and from the
11 property.

12 (3) An increase in the number of ambulance or police
13 calls to the property which are related to the use of drugs
14 or to violence stemming from illegal activity.

15 (4) Increased noise, bothersome solicitors or approaches
16 by persons wishing to sell drugs or solicit the donation of
17 money on or near the property.

18 (5) The display of dangerous weapons on or near the
19 property.

20 (6) The discharge of firearms on or near the property.

21 (7) Search warrants served on tenants or occupants of
22 the property which resulted in the seizure of drugs.

23 (8) Investigative purchases of drugs on or near the
24 property by law enforcement officers.

25 (9) Arrests of person on or near the property for
26 violation of criminal laws.

27 (10) Housing code violations relating to the property.

28 (11) Health code violations relating to the property.

29 (12) Accumulated trash and refuse in common areas on or
30 adjacent to the property.

1 (13) An unsecured entryway on the property.

2 (b) Attempts to notify owner.--The complaint shall contain a
3 description of what attempts, if any, have been made by the
4 plaintiff or any other person or entity to notify the owner of
5 the property of the drug-related nuisance or resulting adverse
6 impact.

7 § 8385. Service of original process.

8 (a) General rule.--A copy of the summons and complaint shall
9 be served upon the defendant at least five business days prior
10 to the first hearing in the action. Service of original process
11 shall be made in accordance with the Pennsylvania Rules of Civil
12 Procedure.

13 (b) Posting at property.--If personal service cannot be
14 made, service may be made by posting the papers at the property.
15 If service is made by posting at the property, a copy of the
16 summons and complaint shall be mailed registered mail to the
17 last known mail address, if any, of the defendant. Actual
18 receipt of the registered mail shall not be required for
19 service.

20 § 8386. Preliminary injunction.

21 Upon the filing of a motion for preliminary injunction to
22 abate the drug-related nuisance, the plaintiff shall be entitled
23 to a hearing on the motion for preliminary injunction within 10
24 business days of the filing. If it shall be made to appear, by
25 affidavit or otherwise, that there is a substantial likelihood
26 that the plaintiff will show at trial, by a preponderance of the
27 evidence, that drug-related nuisance exists, the court shall
28 enter an order preliminarily enjoining the drug-related nuisance
29 and granting such other relief as the court may deem to be
30 appropriate, including those remedies provided for in section

1 8389 (relating to judgment and remedies). Whenever possible, the
2 court shall order the trial of the action on the merits advanced
3 and consolidated with the hearing of the motion. This section
4 shall not be construed to prohibit the application for or the
5 granting of a temporary restraining order.

6 § 8387. Protection of witnesses.

7 At the time of an application for the issuance of a
8 restraining order or an injunction if proof of the existence of
9 the drug-related nuisance depends, in whole or part, upon the
10 affidavits of witnesses who are not law enforcement officers,
11 upon a showing of prior threats of violence or acts of violence
12 by any defendant or other person alleged to be involved in the
13 drug-related nuisance, the court may issue orders to protect
14 those witnesses, providing for nondisclosure of the name,
15 address or any other identifying information pertaining to the
16 witnesses, and such other and further relief as the court may
17 deem appropriate.

18 § 8388. Security.

19 No bond shall be required to issue a preliminary injunction
20 or special injunction sought by the district attorney or the
21 solicitor for the county or municipality. A bond in an amount
22 fixed and with security approved by the court may be required to
23 issue a preliminary injunction or special injunction when the
24 plaintiff is not the district attorney, the Attorney General or
25 a solicitor for the county or municipality. Where such relief is
26 issued after an evidentiary hearing at which witnesses are
27 subject to cross examination, the court shall not require a bond
28 in excess of \$500.

29 § 8389. Judgment and remedies.

30 (a) Burden of proof.--The plaintiff must establish that a

1 drug-related nuisance exists by a preponderance of the evidence.

2 (b) Relief.--If the existence of a drug-related nuisance is
3 found, the judgment may include actual damages and a temporary
4 or permanent injunction to restrain, abate and prevent the
5 continuance or recurrence of the drug-related nuisance. The
6 court may grant declaratory relief, mandatory orders or any
7 other relief deemed necessary to accomplish the purposes of the
8 injunction or order and enforce the same, and the court may
9 retain jurisdiction of the case for the purpose of enforcing its
10 orders.

11 (c) Additional remedies.--If the existence of a drug-related
12 nuisance is found, the court shall have the power additionally
13 to fashion any one or more of the following remedies:

14 (1) Assess costs of the action against the defendant.

15 (2) When a governmental agency is a plaintiff in the
16 action, assess a civil penalty against the defendant of not
17 less than \$500 nor more than \$10,000.

18 (3) Order the owner to clean up the property and make
19 repairs upon the property.

20 (4) Suspend or revoke any business, professional,
21 operational or liquor license.

22 (5) Order the owner to make additional reasonable
23 expenditures upon the property, including, but not limited
24 to, installing secure locks on doors, increasing lighting in
25 common areas and using videotaped surveillance of the
26 property and adjacent alleyways, sidewalks and parking lots.

27 (6) Order all rental income from the property to be
28 placed in an escrow account with the court for up to 90 days
29 or until the drug-related nuisance is abated.

30 (7) Order all rental income for the property transferred

1 to a trustee, to be appointed by the court, who shall be
2 empowered to use the rental income to make reasonable
3 expenditures upon the property in order to abate the drug-
4 related nuisance.

5 (8) Order the suspension of any State, city or local
6 governmental subsidies payable to the owners of the property,
7 such as tenant assistance payments to landlords, until the
8 nuisance is abated.

9 (9) Allow the plaintiff to seal the property with the
10 cost of sealing payable by the defendant.

11 (10) Order the defendant to pay the plaintiff the cost
12 of the suit, including reasonable attorney fees.

13 (d) Factors to consider.--In making an order under
14 subsection (c), the court shall consider, among others, the
15 following factors:

16 (1) The number of people residing at the property.

17 (2) The proximity of the property to other residential
18 structures.

19 (3) The number of times the property has been cited for
20 housing code or health code violations.

21 (4) The number of times the owner has been notified of
22 drug-related problems at the property.

23 (5) The extent and duration of the drug-related nuisance
24 at the time of the order.

25 (6) Prior efforts or lack of effort by the defendant to
26 abate the drug-related nuisance.

27 (7) The availability of alternative housing for tenants
28 of the building.

29 (8) The extent of concern about the drug-related
30 nuisance that has been expressed by nearby residents or

1 visitors to the area.

2 (9) The owner's involvement in the drug-related
3 nuisance.

4 (10) The owner's involvement in other drug-related
5 nuisances.

6 § 8390. Violation of injunctions or abatement order.

7 (a) Contempt.--A violation of any court order issued under
8 this subchapter is punishable as a contempt of court by a fine
9 of not less than \$500 nor more than \$75,000. The court may order
10 the sheriff or other proper officer of any county to take into
11 custody and commit to jail any person fined for a contempt until
12 the fine shall be paid or discharged. If unable to pay the fine,
13 the person may be committed to jail by the court for not more
14 than three months. Evidence concerning the duration and
15 repetitive nature of the violations shall be considered by the
16 court in determining the contempt penalties.

17 (b) Additional orders.--In addition, upon finding that a
18 defendant has willfully violated a court order issued under this
19 subchapter, the court shall be also empowered to issue any
20 additional orders necessary to abate this drug-related nuisance.

21 § 8391. Release and cancellation.

22 (a) No knowledge and abatement.--The court may suspend the
23 effectiveness of an order of abatement for no more than 90 days
24 if the owner of the property establishes that he had no
25 knowledge of the drug-related nuisance and could not reasonably
26 be expected to have such knowledge and the owner avers that he
27 will immediately undertake specified measures to abate the
28 nuisance and prevent it from being a drug-related nuisance for
29 the following two-year period.

30 (b) Fines and bond.--The courts shall cancel the order of

1 abatement if the owner of the property pays all fines and liens
2 against the property, satisfies the court that the drug-related
3 nuisance has been abated for the past 90 days, corrects all
4 housing code and health code violations and posts a bond in an
5 amount to be determined by the court, which will be immediately
6 forfeitable if the drug-related nuisance recurs during the
7 following one-year period.

8 § 8392. Severability.

9 If any provision of this subchapter or its application to any
10 person or circumstance is held invalid or unenforceable, the
11 remainder of this subchapter or the application of the provision
12 to other persons or circumstances shall not be affected.]

13 Section 2. Chapter 83 of Title 42 is amended by adding a
14 subchapter to read:

15 SUBCHAPTER H

16 DRUG NUISANCE ABATEMENT

17 Sec.

18 8381. Scope of subchapter.

19 8382. Definitions.

20 8383. Nature of actions and jurisdiction.

21 8384. Standard of proof.

22 8385. Parties.

23 8386. Notice to interested parties.

24 8387. Substitution of plaintiff.

25 8388. Continuances.

26 8389. Issuance of preliminary orders.

27 8390. Enforcement of preliminary orders.

28 8391. Notification and provision of treatment resources.

29 8392. Premises involving multiple residences or businesses.

30 8393. Vacating or modifying closing order.

1 8394. Permanent injunction and other relief.

2 8395. Closure.

3 8396. Penalties.

4 8397. Settlements.

5 8398. Recovery of costs.

6 8399. Liens.

7 8399.1. Contempt.

8 8399.2. Release of premises upon inspection or repair.

9 8399.3. Cumulative remedies.

10 8399.4. Admissibility of evidence.

11 8399.5. Relationship to criminal proceedings.

12 8399.6. Liability for damage to closed properties.

13 8399.7. Civil immunity.

14 8399.8. Civil action.

15 8399.9. Use of property for treatment and other purposes.

16 § 8381. Scope of subchapter.

17 This subchapter relates to drug nuisance abatement.

18 § 8382. Definitions.

19 The following words and phrases when used in this subchapter
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 "Controlled substance." The term shall have the same meaning
23 as the term is used in the act of April 14, 1972 (P.L.233,
24 No.64), known as The Controlled Substance, Drug, Device and
25 Cosmetic Act.

26 "Distribution." The term shall have the same meaning as the
27 term is used in The Controlled Substance, Drug, Device and
28 Cosmetic Act.

29 "Drug distribution event." The unlawful manufacture,
30 distribution, sale or possession with intent to distribute, sell

1 or deliver a controlled substance or an unlawful attempt or
2 conspiracy to commit such an act.

3 "Drug nuisance."

4 (1) a site which was used or is being used in
5 furtherance of or to promote or facilitate the commission of
6 a drug distribution event; or

7 (2) two or more persons who, on two or more separate
8 occasions within one year prior to the commencement of a
9 civil action under this subchapter, did not reside in or upon
10 a site gathered for the principal purpose of unlawfully
11 investigating, injecting, inhaling or otherwise using a
12 controlled substance, regardless of whether a controlled
13 substance was unlawfully distributed or purchased at the
14 location.

15 "Expedited Eviction of Drug Traffickers Act." The act of
16 October 11, 1995 (1st Sp.Sess., P.L.1066, No.23), known as the
17 Expedited Eviction of Drug Traffickers Act.

18 "Manufacture." The term shall have the same meaning as the
19 term is used in The Controlled Substance, Drug, Device and
20 Cosmetic Act.

21 "Neighborhood or community organization." A group, whether
22 or not incorporated, which consists of persons who reside or
23 work at or in a building, complex of buildings, street, block or
24 neighborhood, any part of which is located on or within 1,000
25 feet of premises alleged to be a drug nuisance, which has the
26 purpose of benefiting the quality of life in its neighborhood or
27 community, including treatment programs.

28 "Owner." A person in whom is vested the ownership and title
29 of property and who is the owner of record. The term shall
30 include a Federal, State, city or local government entity.

1 "Person." A natural person, corporation, association,
2 partnership, trustee, lessee, agent, assignee, enterprise,
3 governmental entity, and any other legal entity or group of
4 individuals associated in fact which is capable of holding a
5 legal or beneficial interest in property.

6 "Possession with intent to sell or distribute." The term
7 shall have the same meaning as the term is used in The
8 Controlled Substance, Drug, Device and Cosmetic Act.

9 "Sale." The term shall have the same meaning as the term is
10 used in The Controlled Substance, Drug, Device and Cosmetic Act.
11 § 8383. Nature of actions and jurisdiction.

12 The causes of action established in this subchapter are civil
13 actions to enjoin the commission of drug distribution events, to
14 close down and physically secure premises or portions thereof
15 which constitute drug nuisances and otherwise abate such drug
16 nuisances and to impose civil penalties. These actions shall be
17 brought in the court of common pleas, which shall have
18 jurisdiction to issue temporary, preliminary or permanent
19 injunctive or other equitable relief, regardless of whether an
20 adequate remedy exists at law.

21 § 8384. Standard of proof.

22 Except as may otherwise be expressly provided, civil causes
23 of action established in this subchapter shall be proven by a
24 preponderance of the evidence.

25 § 8385. Parties.

26 (a) Who may bring actions.--A civil action for temporary,
27 preliminary or permanent injunctive relief or penalties under
28 this subchapter may be brought by:

29 (1) the solicitor for a State, county or municipal
30 governing body which has jurisdiction over the location at

1 which an alleged drug nuisance exists;

2 (2) the Attorney General and the district attorney
3 having jurisdiction where the alleged drug nuisance exists;

4 (3) a neighborhood or community organization; or

5 (4) a person who resides, is employed full time or part
6 time at the site of business or owns or operates a business
7 on or within 1,000 feet of an alleged drug nuisance.

8 (b) Defendants to the action.--

9 (1) A civil action under this subchapter shall be
10 brought against the owner of, and may also be brought against
11 a person within, the jurisdiction of the court who is a
12 landlord, tenant, manager, operator or supervisor of premises
13 alleged to be a drug nuisance.

14 (2) The court shall have in rem jurisdiction over the
15 premises alleged to be a drug nuisance.

16 (3) The complaint initiating a civil action under this
17 subchapter shall name as a defendant the premises involved,
18 describing it by block, lot number and street address or by
19 such other means as are appropriate under the circumstances.

20 (c) Protections against frivolous actions and sanctions for
21 unfounded or unwarranted pleadings, motions or other actions.--

22 (1) In any action brought under this subchapter, every
23 pleading, motion and other document shall be signed by at
24 least one attorney of record in the attorney's own name, and
25 the attorney's address shall be stated. The signature of an
26 attorney constitutes a certification that the signer has read
27 the pleading, motion or other paper; that to the best of the
28 signer's knowledge, information and belief, formed after
29 reasonable inquiry, it is well grounded in fact and is
30 warranted under existing law, or a good faith argument for

1 the extension, modification or reversal of existing law; and
2 that it is not interposed for any improper purpose, such as
3 to harass or to cause unnecessary delay or needless increase
4 in the cost of litigation.

5 (2) If a pleading, motion or other document is not
6 signed, it shall be stricken unless it is signed promptly
7 after the omission is called to the attention of the pleader
8 or movant.

9 (3) If a pleading, motion or other document is signed in
10 violation of this subchapter, the court, upon motion or upon
11 its own initiative, shall impose upon the person who signed
12 it or a represented party, or both, an appropriate sanction,
13 which may include an order to pay to the other party or
14 parties the amount of the reasonable expenses incurred
15 because of the filing of the pleading, motion or other
16 document, including a reasonable attorney fee.

17 (d) No bond or security required.--No person or entity shall
18 be required to post a bond or security as a condition of
19 initiating or prosecuting an action brought under this
20 subchapter.

21 (e) Ready availability of ownership information to potential
22 plaintiffs.--A person or entity that, upon an oath in writing,
23 states the affiant is preparing to initiate an action under this
24 subchapter may request that the recorder of deeds promptly
25 provide the name and address of all owners of the premises as
26 reflected upon the current county records, without charge.

27 (f) Presumption of ownership.--The person in whose name the
28 premises involved are recorded in the county recorder of deeds
29 office shall be presumed to be the owner.

30 (g) Presumption of agency.--Whenever there is evidence that

1 a person was the manager, operator or supervisor or was in any
2 other way in charge of the premises involved at the time conduct
3 constituting the drug nuisance is alleged to have been
4 committed, the evidence shall be rebuttably presumptive that the
5 person was an agent or employee of the owner, landlord or lessee
6 of the premises.

7 § 8386. Notice to interested parties.

8 (a) Notice to defendants.--

9 (1) A complaint initiating an action under this
10 subchapter shall be personally served and notice to all in
11 personam defendants shall be provided in the same manner as
12 service of complaints in civil actions. After filing an
13 affidavit that personal service cannot be had after due
14 diligence on one or more in personam defendants within 20
15 days after the filing of the complaint, the plaintiff may:

16 (i) Cause a copy of the complaint to be mailed to
17 the defendant by certified mail, restricted delivery,
18 return receipt to the clerk of court requested.

19 (ii) Cause a copy of the complaint to be affixed
20 conspicuously to the premises alleged to be a drug
21 nuisance.

22 (2) Service shall be deemed completed five days after
23 filing with the court proof of the mailing and an affidavit
24 that a copy of the complaint has been affixed to the
25 premises.

26 (b) Notice to affected tenants, residents and guests.--All
27 tenants or residents of any premises used in whole or in part as
28 a business, home, residence or dwelling, other than transient
29 guests of a guest house, hotel or motel, who may be affected by
30 any order issued under this subchapter shall be provided such

1 reasonable notice as shall be ordered by the court and shall be
2 afforded opportunity to be heard at all hearings.

3 (c) Lis pendens.--Notice of lis pendens shall be filed
4 concurrently with the commencement of the action in the same
5 manner as is generally provided for by law or court rule.

6 § 8387. Substitution of plaintiff.

7 When a court determines in its discretion that the plaintiff
8 bringing an action under this subchapter has failed to prosecute
9 the matter with reasonable diligence, the court may substitute
10 as plaintiff a person or entity that consents thereto, provided
11 that the person or entity would have been authorized under this
12 subchapter to initiate the action.

13 § 8388. Continuances.

14 (a) General policy.--An action for injunctive relief or
15 civil penalties brought under this subchapter shall be heard by
16 the court on an expedited and priority basis.

17 (b) Continuances.--The court may not grant a continuance
18 except for extraordinary and compelling reasons or on the
19 application of a criminal prosecuting agency for good cause
20 shown.

21 (c) Stay pending criminal proceedings.--The court may not
22 stay the civil proceedings pending the disposition of any
23 related criminal proceeding except for extraordinary and
24 compelling reasons or except upon the application of a criminal
25 prosecuting agency for good cause shown.

26 (d) Dismissal of actions for want of prosecution.--

27 (1) The court may not dismiss an action brought under
28 this subchapter for want of prosecution unless the court is
29 clearly convinced that the interests of justice require
30 dismissal.

1 (2) In that event and upon such a finding, the dismissal
2 shall be without prejudice to the right of the plaintiff or
3 any other person or entity authorized to bring an action
4 under this subchapter to reinstitute the action.

5 § 8389. Issuance of preliminary orders.

6 (a) General rule.--A person or entity authorized to bring a
7 civil action for injunctive relief under this subchapter may
8 file a complaint seeking preliminary injunctive relief by
9 alleging that the premises constitute a drug nuisance. Upon
10 receipt of the complaint, the court shall order a preliminary
11 hearing which shall not be later than 30 days from the date of
12 the order. Service shall be made upon the owners of the premises
13 under section 8386(a) (relating to notice to interested parties)
14 not less than five days prior to the hearing. In the event that
15 service cannot be completed in time to give the owners the
16 minimum notice required under this subchapter, the court may set
17 a new hearing date.

18 (b) Preliminary closing order.--

19 (1) If the court finds it a substantial likelihood that
20 the plaintiff by a preponderance of the evidence will be able
21 to establish at trial:

22 (i) that the premises constitute a drug nuisance;

23 (ii) that, at least 30 days prior to the filing of
24 the complaint seeking preliminary injunctive relief, the
25 owner or the owner's agent had been notified by certified
26 mail of the drug nuisance; and

27 (iii) that the public health, safety or welfare
28 immediately requires a preliminary closing order, the
29 court shall issue an order to close the premises involved
30 or the portions appropriate under the circumstances.

1 (2) The order shall direct actions necessary to
2 physically secure the premises, or appropriate portions
3 thereof, against use for any purpose. The preliminary closing
4 order shall also restrain the defendant and all persons from
5 removing or in any manner interfering with the furniture,
6 fixtures and movable or personal property located on or
7 within the premises constituting the drug nuisance.

8 (c) Other preliminary relief.--

9 (1) If the court finds that the premises constitute a
10 drug nuisance, but that immediate closing of the premises is
11 not required under subsection (b), the court may enjoin the
12 drug nuisance and issue an order restraining the defendants
13 and all other persons conducting, maintaining, aiding,
14 abetting or permitting drug distribution events constituting
15 the drug nuisance.

16 (2) The court may not require a plaintiff to show that
17 the plaintiff has no adequate remedy at law or will suffer
18 irreparable harm nor any other common law element applicable
19 to a preliminary injunction to obtain a preliminary closing
20 order.

21 (3) The court may issue an order appointing a temporary
22 receiver to manage or operate the premises. A temporary
23 receiver shall have the powers and duties specifically
24 authorized under section 8394(b)(6) (relating to permanent
25 injunction and other relief).

26 (d) Admissible evidence.--In determining whether the public
27 health, safety or welfare immediately requires a preliminary
28 closing order, the court shall consider any relevant evidence
29 presented concerning attendant circumstances, including, but not
30 limited to:

1 (1) whether the alleged drug distribution events or
2 related activities involve the use of threat of violence at
3 or near the site alleged to be a drug nuisance;

4 (2) whether the alleged drug distribution events in any
5 way involve distribution or sale of a controlled substance by
6 or to a juvenile; or

7 (3) whether the site alleged to be a drug nuisance is
8 located within a drug-free zone under 18 Pa.C.S. § 6314
9 (relating to sentencing and penalties for trafficking drugs
10 to minors).

11 § 8390. Enforcement of preliminary orders.

12 (a) Entities enforcing orders.--Upon order of the court,
13 preliminary restraining and closing orders shall be enforced by
14 the sheriff, local police department or, if no local police are
15 available, by the Pennsylvania State Police.

16 (b) Inventory of personal property.--The officers serving a
17 temporary closing or temporary restraining order shall file with
18 the court an inventory of the personal property situated in or
19 on the premises closed and shall be allowed to enter the
20 premises to make the inventory. The inventory shall provide an
21 accurate representation of the personal property subject to the
22 inventory, including, but not limited to, photographing of
23 furniture, fixtures and other personal or movable property.

24 (c) Vacation of premises.--The officers serving a
25 preliminary closing order shall, upon service of the order,
26 demand all persons present in the premises closed to vacate the
27 premises, or portion thereof, unless the court orders otherwise.
28 The premises, or portion thereof, shall be securely locked and
29 all keys shall be held by the agency closing the premises.

30 (d) Posting of court order.--

1 (1) Upon service of a preliminary closing order or a
2 preliminary restraining order, the officer shall post a copy
3 of the order in a conspicuous place or upon one or more of
4 the principal doors at entrances of the premises.

5 (2) Where a preliminary closing order has been granted,
6 the officers shall affix, in a conspicuous place or upon one
7 or more of the principal entrances of the premises, a printed
8 notice that the entire premises, or a portion thereof, has
9 been closed by court order, which notice shall contain the
10 legend "Closed by Court Order" in block lettering of
11 sufficient size to be observed by anyone intending or likely
12 to enter the premises. The printed notice shall also include
13 the date of the order, the court which issued the order and
14 the name of the office or agency posting the notice.

15 (3) Where a preliminary restraining order has been
16 granted, the officer shall affix, in the same manner, a
17 notice similar to the notice provided for in relation to a
18 preliminary closing order except that the notice shall state
19 that certain activity is prohibited by court order and the
20 removal of furniture, fixtures or other personal or movable
21 property is prohibited by court order.

22 (e) Mutilation or removal of posted court order.--A person
23 who without lawful authority mutilates or removes an order or
24 notice posted under the provisions of subsection (d) commits a
25 misdemeanor of the third degree.

26 (f) Violation of court order.--A person who knowingly or
27 purposely violates a preliminary restraining order or closing
28 order issued under this subchapter shall be subject to civil
29 contempt, as well as punishment for criminal contempt, under 18
30 Pa.C.S. §§ 4955 (relating to violation of orders) and 5101

1 (relating to obstructing administration of law or other
2 governmental function).

3 § 8391. Notification and provision of treatment resources.

4 (a) Notification to persons present.--The officers serving a
5 preliminary closing order under section 8390(c) (relating to
6 enforcement of preliminary orders) shall provide outreach
7 information and referral materials to all residents present on
8 how to obtain alcohol and other drug treatment.

9 (b) Notification to social services agencies.--The court, no
10 less than ten days prior to the removal of a person under this
11 subchapter, shall cause notice to be provided to the local
12 alcohol and other drug agency, the local child welfare agency
13 and other appropriate social service agencies of the ordered
14 removal of any persons under this subchapter.

15 (c) Posting of notification.--A one-page summary of such
16 information and materials shall be posted next to any
17 preliminary restraining order posted under section 8390(d).

18 (d) Preparation and dissemination of treatment resource
19 information.--The Department of Drug and Alcohol Programs or its
20 designee shall prepare all materials described in subsections
21 (a) and (b) and shall disseminate them to all sheriff
22 departments, local police departments or other appropriate
23 agencies which are empowered to enforce closing orders under
24 this subchapter.

25 § 8392. Premises involving multiple residences or businesses.

26 (a) Limiting order to nuisance portion of premises.--Where
27 the premises constituting the drug nuisance include multiple
28 residences, dwellings or business establishments, a preliminary
29 or permanent closing order issued under any provision of this
30 subchapter shall, so far as is practicable, be limited to that

1 portion of the entire premises necessary to abate the nuisance
2 and prevent the recurrence of drug distribution events.

3 (b) Duty of certain landlords to displaced innocent
4 tenants.--

5 (1) In addition to any other relief expressly authorized
6 under this subchapter, the court may order a defendant who
7 knew or had reason to know of the nuisance to provide
8 relocation assistance to a tenant ordered to vacate premises
9 under this subchapter, provided that the court determines
10 that:

11 (i) The tenant was not involved in a drug
12 distribution event constituting the nuisance.

13 (ii) The tenant did not knowingly aid in the
14 commission of a drug distribution event.

15 (2) Relocation assistance shall be in the amount
16 necessary to cover moving costs, security deposits for
17 utilities and comparable housing, any lost rent and any other
18 reasonable expenses the court may deem fair and reasonable as
19 a result of the court's order to close premises, or any
20 portion thereof, under this subchapter.

21 § 8393. Vacating or modifying closing order.

22 (a) General rule.--The court upon application of a defendant
23 may, at any time before trial, vacate or modify a closing order,
24 after notice to the person or entity bringing the action under
25 this subchapter, if the defendant clearly and convincingly shows
26 no involvement in the commission of a drug distribution event
27 constituting the nuisance, and:

28 (1) provides a bond or undertaking in an amount equal to
29 the assessed value, for property tax purposes, of the
30 premises, or portion thereof, subject to the closure order or

1 another amount fixed by the court, and the court determines
2 that the public safety or welfare will be adequately
3 protected; or

4 (2) establishes by clear and convincing evidence that
5 the drug nuisance has been satisfactorily abated and will not
6 recur. In determining whether the drug nuisance has been
7 satisfactorily abated and will not recur, the court shall
8 consider the nature, severity and duration of the drug
9 nuisance and all other relevant factors, including the
10 following:

11 (i) Whether the defendant through the exercise of
12 reasonable diligence should have known that drug
13 distribution events occurred on the premises and whether
14 the defendant took steps necessary and appropriate in the
15 circumstances to prevent the commission of the events.

16 (ii) Whether the defendant has in good faith
17 initiated eviction or removal actions under the Expedited
18 Eviction of Drug Traffickers Act against tenants or other
19 persons who committed drug distribution events on the
20 premises involved, immediately upon learning of a factual
21 basis for initiating eviction or removal action.

22 (iii) Whether the defendant has developed an
23 abatement plan which has been agreed to by the person or
24 entity bringing the action under this subchapter and
25 approved by the court. The abatement plan may provide for
26 the following:

27 (A) Hiring an onsite manager to prevent the
28 recurrence of drug distribution events.

29 (B) Making capital improvements to the property,
30 such as security gates.

1 (C) Installing improved interior or exterior
2 lighting.

3 (D) Employing security guards.

4 (E) Installing electronic security or visual
5 monitoring systems.

6 (F) Establishing tenant-approved security
7 procedures.

8 (G) Attending property management training
9 programs.

10 (H) Making cosmetic improvements to the
11 property.

12 (I) Providing, at no cost, suitable space and
13 facilities for a local enforcement agency to
14 establish a police substation or ministation on or
15 near the site of the drug nuisance.

16 (J) Establishing any other program or initiative
17 designed to enhance security and prevent the
18 recurrence of drug distribution events on or near the
19 involved premises.

20 (b) Forfeiture of bond.--

21 (1) If the court accepts a bond or undertaking under
22 subsection (a) and conduct constituting a drug nuisance
23 recurs, the bond or undertaking shall be forfeited unless the
24 court finds extraordinary and compelling reasons why
25 forfeiture would not be in the interest of justice.

26 (2) Money forfeited under this section shall be paid
27 into the dedicated fund established under section 8396(d)
28 (relating to penalties).

29 § 8394. Permanent injunction and other relief.

30 (a) General rule.--If the court after trial finds that

1 premises are a drug nuisance, the court shall grant permanent
2 injunctive relief and shall issue orders as are necessary to
3 abate the drug nuisance and prevent, to the extent reasonably
4 possible, recurrence of the drug nuisance.

5 (b) Contents of order.--The court's order may include all of
6 the following:

7 (1) Directing the sheriff or other appropriate agency to
8 seize and remove from the premises all material, equipment
9 and instrumentalities used in the creation and maintenance of
10 the drug nuisance and directing the sheriff to sell the
11 property in the manner provided for the sale of personal
12 property under execution in accordance with the Pennsylvania
13 Rules of Civil Procedure. The net proceeds of any such sale,
14 after the deduction of all lawful expenses involved, shall be
15 paid into the dedicated fund established in section 8396(d)
16 (1)(iii) (relating to penalties).

17 (2) Authorizing the plaintiffs to make repairs,
18 renovations and construction and structural alterations or to
19 take other actions necessary to bring the premises into
20 compliance with all applicable housing, building, fire,
21 zoning, health and safety codes, ordinances, rules,
22 regulations or statutes. Expenditures may be filed as a lien
23 against the property.

24 (3) Directing the closing of the premises, or
25 appropriate portion thereof, to the extent necessary to abate
26 the nuisance and directing the officer or agency enforcing
27 the closure order to post a copy of the judgment and a
28 printed notice of the closing order conforming to section
29 8390(d) (relating to enforcement of preliminary orders). The
30 closing directed by the judgment shall be for such period of

1 time as the court may direct but, subject to the provisions
2 of section 8398 (relating to recovery of costs), shall not be
3 for a period of more than one year from the posting of the
4 judgment provided for in this subchapter.

5 (4) Suspending or revoking any business, professional,
6 operational or liquor license.

7 (5) Ordering the suspension of any State, city or local
8 governmental subsidies payable to the owners of the property,
9 such as tenant assistance payments to landlords, until the
10 nuisance is satisfactorily abated.

11 (6) Appointing a temporary receiver to manage or operate
12 the premises for such time as the court deems necessary to
13 abate the nuisance. A receiver appointed under this section
14 shall be paid a reasonable fee by the owner of the property
15 as established by the court and shall have such powers and
16 duties as the court shall direct the following:

17 (i) Collecting, holding and dispersing the proceeds
18 of rents due from all tenants.

19 (ii) Leasing or renting portions of the premises
20 involved.

21 (iii) Making or authorizing other persons to make
22 necessary repairs to maintain the property.

23 (iv) Hiring security or other personnel necessary
24 for the safe and proper operation of the premises.

25 (v) Retaining counsel to prosecute or defend suits
26 arising from the receiver's management of the premises.

27 (vi) Expending funds from the collected rents in
28 furtherance of the foregoing powers.

29 (7) Imposing any or all of the foregoing remedies in
30 combination.

1 (c) Duties of receiver.--A receiver appointed by the court
2 under this section or section 8389(c) (relating to issuance of
3 preliminary orders):

4 (1) Shall, upon entering his duties, be sworn and shall
5 affirm faithfully and fairly to discharge the trust committed
6 in him.

7 (2) May be required to post a bond or undertaking in an
8 amount to be fixed by the court making the appointment to
9 ensure that the receiver's duties will be faithfully
10 discharged.

11 § 8395. Closure.

12 (a) Presumption of closure.--Where the court after trial
13 determines that the premises constitute a drug nuisance, the
14 court shall order the closure of the premises, or appropriate
15 portion thereof, under section 8394(c) (relating to permanent
16 injunction and other relief), unless the court is convinced that
17 any vacancy resulting from the closure would exacerbate rather
18 than abate the nuisance or would otherwise be extraordinarily
19 harmful to the community or the public interest.

20 (b) Vacation of closure order.--

21 (1) The court at any time after the trial may vacate the
22 provisions of the judgment that direct the closing of some or
23 all of the premises, provided that the defendant establishes
24 by clear and convincing evidence that the drug nuisance has
25 been satisfactorily abated and is not likely to recur.

26 (2) In determining whether the drug nuisance has been
27 satisfactorily abated and is not likely to recur, the court
28 shall consider the nature, severity and duration of the drug
29 nuisance and all other relevant factors, including those
30 factors under section 8393(a) (relating to vacating or

1 modifying closing order).

2 § 8396. Penalties.

3 (a) Civil penalties for culpable defendants.--Where the
4 court after trial finds that premises are a drug nuisance, the
5 court in addition to granting appropriate injunctive relief
6 shall impose a civil penalty against a defendant who knowingly
7 conducted, maintained, aided, abetted or permitted a drug
8 nuisance. The penalty shall be \$25,000 or the market value of
9 the entire premises involved, whichever amount is greater,
10 unless the court finds, based on the evidence, that imposition
11 of the penalty would constitute a miscarriage of justice under
12 the totality of the circumstances. In that case, the court may
13 lower the amount of the penalty to the extent necessary to avoid
14 a miscarriage of justice.

15 (b) Prima facie evidence of defendant's culpability.--For
16 the purpose of imposing a civil penalty under this section, the
17 following shall be prima facie evidence that the defendant
18 knowingly permitted the drug nuisance:

19 (1) the defendant failed to initiate an eviction action
20 under the Expedited Eviction of Drug Traffickers Act against
21 a tenant after being notified by certified or registered mail
22 of the tenant's drug distribution events committed on the
23 leased premises; or

24 (2) a closure order was vacated under section 8395(b)
25 (relating to closure) within two years before the occurrence
26 of the instant drug nuisance.

27 (c) Waiver of penalty upon transfer of title.--The court at
28 any time shall waive, suspend or revoke any unpaid civil penalty
29 imposed under this section if the court is satisfied that:

30 (1) The defendant against whom the penalty has been

1 imposed has not violated any order issued under any provision
2 of this subchapter.

3 (2) The defendant has transferred title to the premises
4 to the plaintiff or another neighborhood or community
5 organization approved by the court, provided that the
6 recipient is a nonprofit incorporated organization or
7 association which is exempt from taxation under section
8 501(c) of the Internal Revenue Code of 1986 (Public Law 99-
9 514, 26 U.S.C. § 501(c)) and is authorized by its corporate
10 charter or bylaws to rehabilitate, restore, maintain, manage
11 or operate commercial or residential premises. Unless
12 otherwise agreed to by the recipient organization, the
13 defendant shall personally retain all State and local tax
14 liability, and the obligation shall attach to any other real
15 property in the county owned by the defendant.

16 (d) Collection and disposition of proceeds.--

17 (1) All civil penalties imposed under this section shall
18 be collected in the manner provided by law or by rule of
19 court subject to the following:

20 (i) Ten percent of the penalties shall be retained
21 by the court to offset the costs of collection.

22 (ii) Half of all remaining money collected under
23 this section shall be deposited in a nonlapsing revolving
24 county fund to be known as the nuisance abatement and
25 neighborhood rehabilitation fund. Money in this fund
26 shall be appropriated by the county on an annual basis
27 for the purpose of funding local drug nuisance abatement,
28 drug prevention, education and housing and neighborhood
29 rehabilitation programs.

30 (iii) All of the remaining funds shall be deposited

1 in a nonlapsing revolving fund which is established in
2 the State Treasury and which shall be known as the
3 Treatment for Displaced Residents Fund. This fund shall
4 be administered by the Department of Drug and Alcohol
5 Programs. Its purpose shall be to fund the treatment of
6 displaced residents determined to be addicted under
7 section 26 of the Expedited Eviction of Drug Traffickers
8 Act or for providing treatment for displaced residents
9 under this subchapter. None of these funds shall be used
10 to supplant existing Federal, State, county or municipal
11 resources for the courts, nuisance abatement, drug
12 prevention, education, housing or neighborhood
13 rehabilitation programs or treatment.

14 (2) (Reserved).

15 § 8397. Settlements.

16 (a) Court-approved settlements.--Nothing in this subchapter
17 shall be construed to prevent the parties to the action at any
18 time before or after trial from negotiating and agreeing to a
19 fair settlement of the dispute, subject to approval of the
20 court.

21 (b) Vacation of closure order upon transfer of title.--The
22 court, on application of a plaintiff, may vacate a closing order
23 issued under this subchapter, where the defendant has
24 transferred title to the premises to the plaintiff or another
25 neighborhood or community organization approved by the court,
26 provided that the transferee is a nonprofit incorporated
27 organization or association which is exempt from taxation under
28 section 501(c) of the Internal Revenue Code of 1986 (Public Law
29 99-514, 26 U.S.C. § 501(c)) and which is authorized by its
30 corporate charter or bylaws to rehabilitate, restore, maintain,

1 manage or operate commercial or residential premises. In that
2 event, the requirements for prerelease inspection under section
3 8399.2 (relating to release of premises upon inspection or
4 repair) shall not apply.

5 § 8398. Recovery of costs.

6 (a) General rule.--If an action for injunctive relief or
7 penalties brought under this subchapter terminates in a
8 settlement or judgment favorable to the plaintiff, the plaintiff
9 shall be entitled to recover the actual cost of the suit,
10 including reasonable attorney fees and all expenses and
11 disbursements by the plaintiff and any other governmental entity
12 in investigating, bringing, maintaining and enforcing the action
13 and any court orders.

14 (b) Joint and several liability.--All defendants shall be
15 jointly and severally liable for the payment of taxed costs
16 imposed under this subchapter.

17 § 8399. Liens.

18 (a) General rule.--A judgment awarding a permanent
19 injunction under this subchapter shall be a lien upon the
20 premises declared to be a drug nuisance.

21 (b) Nature of liens.--A judgment against an in personam
22 defendant imposing a civil penalty or bill of taxed costs under
23 this subchapter shall be a lien upon the real estate owned by
24 the defendant at the time of the judgment and upon all real
25 estate the defendant may subsequently acquire for a period of 10
26 years from the date of the judgment.

27 § 8399.1. Contempt.

28 (a) General rule.--A person who knowingly violates an order
29 issued under this subchapter shall be subject to civil contempt,
30 as well as punishment for criminal contempt under 18 Pa.C.S. §§

1 4955 (relating to violation of orders) and 5101 (relating to
2 obstructing administration of law or other governmental
3 function).

4 (b) Construction.--Nothing in this subchapter shall be
5 construed to preclude or preempt criminal prosecution for
6 violation of a controlled substance offense or any other
7 criminal offense.

8 § 8399.2. Release of premises upon inspection or repair.

9 (a) Compliance with codes as prerequisite to opening.--

10 (1) Subject to the provisions of section 8397(b)
11 (relating to settlements), and unless the court expressly
12 orders otherwise, no premises or portion thereof ordered to
13 be closed under any other provision of this subchapter shall
14 be released or opened unless it has been inspected by the
15 appropriate county agency and found to be in compliance with
16 applicable State and local housing, building, fire, zoning,
17 health and safety codes, ordinances, rules, regulations or
18 statutes.

19 (2) If the inspection reveals violations of any code,
20 ordinance, rule, regulation or statute, the court shall issue
21 orders or grant relief as may be necessary to bring the
22 premises, or portion thereof, into compliance. The court may
23 order the premises, or portion thereof, to remain closed
24 pending necessary repairs or modification, notwithstanding
25 that the order or closure may exceed the one-year time limit
26 prescribed under section 8394(c) (relating to permanent
27 injunction and other relief).

28 (b) Authorization to inspect or repair.--The court may
29 authorize any person or government official to enter premises,
30 or a portion thereof, closed under this subchapter for the

1 purpose of conducting an inspection or making repairs or
2 modifications necessary to abate the nuisance or to bring the
3 premises, or portion thereof, into compliance with all
4 applicable housing, building, fire, zoning, health or safety
5 code, ordinance, rule, regulation or statute.

6 § 8399.3. Cumulative remedies.

7 The causes of action and remedies authorized under this
8 subchapter shall be cumulative with each other and shall be in
9 addition to, not in lieu of, any other causes of action or
10 remedies which may be available at law or equity.

11 § 8399.4. Admissibility of evidence.

12 (a) General rule.--In any action brought under this
13 subchapter, all relevant evidence, including evidence of the use
14 or threat of violence, evidence of reputation in a community and
15 any prior efforts or lack of efforts by the defendant to abate
16 the drug nuisance shall be admissible to prove the existence of
17 a drug nuisance.

18 (b) Effect of criminal conviction or adjudication of
19 delinquency.--

20 (1) Where a criminal prosecution or adjudication
21 proceeding involving the drug distribution event constituting
22 the drug nuisance results in a criminal conviction or
23 adjudication of delinquency, the conviction or adjudication
24 creates a rebuttable presumption that the drug distribution
25 event occurred.

26 (2) Any evidence or testimony admitted in the criminal
27 or juvenile proceedings, including transcripts or court
28 reporters' notes of the transcripts of the adult or juvenile
29 criminal proceedings, whether or not they have been
30 transcribed, may be admitted in the civil action brought

1 under this subchapter.

2 (c) Use of sealed criminal proceeding records.--In the event
3 that the evidence or records of a criminal proceeding which did
4 not result in a conviction or adjudication of delinquency have
5 been sealed under applicable law, the court in a civil action
6 brought under this subchapter may, notwithstanding any other
7 provision of this subchapter, order such evidence or records to
8 be unsealed if the court finds that the evidence or records
9 would be relevant to the fair disposition of the civil action.

10 (d) Protection of threatened witnesses or affiants.--If
11 proof of the existence of the drug nuisance depends, in whole or
12 in part, upon the affidavits or testimony of witnesses who are
13 not peace officers, the court may, upon a showing of prior
14 threats of violence or acts of violence by a defendant or
15 another person, issue orders to protect those witnesses,
16 including the nondisclosure of the name, address or any other
17 information which may identify the witnesses.

18 (e) Availability of law enforcement resources to plaintiffs
19 or potential plaintiffs.--

20 (1) A law enforcement agency may make available to a
21 person or entity seeking to secure compliance with this
22 subchapter any police report or forensic laboratory report,
23 or edited portions thereof, concerning drug distribution
24 events committed on or within the involved premises.

25 (2) A law enforcement agency may make any officer or
26 officers available to testify as a fact or expert witness in
27 a civil action brought under this subchapter.

28 (3) The agency may not disclose the information if, in
29 the agency's opinion, disclosure would jeopardize an
30 investigation, prosecution or other proceeding or violate

1 Federal or State law.

2 § 8399.5. Relationship to criminal proceedings.

3 A civil action may be brought and maintained under this
4 subchapter, and the court may find the existence of a drug
5 nuisance, notwithstanding that a drug distribution event or
6 events used to establish the existence of a drug nuisance have
7 not resulted in an arrest, prosecution, conviction or
8 adjudication of delinquency.

9 § 8399.6. Liability for damage to closed properties.

10 (a) Effect of court-ordered closing.--Court-ordered closing
11 of premises, or a portion thereof, under this subchapter shall
12 not constitute an act of possession, ownership or control by the
13 court, the plaintiff or a government official or entity
14 responsible for enforcing the court order.

15 (b) Immunity of plaintiffs and enforcing agencies.--A person
16 or entity bringing, maintaining or enforcing a civil action or
17 order issued in accordance with the provisions of this
18 subchapter shall have immunity from civil liability that might
19 otherwise be incurred for any theft of or loss, damage or injury
20 to premises constituting the drug nuisance, or to any fixture,
21 furniture or personal or movable property located in or on such
22 premises.

23 § 8399.7. Civil immunity.

24 Any person or entity who in good faith institutes,
25 participates or testifies in or encourages any person or entity
26 to institute, participate or testify in a civil action brought
27 under this subchapter or who in good faith provides information
28 relied upon by a person or entity in instituting or
29 participating in a civil action under this subchapter shall be
30 immune from any civil liability that might otherwise be incurred

1 or imposed for such actions or conduct.

2 § 8399.8. Civil action.

3 (a) Right of action or damages.--Notwithstanding the
4 provisions of section 8385 (relating to parties), a person
5 damaged in the person's business or property by reason of a drug
6 nuisance may bring a separate civil action for actual damages in
7 the court of common pleas against persons who knowingly
8 conducted, maintained, aided, abetted or permitted a drug
9 distribution event constituting the drug nuisance.

10 (b) Effect of prior notification of owner concerning
11 nuisance.--In a civil action for damages under this section,
12 failure of an owner or landlord to initiate an eviction action
13 against a tenant under the Expedited Eviction of Drug
14 Traffickers Act, if the owner or landlord has been notified by
15 certified or registered mail of the tenant's drug distribution
16 events committed on the leased premises, shall be prima facie
17 evidence that the owner knowingly gave permission to engage in
18 conduct constituting the drug nuisance.

19 (c) Admission of expert testimony.--In a civil action for
20 damages under this section, expert testimony may be used to
21 determine the amount of any actual damage or loss incurred by
22 reason of the drug nuisance.

23 (d) Attorney fees and other costs to prevailing plaintiff.--

24 (1) If an action for damages brought under this section
25 terminates in a settlement or judgment favorable to the
26 plaintiff, the plaintiff shall be entitled to recover the
27 actual cost of the suit, including reasonable attorney fees
28 and all expenses and disbursements by the plaintiff in
29 investigating, bringing and maintaining the action.

30 (2) All defendants shall be jointly and severally liable

1 for the payments of taxed costs imposed under this section.

2 (e) General admissibility of evidence.--In any civil action
3 for damages brought under this section, any evidence admitted or
4 admissible in a civil action for injunctive relief or penalty
5 under this subchapter shall be admissible.

6 § 8399.9. Use of property for treatment and other purposes.

7 Where title to property has been transferred to a
8 neighborhood or community organization under section 8396(c)
9 (relating to penalties) or a negotiated settlement of any action
10 brought under this subchapter, the property may, subject to
11 approval of the court in which the civil action was initiated,
12 be used to house an alcohol and other drug prevention,
13 education, intervention or licensed alcohol and other drug
14 counseling or treatment program. This section shall not be
15 construed to exempt the property from the requirements of
16 applicable zoning, fire, safety, health code, ordinance, rule,
17 regulation or statute.

18 Section 3. This act shall take effect in 180 days.