



January 3, 2012

Edward Mitchell
Upland Borough Council President
c/o Shirley Percival, Borough Manager
224 Castle Avenue
Upland, PA 19015

Dear Mr. Mitchell:

I am writing to express our concern regarding proposed Ordinance No. 1 of 2012, which would require the inspection and repair of sewer lateral connections within the borough prior to the transfer of private property. As previously noted in September of 2011, we understand the need to inspect sewer laterals within the borough, but are concerned that requiring an inspection at the point-of-sale will complicate real estate transactions at a time when the market continues to struggle.

The addition of a sewer lateral inspection at the point-of-sale will no doubt cause delays with escrow. The ordinance could potentially cause unknown expenses for both parties to negotiate late in the process. At worst, this ordinance could cause home sales to fall through due to unexpected, last minute expenses that may arise from required repairs.

Moreover, we are extremely concerned with the clause in §150-9 stating that "all repair or replacement work shall be completed and approved by the Borough prior to transfer of title." According to the PA Municipal Code and Ordinance Compliance Act (MCOCA), homeowners are allowed a period of eighteen (18) months to make any repairs that do not require the condemnation of the residence:

"Within 18 months of the date of purchase or longer subject to an agreement between the purchaser and the municipality, any purchaser of any building, structure or part of a building or structure known to have one or more substantial violations of municipal codes relating to building, housing, property maintenance or fire shall: bring the building, structure or that part of a building or structure into compliance with those codes." (P.L. 724-99 Municipal Code and Ordinance Compliance Act)

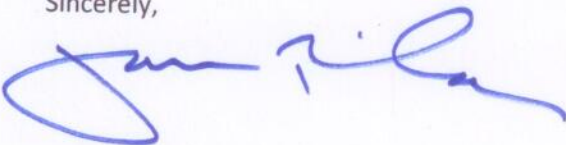
We are in agreement that municipalities have a right to ensure that property owners make needed repairs to sewer lateral connections. However, the methods used by municipalities to enforce code compliance and repairs must be consistent with existing state law, and should take into consideration the impact they will have on families attempting to buy or sell real estate in a community.

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Thank you for considering our concerns relating to this proposed ordinance. We encourage Borough Council to discuss the issue further with the Suburban Realtors Alliance.

Sincerely,



James S. Ridge
President and CEO
Suburban REALTORS® Alliance