July 17, 2025

Angela Benner, Township Manager
Warrington Township
852 Easton Rd.
Warrington, PA 18976

RE: Township Compliance with the PA Municipal Code and Ordinance Compliance Act

Dear Township Manager Benner,

I am writing to express concern regarding the township's refusal to issue a Use and Occupancy certificate in connection with the sale of residential properties due to the absence of permits for past work, such as the installation of an HVAC unit, water heater, or other improvements to a property.

While I understand the township's desire to enforce property maintenance and safety codes, I would respectfully note that the Pennsylvania Municipal Code and Ordinance Compliance Act (MCOCA) explicitly limits a municipality's ability to withhold certificates needed for a property transfer.

Under Section 2.1(a) of the Act, following an inspection, the municipality is legally required to issue one of the following three certificates:

1. A full Use and Occupancy certificate;
2. A Temporary Use and Occupancy certificate if violations exist that do not pose a threat to health, safety, or welfare;
3. A Temporary Access certificate if violations do pose such a threat.

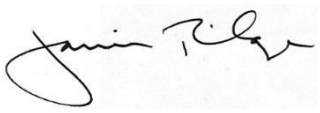
Section 2.1(b) states that the municipality cannot require escrowed funds, bonds or other similar financial security as a condition of issuing a certificate, but subsection (c) goes on to state that the municipality can require an owner to acquire necessary permits and meet other applicable obligations. Our understanding of this section, dating back to the amendments made in 2016, is that this exception was included to ensure that the cost of permits, or any required escrows/bonds that are already part of the law to do certain repairs, could still be collected as part of this process. It was not meant to allow municipalities to refuse the issuance of a use and occupancy permit based on past violations that had not been discovered in a timely manner. *More specifically, the statute does not permit a municipality to deny the issuance of all certificates based solely on the existence of unpermitted work.*

Therefore, I respectfully request that the township comply with the requirements of MCOCA and issue the appropriate certificate—whether a full or temporary Use and Occupancy certificate—so that real estate transactions may proceed without unlawful delay. If the township believes that specific violations rise to the level of a health or safety threat that would justify a Temporary Access certificate, we ask that you provide written documentation of the code sections violated and a clear explanation of why the property is considered unfit for occupancy.

If you have any questions or would like to discuss this matter further, I am happy to speak directly or provide additional documentation.

Thank you for your attention to this matter.

Sincerely,



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