

Property Maintenance Affidavit: Informational Guide

On behalf of the community in which you seek to purchase or transfer real estate, you may be required to submit a signed and notarized affidavit alongside your property transfer application. Whenever a property, structure, or occupied area contains known or unknown violations of the International Property Maintenance Code (IPMC), municipal zoning ordinances, or local fire codes, it is often impossible to fully abate all deficiencies prior to the scheduled real estate closing date. This affidavit establishes a lawful mechanism to allow the transaction to proceed while securing a binding commitment for compliance.

What is the Purpose of the Affidavit? The affidavit is a legally binding document requiring the prospective "Buyer" of a structure or parcel to execute an acknowledgment before a Pennsylvania Notary Public. This mechanism protects the municipality and community by ensuring that pre-existing violations are formally recognized and legally assumed by the incoming owner during a real estate transfer.

Why is a Pennsylvania Notary Public Required? The notarization provides essential legal protection for the jurisdiction by verifying the true identity of the individual executing the document and assuming liability. Because code violations run with the land and transfer to the new owner upon closing, it is imperative to establish an indisputable record of the responsible party signing the instrument.

Can I Still Close on My Property with Outstanding Violations? In most municipal jurisdictions, yes. While the final determination remains under the statutory authority of the local Building Code Official (BCO) or designated Code Enforcement Officer, most communities permit the real estate transfer to proceed provided that the Buyer explicitly assumes legal responsibility and signs a formal commitment to correct the deficiencies post-closing.

How Much Time Do I Have to Correct Violations After Signing? Following the closing and formal deed transfer, the new Buyer must promptly present detailed remediation plans or permit applications to the municipal building department detailing how they will bring the property into full compliance. Most conditional transfer permits or certificates are valid for up to six (6) months. Extended timelines may be granted at the discretion of the enforcement officer if satisfactory progress toward code compliance is demonstrably underway.

Do I Need a Building Permit? This depends entirely on the scope and nature of the required alterations. You must consult with the local Building Code Official (BCO) to determine if the remediation work triggers a formal permit requirement under the Pennsylvania Uniform Construction Code (PA UCC).

Can I Occupy the Building or Rent it Out Before Violations are Resolved? **NO.** It is unlawful, unsafe, and strictly prohibited to occupy, inhabit, or lease any structure or dwelling unit to a tenant without first obtaining a valid Certificate of Occupancy or Conditional Use Certificate issued by the local jurisdiction.

REAL ESTATE TRANSFER INSPECTION AFFIDAVIT

Pursuant to the local ordinances established by the municipal jurisdiction named herein, this Affidavit is executed by the undersigned parties as a material condition of a "Where Is / As Is" real estate transaction. The parties acknowledge that the current physical status, condition, and inspection profile of the subject property do not meet or exceed the minimum code requirements necessary for lawful occupancy or use under the Commonwealth of Pennsylvania Uniform Construction Code (PA UCC).

The municipality recognizes that the individual or entity acquiring title to this residential or commercial structure explicitly agrees to assume all legal liability and covenants to bring the property into full compliance with all applicable local codes, standards, and adopted ordinances, including but not limited to: the International Property Maintenance Code (IPMC), the International Building Code (IBC), the National Electrical Code (NEC), and the PA UCC.

The acquiring representative understands and agrees that neither Be Safe Inspections LLC, as the third-party agency, nor the local governing municipal jurisdiction, makes any representations, assumptions, corrections, or modifications to the lawful status of "Occupancy" until such time as all required violations have been abated and verified to meet minimum compliance standards.

Jurisdiction of Property:		Lot & Block / Parcel ID #:	
Property Address:			
** This executed Affidavit must be attached to the formal Property Transfer Application or Conditional Use Permit request. **			

Signature of BUYER / ACQUIRING PARTY		Date	
Printed Name:			

PLACE PENNSYLVANIA NOTARY PUBLIC SEAL HERE	
	_____ Notary Public Signature
	My Commission Expires: