

**Title Alert 2018-04  
Philadelphia Code Enforcement Liens****June 25, 2018  
PA - STANDARD**

**Purpose:** To advise Approved Attorneys of changes to the treatment of Philadelphia Code Enforcement (CE) liens and to replace Title Alert 2005-19.

**Background:** Philadelphia Code Enforcement liens are typically filed in the Municipal Court with a docket number beginning with "CE". Historically, CE liens were treated as in rem liens. "In rem" characterizes a lien as only attaching to a particular parcel of real estate, in this case the property that benefited from the municipal service.

The City will now be enforcing CE liens against all Philadelphia properties owned by the defendant, thereby making CE liens in personam rather than in rem. "In personam" characterizes a lien as attaching to a person, thereby attaching to all property owned by the defendant in the City.

**Standard:** If your Philadelphia search raises a CE lien, take the following steps:

- 1) Verify that the defendant listed in the docket is your property owner.
- 2) If the defendant is a person of the same or similar name as your owner, you should acquire an executed affidavit to that effect as you would with any other in personam judgment.
- 3) If the defendant is your owner, regardless of whether the service was provided to your subject property, order a payoff from the City or designated collection agency as you would with any other in personam judgment and handle at settlement.

Note that the duration of a CE lien is 5 years. As such, the rules of revival are the same as any other in personam judgment, meaning that if the lien was filed more than 5 years and 30 days and has not been revived, you should report it, indicating that it has not been revived. As with all in personam judgments, CE liens filed against only one spouse do not pierce tenancy by the entirety in a sale transaction, though you would still need to address those filed against only one spouse in a refinance transaction.

If you have any questions, please feel free to contact us.

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\* \* \* \* This Title Alert should become a permanent part of your records to assure compliance with its requirements. \* \* \* \*