



# *The Germantown Conservancy*

PRESS RELEASE

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## **GERMANTOWN CONSERVANCY SCORES MAJOR VICTORY AS COMMONWEALTH COURT GUTS PHILADELPHIA LOCAL RULE CONCERNING ACT 135 CONSERVATORSHIP PROCEEDINGS**

The Germantown Conservancy scored a major legal victory as the Commonwealth Court, while affirming that petitions under Act 135, the Abandoned and Blighted Property Conservancy Act must be limited to one building per petition, ruled the substance of Philadelphia Common Plea Court President Judge's General Court Regulation 2009-01 is null and void.

In a 25 page opinion filed late Friday, April 30, Judge Bernard L. McGinley in a majority opinion ruled that because each abandoned or blighted building "may be unique, at least to the owner," it remained proper to limit an Act 135 petition to only one building, an issue the Conservancy contested.

However, the Court struck down the substance of General Court Regulation 2009-01, asserting that "this Court is constrained to hold that General Court Regulation 7((k)(1)-(9) is invalid and unenforceable." The Court also held that the President Judge's requirement that the Conservancy obtain a Philadelphia Business Privilege Tax license, which is not required under Act 135 or the Philadelphia City Code, is also invalid, because the Conservancy is a nonprofit corporation, which is specifically excluded from such license requirement by the City Code.

The Conservancy's Co-Chairman, Peter J. Wirs, expressed satisfaction with the gist of the Commonwealth Court's ruling, although various procedural issues remain to be resolved. The Conservancy's Board of Directors will meet this Thursday at 10:00 A.M. to re-initiate Act 135 proceedings for over 335 abandoned and blighted properties throughout the 12th, 59th, and 22nd Wards now that the Conservancy has prevailed over the more onus portions of the Philadelphia Common Pleas Court rule.