

# Liens and Debt

## Philadelphia Liens and Debt: What You Need to Know Before Acquiring Privately Owned Vacant Lots

### How to handle encumbered property in Philadelphia

You are gardening, or thinking of gardening, on a vacant lot that is **privately-owned**. You are interested in acquiring this property one day. However, unlike City-owned vacant land, privately-owned lots may carry layers of unpaid **debt** left behind by an absentee or deceased property owner. Knowing about what unpaid debts, also known as liens, exist on the property is critical if you wish to obtain free and clear title—or title without any debts or liens—to a property.

### Gaining ownership of land with debt—Frequently asked questions.

How are possession, ownership, and title to property related? What are the differences between them?

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a gardener on a vacant lot, you may have physical possession of a property—you may be the only person who uses the land—but you do not have title, both the right to possess property and the legal possession of property.

With legal ownership also comes the responsibility for all taxes and maintenance of the property. That means that if you gain title to a piece of property, you are responsible for unpaid debts, even if they were left behind by a previous owner.

What is “encumbered title” versus “free and clear title”?



What types of debt could an owner incur on a property?



What is a lien?



How is a lien different from other types of debt?



## What to do if a vacant lot has a lien on it

What if the privately-owned property where I’m gardening has a lien or other debt attached to it?

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the property in order to ensure your garden's security in the long-term, however, liens and debts are critical to consider.

Gaining ownership of a property burdened by debts or liens means you will be responsible for **paying off debt**. Of course, getting the lien or debt paid by the owner before the land is sold is the simplest way to remove a debt or lien. However, sometimes this is not possible, whether the previous owner cannot be found, cannot afford to pay the **debt**, or is deceased.

You also have the option to pay off the debt yourself upon purchasing the property. However, these debts can be quite costly, and this may not be a practical option for you or your organization. In that case, there are other options to clear the debt. **Working with the city of Philadelphia** is key when getting a lien cleared in order for title to transfer.

Other than paying off the debt myself, what other tactics can I use to get liens or other debt removed so that I can own the property “free and clear”?



## Types of Liens

The following types of liens can help you determine what kinds of debt are attached to the property where you're gardening. For the most part, tax, L&I, gas, and water liens are the most important to consider, since the largest sums are typically owed with these liens.



Licenses and Inspections (L&I) liens



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## Mortgage liens

## PGW (Gas) liens

## Real estate tax liens

## Utility liens

- **What are they?** Utility liens are imposed against property for unpaid utility bills.
- **How do I determine if this lien exists on my garden?** The Department of Records at City Hall has information on utility liens. You can also search for execution actions involving utility liens at [www.courts.phila.gov](http://www.courts.phila.gov) (under “search court records” click “trial division – search civil dockets,” then “search by person name or company name”).

## Water and Sewer liens

*These fact sheets address some basic points of property law and debt and lien processes. It is recommended that gardeners with remaining questions **contact** the Garden Justice Legal Initiative or an attorney. In addition to this factsheet, gardeners interested in acquiring*



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## about **How to Reach a Private Land Use Agreement**, along with **How to Gain Access to Land in Philadelphia through Conservatorship**.

*This **document** is meant to be a living document of resources and recommendations for those growing food for themselves, their neighbors or others. If you would like to add a resource to this page, or if you see something on this page that appears to be inaccurate, please **contact Jonathan McJunkin**.*

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# MORE RESOURCES FOR SECURING ACCESS OR OWNERSHIP OF LAND FOR YOUR GARDEN OR FARM

## Recommendations for Urban Agriculture and Community

### Gardening During COVID-19

Learn best practices and the latest updates on COVID-19 and urban agriculture in Philadelphia.



Read Recommendations for Urban Agriculture and Community Gardening During COVID-19



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Gaining land ownership through adverse possession in Philadelphia requires a 21 year statutory period before you can obtain the title to the land or property.

[Read How to Obtain Land Through Adverse Possession](#)

## Philadelphia Stormwater Charge: Community Garden Discount

Here's how you can get a discount on your Philadelphia stormwater bill for your community garden.

[Read Philadelphia Stormwater Charge: Community Garden Discount](#)

## About Neighborhood Gardens Trust

The Neighborhood Gardens Trust is a crucial resource for the preservation of gardens and community green space, providing a trust for public land in Philadelphia.

[Read About Neighborhood Gardens Trust](#)





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Conservatorship is a helpful tool to obtain the rights to manage a property in order to return it to productive use and into compliance with code.

[Read Conservatorship of Vacant Properties](#)

## Gardening Without Ownership

You don't need to own vacant land to establish a community garden or green space in Philadelphia, but gardening without ownership comes with risks. Find out how to get started.

[Read Gardening Without Ownership](#)

## Licenses, Permits, and Regulations

If you plan to sell food produced in your farm or garden—especially prepared foods—you should be aware of Philadelphia laws about food safety & preparation.

[Read Licenses, Permits, and Regulations](#)





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There are several options in Philadelphia for providing water to gardens and urban farms.

[Read Water For Your Garden](#)

## Employment and Labor Law

If you are looking to hire workers or have volunteers in your community garden or urban farm, you need to comply with state and local labor laws.

[Read Employment and Labor Law](#)

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