

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1034 Session of 2019

INTRODUCED BY EVERETT, JAMES, MOUL, FREEMAN, SAPPEY AND KORTZ, APRIL 5, 2019

SENATOR MARTIN, LOCAL GOVERNMENT, IN SENATE, AS AMENDED, OCTOBER 22, 2019

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in consolidated county assessment,
3 further providing for definitions, for changes in assessed
4 valuation and for abstracts of building and demolition
5 permits to be forwarded to the county assessment office.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 8802 of Title 53 of the Pennsylvania
9 Consolidated Statutes is amended by adding a definition to read:

10 § 8802. Definitions.

11 The following words and phrases when used in this chapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 * * *

15 "Normal regular repairs." As follows:

16 (1) The term shall include:

17 (i) The repair or replacement of materials or
18 components of property features for the purpose of

1 maintenance.

2 (ii) The replacement of existing property features
3 with new versions reasonably similar in function,
4 quality, material and dimension.

5 (2) As used in this definition, the term "property
6 features" includes, but is not limited to, roofing, siding,
7 flooring, heating and air conditioning systems and windows.

8 * * *

9 Section 2. Sections 8817(a) and 8861 of Title 53 are amended
10 to read:

11 § 8817. Changes in assessed valuation.

12 (a) General rule.--In addition to other authorization
13 provided in this chapter, the assessors may change the assessed
14 valuation on real property when a parcel of land is subdivided
15 into smaller parcels or when improvements are made to real
16 property or existing improvements are removed from real property
17 or are destroyed. The recording of a subdivision plan shall not
18 constitute grounds for assessment increases until lots are sold
19 or improvements are installed. The painting of a building or the
20 normal regular repairs to a building [aggregating \$2,500 or less
21 in value annually] shall not be deemed cause for a change in
22 valuation by the assessors under the authority of this section.

23 * * *

24 § 8861. [Abstracts of building and demolition permits to be
25 forwarded] Submission of permit and substantial
26 improvement information to the county assessment
27 office and civil penalty.

28 (a) Permit.--Every municipality, third-party agency or the
29 Department of Labor and Industry responsible for the issuance of
30 building permits or demolition permits shall forward a copy of

1 each [building] permit to the county assessment office on or
2 before the first day of every month. In addition to any charge
3 otherwise permitted by law, a municipality, a third-party agency
4 or the Department of Labor and Industry may charge an additional
5 fee of \$10 to each person to whom a permit is issued for
6 administrative costs incurred in compliance with this section.
7 The assessment office may provide for the electronic submission
8 of permits and may establish the format for the submission of <--
9 permit information. A PERMIT THROUGH ELECTRONIC MAIL OR ANY <--
10 OTHER MEANS OF ELECTRONIC TRANSMISSION OR UPLOADING OF THE
11 PERMIT IN ITS EXISTING FORM. The provision of permits or permit
12 information to the assessment office as required by this section
13 shall not be subject to the procedures of the act of February
14 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. No
15 agency, public official or public employee shall be liable for
16 civil or criminal damages or penalties for complying with this
17 section.

18 ~~(a.1) Noncompliance. If the county assessment office has~~ <--

19 ~~(A.1) NONCOMPLIANCE.--~~ <--

20 (1) IF THE COUNTY ASSESSMENT OFFICE HAS reason to
21 believe that there is noncompliance with subsection (a), the
22 assessment office shall provide written notice to the
23 municipality and, if applicable, a third-party agency, or to
24 the Department of Labor and Industry in the case of
25 noncompliance by the Department of Labor and Industry. Upon
26 receipt of the notice, the municipality, third-party agency
27 or Department of Labor and Industry shall investigate and
28 consult with the assessment office and take any steps the
29 municipality, third-party agency or Department of Labor and
30 Industry deems necessary to remediate the noncompliance. If, <--

1 ~~after consultation,~~ TO REMEDIATE THE NONCOMPLIANCE. <--

2 ~~(2) IF, AFTER CONSULTATION, noncompliance with~~
3 ~~subsection (a) continues, the assessment office may:~~ <--

4 ~~(1) In, IN the case of continuing noncompliance after~~ <--
5 ~~notice by a municipality or the Department of Labor and~~ <--
6 ~~Industry THIRD-PARTY AGENCY, institute an action in mandamus~~ <--
7 ~~before the court of common pleas to compel compliance with~~
8 ~~subsection (a). Should the court determine that the~~
9 ~~noncompliance is intentional, the court shall award any~~
10 ~~costs, disbursements, reasonable attorney fees and witness~~
11 ~~fees relating to the action to the assessment office.~~

12 ~~(2) In the case of continuing noncompliance after notice~~ <--
13 ~~by a third party agency, file a complaint with the Department~~
14 ~~of Labor and Industry. Intentional noncompliance with~~
15 ~~subsection (a) shall constitute just cause for corrective~~
16 ~~action by the Department of Labor and Industry. The~~
17 ~~assessment office shall, along with the complaint or as~~
18 ~~directed by the Department of Labor and Industry, provide the~~
19 ~~Department of Labor and Industry with documentation of the~~
20 ~~notice required by this section and any other evidence~~
21 ~~related to the intentional noncompliance.~~

22 (b) Substantial improvement.--If a person makes improvements
23 to any real property, other than painting of or normal regular
24 repairs to a building, aggregating more than [\$2,500] \$4,000 in
25 value and a building permit is not required for the
26 improvements, the property owner shall furnish the following
27 information to the board:

28 (1) the name and address of the person owning the
29 property;

30 (2) a description of the improvements made or to be made

1 to the property; and

2 (3) the dollar value of the improvements.

3 (b.1) County improvement certification form.--The county
4 commissioners may, by ordinance, require that all persons making
5 substantial improvements to property as set forth in subsection
6 (b) submit to the county assessment office a county improvement
7 certification form setting forth the information in subsection
8 (b) prior to beginning any substantial improvement, regardless
9 of whether a building permit is required. The county may provide
10 for the electronic submission of the form and a fee no greater
11 than \$5. The county may cooperate with a municipality, third-
12 party agency or the Department of Labor and Industry in the
13 distribution of forms.

14 (c) [Penalty.--Any person that intentionally fails to comply
15 with the provisions of subsection (b) or intentionally falsifies
16 the information provided, shall, upon conviction in a summary
17 proceeding, be sentenced to pay a fine of not more than \$50.]
18 Civil penalty.--

19 (1) The board may assess a civil penalty of not more
20 than \$100 upon a person for intentionally failing to comply
21 with the provisions of subsection (b) or an ordinance enacted
22 in accordance with subsection (b.1) or intentionally
23 falsifying the information required.

24 (2) If a civil penalty is assessed against a person
25 under paragraph (1), the board must notify the person by
26 certified mail of the nature of the violation and the amount
27 of the civil penalty and that the person may notify the board
28 in writing within 10 calendar days that the person wishes to
29 contest the civil penalty. If, within 10 calendar days from
30 the receipt of that notification, the person does not notify

1 the county board of assessment of the person's intent to
2 contest the assessed penalty, the civil penalty shall become
3 final.

4 (3) If timely notification of the intent to contest the
5 civil penalty is given, the person contesting the civil
6 penalty shall be provided with a hearing in accordance with 2
7 Pa.C.S. Chs. 5 Subch. B (relating to practice and procedure
8 of local agencies) and 7 Subch. B (relating to judicial
9 review of local agency action).

10 (d) Existing provisions preserved.--Nothing in this section
11 shall supersede or preempt any ordinance, resolution or other
12 requirement of a county to submit information on substantial
13 improvements in effect on the effective date of this subsection.

14 (e) Substantial improvement value.--Beginning January 1 of
15 the year immediately following the effective date of this
16 subsection and each January 1 thereafter, the amount set forth
17 in subsection (b) shall be increased by the percentage change in
18 the Consumer Price Index for All Urban Consumers (CPI-U) for the
19 Pennsylvania, New Jersey, Delaware and Maryland area, for the
20 most recent 12-month period that figures have been officially
21 reported by the United States Department of Labor, Bureau of
22 Labor Statistics immediately prior to the date the adjustment is
23 due to take effect. The chief assessor shall maintain an
24 accurate record of the adjusted amount applicable for each year.

25 Section 3. This act shall take effect in 60 days.