

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 962 Session of  
1997

INTRODUCED BY PETRONE, HERMAN, BAKER, DENT, LEH, ITKIN, STABACK,  
BELARDI, ARGALL, DeLUCA, BATTISTO, CAWLEY, TRAVAGLIO,  
RAYMOND, GEIST, GLADECK, VAN HORNE, BROWNE, L. I. COHEN,  
HENNESSEY, FARGO, BENNINGHOFF, RAMOS, STETLER, STEELMAN AND  
CIVERA, MARCH 25, 1997

REFERRED TO COMMITTEE ON URBAN AFFAIRS, MARCH 25, 1997

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled  
2 "An act relating to counties of the third, fourth, fifth,  
3 sixth, seventh and eighth classes; amending, revising,  
4 consolidating and changing the laws relating thereto,"  
5 further providing for authority to sell or lease real  
6 property.

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

9 Section 1. Section 2306 of the act of August 9, 1955  
10 (P.L.323, No.130), known as The County Code, amended November  
11 23, 1994 (P.L.640, No.98), is amended to read:

12 Section 2306. Authority to Sell or Lease Real Property.--(a)  
13 The board of commissioners may sell for not less than the fair  
14 market value or lease, either as lessor or lessee, any real  
15 property belonging to the county or to others where the county  
16 is lessee. If the commissioners know or have reason to believe  
17 that the property to be sold contains oil, gas, coal, stone,  
18 timber or other mineral or forest products of commercial value,

1 such knowledge or belief shall be advertised together with the  
2 description of the land in at least two newspapers, in said  
3 county, of general circulation, once a week for three  
4 consecutive weeks. The fair market value of real property in the  
5 case of a sale shall be determined by the county commissioners  
6 in consultation with the county assessor and two licensed real  
7 estate brokers doing business within the county. In the case of  
8 any lease of county property hereunder, such property, with any  
9 and all improvements or additions thereon or thereto, shall, in  
10 the hands of the lessee, be subject to taxation by such county  
11 and any other political subdivision therein, in the same manner  
12 as other real estate located in the county. Such taxes shall be  
13 levied and assessed against and paid by the lessee. This section  
14 shall not apply to leases or sales of county property or other  
15 property which are otherwise specifically provided for by law.

16 (b) The provisions of subsection (a) shall not be mandatory  
17 where county real property is to be sold to any of the  
18 following:

19 (1) A city, borough, town, township, institution district,  
20 school district, volunteer fire company, volunteer ambulance  
21 service or volunteer rescue squad located within the county.

22 (2) A municipal authority pursuant to the act of May 2, 1945  
23 (P.L.382, No.164), known as the "Municipality Authorities Act of  
24 1945."

25 (3) A nonprofit corporation engaged in community industrial,  
26 commercial or affordable housing development or reuse for its  
27 exclusive use for industrial, commercial or affordable housing  
28 development. This exemption shall not apply to property owned  
29 and operated by a county or subcontracted or operated on the  
30 behalf of a county in order to conduct existing government

1 functions.

2 (4) A person for his exclusive use in an industrial  
3 development program.

4 (5) A nonprofit corporation organized as a public library  
5 for its exclusive use as a library.

6 (6) A nonprofit medical service corporation for its  
7 exclusive use as a site for a medical service facility.

8 (7) A nonprofit housing corporation for its exclusive use  
9 for housing for the elderly or for low-income housing.

10 (8) The Federal Government.

11 (9) The Commonwealth.

12 When the real property is to be sold or leased to a qualified  
13 entity under this subsection, the board of commissioners may  
14 elect to accept such nominal consideration for such sale as it  
15 shall deem appropriate. Real property sold pursuant to this  
16 subsection to any entity under this subsection, other than a  
17 city, borough, town, township, institution district, school  
18 district, municipal authority pursuant to the "Municipality  
19 Authorities Act of 1945," located within the county, the Federal  
20 Government or the Commonwealth shall be subject to the condition  
21 that when the property is not used for the purposes of the  
22 entity the property shall revert to the county.

23 Section 2. This act shall take effect in 60 days.