

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1169 Session of 2021

INTRODUCED BY MOUL, JAMES, KNOWLES, FREEMAN AND SAPPEY, APRIL 14, 2021

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 5, 2021

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

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10 DEFINITIONS to read:

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11 § 8802. Definitions.

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

15 \* \* \*

16 "Normal regular repairs." As follows:

<--

17 (1) The term shall include:

18 (i) The repair or replacement of materials or THE

<--

19 TERM SHALL INCLUDE:

1           (1) THE REPAIR OR REPLACEMENT OF MATERIALS OR components  
2 of property features for the purpose of maintenance.

3           ~~(ii) The replacement of existing property features~~ <--

4           (2) THE REPLACEMENT OF EXISTING PROPERTY FEATURES with <--  
5 new versions reasonably similar in function, quality,  
6 material and dimension.

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

10           "PROPERTY FEATURES." THE TERM INCLUDES ROOFING, SIDING, <--  
11 FLOORING, HEATING AND AIR CONDITIONING SYSTEMS AND WINDOWS.

12           \* \* \*

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

15           § 8817. Changes in assessed valuation.

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

27           \* \* \*

28           § 8861. [Abstracts of building and demolition permits to be  
29 forwarded] Submission of permit and substantial  
30 improvement information to the county assessment

1 office and civil penalty.

2 (a) Permit.--Every municipality, third-party agency or the  
3 Department of Labor and Industry responsible for the issuance of  
4 building permits or demolition permits shall forward a copy of  
5 each [building] permit to the county assessment office on or  
6 before the first day of every month. In addition to any charge  
7 otherwise permitted by law, a municipality, a third-party agency  
8 or the Department of Labor and Industry may charge an additional  
9 fee of \$10 to each person to whom a permit is issued for  
10 administrative costs incurred in compliance with this section.  
11 The assessment office may provide for the electronic submission  
12 of a permit through electronic mail or any other means of  
13 electronic transmission or uploading of the permit in its  
14 existing form. The provision of permits or permit information to  
15 the assessment office as required by this section shall not be  
16 subject to the procedures of the act of February 14, 2008  
17 (P.L.6, No.3), known as the Right-to-Know Law. No agency, public  
18 official or public employee shall be liable for civil or  
19 criminal damages or penalties for complying with this section.

20 (a.1) Noncompliance.--

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

1 Industry deems necessary to remediate the noncompliance.

2 (2) If, after consultation, noncompliance with  
3 subsection (a) continues, the assessment office may, in the  
4 case of continuing noncompliance after notice by a  
5 municipality or third-party agency, institute an action in  
6 mandamus before the court of common pleas to compel  
7 compliance with subsection (a). Should the court determine  
8 that the noncompliance is intentional, the court shall award  
9 any costs, disbursements, reasonable attorney fees and  
10 witness fees relating to the action to the assessment office.

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

17 (1) the name and address of the person owning the  
18 property;

19 (2) a description of the improvements made or to be made  
20 to the property; and

21 (3) the dollar value of the improvements.

22 (b.1) County improvement certification form.--The county  
23 commissioners may, by ordinance, require that all persons making  
24 substantial improvements to property as set forth in subsection  
25 (b) submit to the county assessment office a county improvement  
26 certification form setting forth the information in subsection  
27 (b) prior to beginning any substantial improvement, regardless  
28 of whether a building permit is required. The county may provide  
29 for the electronic submission of the form and a fee no greater  
30 than \$5. The county may cooperate with a municipality, third-

1 party agency or the Department of Labor and Industry in the  
2 distribution of forms.

3 (c) [Penalty.--Any person that intentionally fails to comply  
4 with the provisions of subsection (b) or intentionally falsifies  
5 the information provided, shall, upon conviction in a summary  
6 proceeding, be sentenced to pay a fine of not more than \$50.]

7 Civil penalty.--

8 (1) The board may assess a civil penalty of not more  
9 than \$100 upon a person for intentionally failing to comply  
10 with the provisions of subsection (b) or an ordinance enacted  
11 in accordance with subsection (b.1) or intentionally  
12 falsifying the information required.

13 (2) If a civil penalty is assessed against a person  
14 under paragraph (1), the board must notify the person by  
15 certified mail of the nature of the violation and the amount  
16 of the civil penalty and that the person may notify the board  
17 in writing within 10 calendar days that the person wishes to  
18 contest the civil penalty. If, within 10 calendar days from  
19 the receipt of that notification, the person does not notify  
20 the county board of assessment of the person's intent to  
21 contest the assessed penalty, the civil penalty shall become  
22 final.

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

29 (d) Existing provisions preserved.--Nothing in this section  
30 shall supersede or preempt any ordinance, resolution or other

1 requirement of a county to submit information on substantial  
2 improvements in effect on the effective date of this subsection.

3 (e) Substantial improvement value.--Beginning January 1 of  
4 the year immediately following the effective date of this  
5 subsection and each January 1 thereafter, the amount set forth  
6 in subsection (b) shall be increased by the percentage change in  
7 the Consumer Price Index for All Urban Consumers (CPI-U) for the  
8 Pennsylvania, New Jersey, Delaware and Maryland area, for the  
9 most recent 12-month period that figures have been officially  
10 reported by the United States Department of Labor, Bureau of  
11 Labor Statistics immediately prior to the date the adjustment is  
12 due to take effect. The chief assessor shall maintain an  
13 accurate record of the adjusted amount applicable for each year.

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