

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

**No. 312**      Session of  
2007

INTRODUCED BY RAFFERTY, BOSCOLA, ERICKSON, LOGAN, RHOADES AND  
WAUGH, MARCH 9, 2007

REFERRED TO LOCAL GOVERNMENT, MARCH 9, 2007

AN ACT

1 Amending the act of July 31, 1968 (P.L.805, No.247), entitled,  
2 as amended, "An act to empower cities of the second class A,  
3 and third class, boroughs, incorporated towns, townships of  
4 the first and second classes including those within a county  
5 of the second class and counties of the second through eighth  
6 classes, individually or jointly, to plan their development  
7 and to govern the same by zoning, subdivision and land  
8 development ordinances, planned residential development and  
9 other ordinances, by official maps, by the reservation of  
10 certain land for future public purpose and by the acquisition  
11 of such land; to promote the conservation of energy through  
12 the use of planning practices and to promote the effective  
13 utilization of renewable energy sources; providing for the  
14 establishment of planning commissions, planning departments,  
15 planning committees and zoning hearing boards, authorizing  
16 them to charge fees, make inspections and hold public  
17 hearings; providing for mediation; providing for transferable  
18 development rights; providing for appropriations, appeals to  
19 courts and penalties for violations; and repealing acts and  
20 parts of acts," providing for educational impact fee and  
21 assessment in certain school districts.

22 The General Assembly of the Commonwealth of Pennsylvania  
23 hereby enacts as follows:

24 Section 1. The act of July 31, 1968 (P.L.805, No.247), known  
25 as the Pennsylvania Municipalities Planning Code, reenacted and  
26 amended December 21, 1988 (P.L.1329, No.170), is amended by  
27 adding an article to read:



1 which report includes an assessment of the impact the plan  
2 approval or building permit would have on the school district in  
3 which the subdivision or building is located.

4 "Educational impact fee." A charge or fee imposed by a  
5 school district against new residential development in order to  
6 enable that school district to develop such programs and  
7 facilities as may be necessary to accommodate increased student  
8 enrollment.

9 "Eligible school district." A school district in which the  
10 school pupil enrollment has increased by at least an average of  
11 5% in the five years prior to the current school year.

12 "Pupil cost." The actual instruction expense per weighted  
13 average daily membership determined under Article XXV of the act  
14 of March 10, 1949 (P.L.30, No.14), known as the Public School  
15 Code of 1949, for the district in which a subdivision approval  
16 is being sought or building construction will occur.

17 "School board." The board of directors of the school  
18 district in which a subdivision is proposed or a building permit  
19 is being sought.

20 Section 503-B. Educational impact fee.

21 (a) Authority to levy fee.--

22 (1) The board of directors of an eligible school  
23 district may levy an educational impact fee on each  
24 subdivision plan and building permit issued for the  
25 construction of new residential units located within its  
26 geographic boundaries in accordance with this section. Prior  
27 to the adoption of an educational impact fee, the school  
28 board shall give public notice of its intention to adopt such  
29 fee and entertain public comments. The educational impact  
30 fees shall be collected by the eligible school district.

1           (2) No subdivision plan approval or building permit may  
2           be issued without the applicant providing proof that the  
3           educational impact fee has been paid in full.

4           (b) Amount of fee for subdivision plans.--The amount of the  
5           educational impact fee levied on each proposed subdivision plan  
6           may be a fixed fee or a fee based on the pupil cost for the  
7           eligible school district. A fixed fee may not exceed \$1,000 for  
8           each residential dwelling in a proposed subdivision plan. A fee  
9           based on pupil cost may not exceed 15% of that pupil cost.

10          (c) Amount of fee for building permits.--The amount of the  
11          educational impact fee levied on each building permit for new  
12          residential construction may be a fixed fee or a fee based on  
13          the pupil cost for that district. A fixed fee may not exceed  
14          \$2,500 for each building permit. A fee based on pupil costs may  
15          not exceed 30% of that pupil cost.

16          (d) Discretionary reduction or elimination of fee.--

17           (1) An eligible school district may reduce or eliminate  
18           the educational impact fee on affordable housing units for  
19           low-income and moderate-income individuals.

20           (2) An eligible school district shall waive the  
21           educational impact fee for building permits issued for the  
22           replacement of existing dwelling units, even if the permits  
23           are nonconcurrent.

24          (e) Deposit and restricted use of fee.--The school district  
25          shall deposit the educational impact fees collected into a  
26          separate school account. The moneys in that account may only be  
27          used for new construction for additional classrooms or  
28          renovation of existing buildings to expand classrooms or  
29          classroom space.

30          Section 504-B. Educational impact assessment.

1 For a subdivision located in an eligible school district that  
2 imposes an educational impact fee, the subdivision plan shall  
3 include an educational impact assessment, a copy of which must  
4 be filed with the eligible school district. No subdivision plan  
5 may be accepted which does not include an educational impact  
6 assessment. The assessment must include the following  
7 information:

8 (1) The name and location of the proposed subdivision.

9 (2) The number and type of dwelling units proposed for  
10 the subdivision, including the target population that will be  
11 residing in the dwelling units.

12 (3) The approximate sales cost of each type of dwelling  
13 unit.

14 (4) The primary access roads to the proposed  
15 subdivision.

16 (5) The time frame for construction of the dwelling  
17 units.

18 (6) An estimate of the number of school-age children who  
19 can reasonably be expected to be residing in the dwelling  
20 units based on the demographic characteristics of similar  
21 housing located within the eligible school district.

22 Section 2. This act shall take effect in 90 days.