

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1499 Session of  
1993

INTRODUCED BY BATTISTO, LESCOVITZ, PISTELLA, D. W. SNYDER AND  
MERRY, MAY 3, 1993

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 3, 1993

AN ACT

1 Amending the act of June 23, 1931 (P.L.932, No.317), entitled  
2 "An act relating to cities of the third class; and amending,  
3 revising, and consolidating the law relating thereto,"  
4 further defining "common level ratio"; further providing for  
5 board determinations in assessment appeals; providing for  
6 assessment errors and refunds; and further providing for  
7 court determinations in assessment appeals.

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

10 Section 1. The definition of "common level ratio" in section  
11 2503.1 of the act of June 23, 1931 (P.L.932, No.317), known as  
12 The Third Class City Code, reenacted and amended June 28, 1951  
13 (P.L.662, No.164) and added December 13, 1982 (P.L.1192,  
14 No.273), is amended to read:

15 Section 2503.1. Definitions.--The following words and  
16 phrases when used in this act shall have, unless the context  
17 clearly indicates otherwise, the meanings given to them in this  
18 section:

19 \* \* \*

20 "Common level ratio," the ratio of assessed value to current

1 market value used generally in the county or applicable city as  
2 last determined by the State Tax Equalization Board pursuant to  
3 the act of June 27, 1947 (P.L.1046, No.447), referred to as the  
4 State Tax Equalization Board Law.

5 \* \* \*

6 Section 2. Section 2504 of the act is amended by adding  
7 subsections to read:

8 Section 2504. Assessment of Property; Duties of Assessor.--\*

9 \* \*

10 (f) If a third class city changes its assessment base by  
11 applying a change in predetermined ratio, the board shall apply  
12 the percentage change between the existing predetermined ratio  
13 and newly established predetermined ratio to the county's common  
14 level ratio to establish the certified revised common level  
15 ratio for the year in which the assessment was revised.

16 (g) If a third class city, which assesses property  
17 independently from the county in which it is located, performs a  
18 citywide revision of assessments by revaluing the properties and  
19 applying the city established predetermined ratio, the city  
20 shall utilize its predetermined ratio instead of the city common  
21 level ratio for the year in which the assessment was revised and  
22 until such time as the common level ratio, as determined by the  
23 board, reflects the revaluing of properties from the revision of  
24 assessments.

25 Section 3. Section 2520 of the act, amended December 13,  
26 1982 (P.L.1192, No.273), is amended to read:

27 Section 2520. Custody of Assessment Books; Completion of  
28 Work of Board.--(a) The board of revision of taxes and appeals  
29 shall procure and have the custody and control of all books  
30 relating to assessment of city taxes, and keep them arranged

1 according to wards and dates, and shall furnish the city  
2 assessor the necessary books for making the assessment, which,  
3 on the completion of such assessment, shall be returned to such  
4 board of revision of taxes and appeals. The board shall complete  
5 its labors, and the hearing and determination of all appeals, on  
6 or before the first day of December of each year, or as soon  
7 thereafter as practicable, after which the assessment shall be  
8 copied, by wards, into a tax duplicate or duplicates for the use  
9 of the city. The assessment, so corrected and copied, shall be  
10 and remain a lawful assessment for the purpose of city taxation  
11 until altered as provided in this article. The board shall give  
12 notice in writing within five days after its disposition of each  
13 appeal, advising the taxable of its decision.

14 (b) In any appeal of an assessment the board shall make the  
15 following determinations:

16 (1) The [current] market value [for the tax year in  
17 question] as of the date such appeal was filed with the board.

18 (2) The common level ratio published by the State Tax  
19 Equalization Board on or before July 1 of the year prior to the  
20 tax year on appeal before the board.

21 (c) The board, after determining the [current] market value  
22 of the property for the tax year in question, shall then apply  
23 the established predetermined ratio to such value unless the  
24 common level ratio varies by more than fifteen per centum from  
25 the established predetermined ratio, in which case the board  
26 shall apply the common level ratio to the [current] market value  
27 of the property for the tax year in question. As an example, in  
28 the case of a predetermined ratio of thirty per centum, the  
29 following calculations would be made to determine that the  
30 permissible ratio variance is twenty-five and one-half per

1 centum to thirty-four and one-half per centum:

2 30% (PDR) x 15% = 4.5%

3 30% (PDR) + 4.5% = 34.5%

4 30% (PDR) - 4.5% = 25.5%

5 (c.1) If a third class city changes its assessment base by  
6 applying a change in predetermined ratio, the board shall apply  
7 the percentage change between the existing predetermined ratio  
8 and newly established predetermined ratio to the county's common  
9 level ratio to establish the certified revised common level  
10 ratio for the year in which the assessment was revised.

11 (c.2) If a third class city, which assesses property  
12 independently from the county in which it is located, performs a  
13 citywide revision of assessments by revaluing the properties and  
14 applying the city established predetermined ratio, the board  
15 shall utilize the city's predetermined ratio instead of the city  
16 common level ratio for the year in which the assessment was  
17 revised and until such time as the common level ratio, as  
18 determined by the board, reflects the revaluing of properties  
19 from the revision of assessments.

20 (d) Nothing herein shall prevent any appellant from  
21 appealing any base year valuation without reference to ratio.

22 Section 4. The act is amended by adding a section to read:

23 Section 2520.1. Error in Assessment; Refunds.--(a) If,  
24 through mathematical or clerical error, an assessment is greater  
25 than it should have been and taxes are paid in accordance with  
26 the incorrect assessment, the board of revision of taxes and  
27 appeals shall inform the appropriate individuals and shall make  
28 a refund to the taxpayer for whichever of the following is less:

29 (1) The overage of taxes paid during the period of time the  
30 error existed.

1     (2) The overage of taxes paid during the six years preceding  
2     the date the board discovers the error.

3     (b) A taxpayer may petition the board to determine if there  
4     has been an error in the assessment of the taxpayer's property.

5     (c) Reassessment which results from a judgment of the board  
6     that is based on the method of assessment utilized does not  
7     constitute an error under this section.

8     Section 5. Section 2521 of the act, amended December 13,  
9     1982 (P.L.1192, No.273), is amended to read:

10    Section 2521. Appeals from Decisions of Board; Costs.--(a)  
11    Any owner of taxable property who may feel aggrieved by the  
12    decision of the board of revision of taxes and appeals as to the  
13    assessment or valuation of his taxable property may appeal from  
14    the decision of the board of revision of taxes and appeals to  
15    the court of common pleas of the county within which such  
16    property is situated, and, for that purpose, may present to said  
17    court, or file in the prothonotary's office, within sixty days  
18    after mailing notice to him that the board of revision of taxes  
19    and appeals have held the appeals provided for by law and acted  
20    on the said assessments and valuations, a petition signed by  
21    him, his agent, or attorney, setting forth the facts of the  
22    case. The court shall thereupon, after notice to the said board  
23    of revision of taxes and appeals, hear the said appeal and the  
24    proofs in the case, and make such orders and decrees touching  
25    the matter complained of as to the judges of said court may seem  
26    just and equitable, having due regard to the valuation and  
27    assessment made of other property in such city. The costs of the  
28    appeal and hearing shall be apportioned or paid as the court may  
29    direct. The said appeals shall not, however, prevent the  
30    collection of the taxes complained of, but in case the same

1 shall be reduced, then the excess shall be returned to the  
2 person or persons who shall have paid the same.

3 (b) In any appeal of an assessment the court shall make the  
4 following determinations:

5 (1) The [current] market value [for the tax year in  
6 question] as of the date such appeal was filed before a city  
7 council acting in its capacity as board of revision of taxes and  
8 appeals. In the event subsequent years have been made a part of  
9 an appeal, the court shall determine the respective market value  
10 for each such year.

11 (2) The common level ratio which was applicable in an appeal  
12 to a city council acting in its capacity as board of revision of  
13 taxes and appeals. In the event subsequent years have been made  
14 a part of an appeal to the court, the court shall determine the  
15 respective common level ratio for each such year published by  
16 the State Tax Equalization Board on or before the year prior to  
17 the tax year being appealed.

18 (c) The court, after determining the [current] market value  
19 of the property [for the tax year in question] under subsection  
20 (b)(1), shall then apply the established predetermined ratio to  
21 such value unless the corresponding common level ratio  
22 determined under subsection (b)(2) varies by more than fifteen  
23 per centum from the established predetermined ratio, in which  
24 case the court shall apply the respective common level ratio to  
25 the [current] corresponding market value of the property [for  
26 the tax year in question]. As an example, in the case of a  
27 predetermined ratio of thirty per centum, the following  
28 calculations would be made to determine that the permissible  
29 ratio variance is twenty-five and one-half per centum to thirty-  
30 four and one-half per centum:

1           30% (PDR) x 15% = 4.5%  
2           30% (PDR) + 4.5% = 34.5%  
3           30% (PDR) - 4.5% = 25.5%

4       (c.1) If a third class city changes its assessment base by  
5 applying a change in predetermined ratio, the court shall apply  
6 the percentage change between the existing predetermined ratio  
7 and newly established predetermined ratio to the county's common  
8 level ratio to establish the certified revised common level  
9 ratio for the year in which the assessment was revised.

10       (c.2) If a third class city, which assesses property  
11 independently from the county in which it is located, performs a  
12 citywide revision of assessments by revaluing the properties and  
13 applying the city established predetermined ratio, the court  
14 shall utilize the city's predetermined ratio instead of the city  
15 common level ratio for the year in which the assessment was  
16 revised and until such time as the common level ratio, as  
17 determined by the board, reflects the revaluing of properties  
18 from the revision of assessment.

19       (d) Nothing herein shall prevent any appellant from  
20 appealing any base year valuation without reference to ratio.

21       Section 6. This act shall take effect in 60 days.