

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 72 Session of
2007

INTRODUCED BY GRUCELA, BOYD, CALTAGIRONE, CARROLL, COHEN, DALEY,
DALLY, FRANKEL, FREEMAN, GALLOWAY, HALUSKA, HARPER, HELM,
HENNESSEY, HERSHEY, JAMES, KAUFFMAN, KING, KORTZ, LEACH,
McGEEHAN, MELIO, R. MILLER, MUNDY, MURT, NAILOR, O'NEILL,
PALLONE, PASHINSKI, SCAVELLO, SHIMKUS, SIPTROTH, STABACK,
TANGRETTI, THOMAS, WALKO, WATSON, J. WHITE, WOJNAROSKI,
YOUNGBLOOD, WANSACZ, COSTA, GERGELY AND FABRIZIO,
JANUARY 30, 2007

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 30, 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

as the Pennsylvania Municipalities Planning Code, reenacted and amended December 21, 1988 (P.L.1329, No.170), is amended by adding an article to read:

ARTICLE V-B

Educational Impact Fee and Assessment

Section 501-B. Definitions.

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

"Affordable housing." Housing for low-income and moderate-income families and individuals whose rents or mortgage payments are subsidized or are capped.

"Developer." Any person or legal entity undertaking development.

"Educational impact assessment." A report required of all applicants for subdivision plan approvals and building permits that includes an assessment of the impact the plan approval or building permit would have on the school district in which the subdivision or building is located.

"Educational impact fee." A charge or fee imposed by a school district against new residential development in order to enable the school district to develop programs and facilities necessary to accommodate increased student enrollment.

"Governing body." The council in cities, boroughs and incorporated towns, the board of commissioners in townships of the first class, the board of supervisors in townships of the second class, the board of commissioners in counties of the second class through eighth class or as may be designated in the law providing for the form of government.

"National Energy Star rating." The energy rating that is

determined and published in accordance with guidelines provided by the United States Environmental Protection Agency or the Department of Energy.

"Older adult housing." Housing built to house individuals in compliance with regulations promulgated by the Department of Aging pertaining to older adult daily living centers under 6 Pa. Code Ch. 11 (relating to older adult daily living centers).

"Open space uses." Uses that include, but are not limited to, the following:

(1) Parks.

(2) Playgrounds.

(3) Golf courses.

(4) Wildlife preserves.

(5) Land use for drainage or flood control.

(6) Other recreation purposes permitted by the municipal governing body.

(7) Land used for buffer zones between residential and commercial or industrial uses.

"Residential dwelling." Dwelling units constructed for single-family or multifamily occupation to be either leased or owned.

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

Section 502-B. Educational impact fee.

(a) Authority to levy fee.--

(1) The board of directors of a school district may levy an educational impact fee on each subdivision plan and building permit issued for the construction of new residential units located within its geographic boundaries in

1 accordance with this section. Prior to the adoption of an
2 educational impact fee, the school board shall give public
3 notice of its intention to adopt the fee and entertain public
4 comments. The educational impact fees shall be collected by
5 the school district.

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

9 (b) Amount of fee for subdivision plans.--The amount of the
10 educational impact fee levied on each proposed subdivision plan
11 shall be a fixed fee. The fee shall be \$2,500 imposed upon each
12 bedroom in excess of one for each separate proposed residential
13 dwelling unit in the subdivision plan. The fee may not exceed
14 \$7,500 for each residential dwelling in a proposed subdivision
15 plan.

16 (c) Amount of fee for building permits.--The amount of the
17 educational impact fee levied on each building permit for new
18 residential construction shall be a fixed fee. The fee shall be
19 \$2,500 imposed upon each bedroom in excess of one for each
20 proposed residential dwelling for which the building permit is
21 issued.

22 (d) Exemptions and deductions from impact fee.--

23 (1) A school district may reduce or eliminate the
24 educational impact fee on affordable housing units for low-
25 income and moderate-income individuals.

26 (2) A school district shall waive the educational impact
27 fee for building permits issued for the replacement of
28 existing dwelling units, even if the permits are
29 nonconcurrent.

30 (3) A school district shall waive the educational impact

1 fee for subdivision plans or building permits for residential
2 dwellings built for older adult housing.

3 (4) A school district may provide a \$500 deduction from
4 the impact fee owed if the developer shows that each home
5 being constructed meets or exceeds the National Energy Star
6 rating.

7 (5) A school district may provide a \$1,500 deduction for
8 each acre of land preserved within the proposed development
9 for open space uses by the community.

10 (6) A school district may provide a \$1,000 deduction
11 from the impact fee owed if the developer provides for a
12 designated school bus loading area and an area for a school
13 bus turnaround if necessary.

14 (7) A school district may provide a \$500 deduction from
15 the impact fee owed for each house in the subdivision that
16 has a stone or brick front on the facade of the house.

17 (8) A school district may provide a \$500 deduction from
18 the impact fee owed for each house in the subdivision that
19 uses porous materials for the driveway and sidewalks. Each
20 school district, in consultation with the local governing
21 body, shall define what constitutes porous materials in the
22 resolution imposing the impact fee.

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

30 Section 503-B. Educational impact assessment.

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

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

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

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

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

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

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

21 Section 504-B. School district facility expansion.

22 If a school district determines after reviewing an
23 educational impact assessment that it will be necessary to
24 expand school facilities as a result of the impact of the
25 proposed development, the school district may offer the
26 developer of the development the option to pay twice the impact
27 fee owed in return for the option of having naming rights for
28 any expansion required to be constructed.

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