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 2	Amending the act of July 31, 1968 (P.L.805, No.247), entitled, 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^{-1}	the use of planning practices and to promote the effective
13	utilization of renewable energy sources; providing for the
14^{10}	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
10 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	ARTICLE V-B
2	Educational Impact Fee and Assessment
3	Section 501-B. Legislative findings and purpose.
4	The General Assembly hereby finds that:
5	(1) Development of new homes and housing tracts can have
б	a substantial impact on school district operations, affecting
7	the need for school personnel and supplies, transportation
8	systems and district facilities.
9	(2) Districts, which are confronted with large new
10	development, often have little time and few resources to
11	allow them to address the consequences of that development.
12	(3) Allowing districts the ability to assess the impact
13	of new development and impose fees that will allow that
14	district to make the requisite adjustments to address the
15	increase in student population will inevitably allow them to
16	adequately plan.
17	(4) The purpose of this article is to provide a means to
18	enable a school district to adjust its resources to the
19	influx of student population caused by new development and to
20	impose a fee to allow that district to cover the incremental
21	costs associated with increased enrollment.
22	Section 502-B. Definitions.
23	The following words and phrases when used in this article
24	shall have the meanings given to them in this section unless the
25	context clearly indicates otherwise:
26	"Affordable housing." Housing for low-income and moderate-
27	income families and individuals whose rents or mortgage payments
28	are subsidized or are capped.
29	"Educational impact assessment." A report required of all
30	applicants for subdivision plan approvals and building permits

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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	<u>enrollment.</u>
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	<u>Section 503-B. Educational impact fee.</u>
21	(a) Authority to levy fee
22	(1) The board of directors of an eligible school
23	<u>district may levy an educational impact fee on each</u>
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.
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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 plansThe 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 permitsThe 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	<u>\$2,500 for each building permit. A fee based on pupil costs may</u>
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 feeThe 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.
30	Section 504-B. Educational impact assessment.

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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
б	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	<u>unit.</u>
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.