

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 969 Session of  
1997

INTRODUCED BY ARGALL, HERMAN, SATHER, LEH, ITKIN, SCHRODER,  
STABACK, BELARDI, BATTISTO, CAWLEY, C. WILLIAMS, REBER,  
STERN, ROONEY, STURLA, TRAVAGLIO, CARONE, MASLAND, RAYMOND,  
GEIST, VAN HORNE, CURRY, E. Z. TAYLOR, L. I. COHEN,  
HENNESSEY, YOUNGBLOOD, FARGO, BENNINGHOFF, RAMOS, BOSCOLA,  
STETLER, MCGEEHAN, STEELMAN, MANDERINO, McNAUGHTON, PETRONE,  
ROSS, FICHTER, WALKO, BROWNE, HUTCHINSON, BELFANTI,  
CALTAGIRONE AND JOSEPHS, MARCH 25, 1997

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 9, 1998

## AN ACT

1 Encouraging State agencies to locate facilities in a downtown  
2 area.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Downtown  
7 Location Law.

8 Section 2. Legislative findings and declaration of purpose.

9 (a) Findings.--The General Assembly finds that:

10 (1) This Commonwealth has lost over 4,000,000 acres of  
11 farmland to development in the last 40 years.

12 (2) The phenomenon of urban flight AND SPRAWL has led to <—  
13 a decline of ~~central~~ TRADITIONAL CENTRAL AND NEIGHBORHOOD <—  
14 business districts throughout this Commonwealth.

1           (3) The decline of ~~the central business district~~ THESE <—  
2       DISTRICTS has a clear linkage to many problems facing our  
3       communities: crime, unemployment, shrinking tax bases and  
4       decaying infrastructure.

5           (4) It is in the best interest of this Commonwealth to  
6       facilitate the revitalization of ~~central~~ TRADITIONAL CENTRAL <—  
7       AND NEIGHBORHOOD business districts within our communities.

8           (5) Federal agencies already have established a policy  
9       to use downtown locations.

10       (b) Purpose.--The purpose of this act is to encourage  
11       agencies of the Commonwealth to be leaders in the movement to  
12       end urban flight and sprawl and serve as examples of the  
13       feasibility of returning to ~~downtown areas~~ DOWNTOWNS. <—

14       Section 3. Definitions.

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

18       "Department." The Department of General Services of the  
19       Commonwealth.

20       "Downtown." The central business district of a city,  
21       borough, incorporated town or township, or any commercial or  
22       mixed use area ~~which has traditionally served as the retail,~~ <—  
23       ~~service and communal focal point within any neighborhood of any~~  
24       ~~city, borough, incorporated town or township of this~~  
25       ~~Commonwealth.~~ WITHIN A NEIGHBORHOOD OF A CITY, BOROUGH, <—  
26       INCORPORATED TOWN OR TOWNSHIP, IN EVERY CASE THAT HAS  
27       TRADITIONALLY SERVED, SINCE THE FOUNDING OF THE COMMUNITY, AS  
28       THE RETAIL SERVICE AND COMMUNAL FOCAL POINT WITHIN THAT  
29       COMMUNITY OF THIS COMMONWEALTH.

30       "Secretary." The Secretary of General Services of the

1 Commonwealth.

2 ~~"State agencies." Includes all departments, agencies and~~ <—  
3 ~~"STATE AGENCY." INCLUDES ANY OF THE DEPARTMENTS, AGENCIES,~~ <—  
4 ~~BOARDS, COMMISSIONS AND offices under the administrative control~~  
5 ~~of the executive branch of government of the Commonwealth.~~

6 Section 4. Powers and duties.

7 ~~The department shall devise and promulgate guidelines to~~ <—  
8 ~~encourage State agencies to locate all new facilities in a~~  
9 ~~downtown area. In addition, each year 10% of all existing~~  
10 ~~renewal leases shall be selected at random and reviewed by the~~  
11 ~~department to determine if the facility for which the lease is~~  
12 ~~being renewed can be located in a downtown area. The department~~  
13 ~~shall:~~

14 ~~(1) Give primary consideration to the restoration and/or~~  
15 ~~reuse of existing structures within the downtown area. When~~  
16 ~~using existing structures reasonable efforts shall be made~~  
17 ~~to:~~

18 ~~(i) Restore or rebuild the structure's facade which~~  
19 ~~maintains the architectural integrity of the building and~~  
20 ~~streetscape according to the U.S. Secretary of the~~  
21 ~~Interior's Standards for Rehabilitation (36 CFR 68).~~

22 ~~(ii) Ensure that the structure meets the Americans~~  
23 ~~With Disabilities Act of 1990 (Public Law 101 336, 104~~  
24 ~~Stat. 327) requirements in an aesthetically pleasing~~  
25 ~~manner.~~

26 ~~(2) Deny requests from State agencies to locate outside~~  
27 ~~a downtown area unless it is documented that no reasonable~~  
28 ~~alternative exists.~~

29 ~~(3) Coordinate the location of State facilities with~~  
30 ~~existing public/private sector organizations committed to~~

1 ~~community development, downtown revitalization and historie~~  
2 ~~preservation.~~

3 THE DEPARTMENT SHALL ESTABLISH AND PROMULGATE REGULATIONS TO <—  
4 ENCOURAGE STATE AGENCIES TO LOCATE LEASED AND STATE-CONSTRUCTED  
5 FACILITIES IN A DOWNTOWN AREA. THE REGULATIONS SHALL:

6 (1) FOCUS ON:

7 (I) LOCAL ECONOMIC CONSIDERATIONS.

8 (II) THE REQUIREMENTS OF THE AGENCY.

9 (III) SERVICING CLIENTELE NEEDS.

10 (IV) THE AVAILABILITY OF SUITABLE SPACE.

11 (V) COMPETITIVENESS IN THE MARKET PLACE.

12 (2) GIVE PRIMARY CONSIDERATION TO THE RESTORATION,  
13 REUSE, OR BOTH, OF EXISTING STRUCTURES WITHIN THE DOWNTOWN.  
14 WHEN USING EXISTING STRUCTURES REASONABLE EFFORTS SHALL BE  
15 MADE TO:

16 (I) RESTORE OR REBUILD THE STRUCTURE'S FACADE WHICH  
17 MAINTAINS THE ARCHITECTURAL INTEGRITY OF THE BUILDING AND  
18 STREETScape ACCORDING TO THE UNITED STATES SECRETARY OF  
19 THE INTERIOR'S STANDARDS FOR REHABILITATION (36 CFR 68).

20 (II) ENSURE THAT THE STRUCTURE MEETS THE AMERICANS  
21 WITH DISABILITIES ACT OF 1990 (PUBLIC LAW 101-336, 104  
22 STAT. 327) REQUIREMENTS IN AN AESTHETICALLY PLEASING  
23 MANNER.

24 (3) GIVE SECONDARY CONSIDERATION TO THE USE OF IN-FILL  
25 CONSTRUCTION WITHIN THE DOWNTOWN IF THE RESTORATION OR REUSE  
26 OF EXISTING STRUCTURES WITHIN THE DOWNTOWN IS NOT DETERMINED  
27 TO BE A REASONABLE ALTERNATIVE BY THE DEPARTMENT. WHEN USING  
28 IN-FILL STRUCTURES REASONABLE EFFORTS SHALL BE MADE TO:

29 (I) HAVE THE SCALE AND FACADE OF THE IN-FILL  
30 STRUCTURE MAINTAIN THE ARCHITECTURAL INTEGRITY OF THE

EXISTING STREETScape.

(II) ENSURE THAT THE STRUCTURE MEETS THE AMERICANS WITH DISABILITIES ACT OF 1990 REQUIREMENTS IN AN AESTHETICALLY PLEASING MANNER.

(4) INCLUDE PROVISIONS TO DENY REQUESTS FROM STATE AGENCIES TO LOCATE OR TO RELOCATE OUTSIDE OF A DOWNTOWN AREA UNLESS IT IS DOCUMENTED THAT NO REASONABLE ALTERNATIVE EXISTS. LACK OF ONSITE PARKING SHALL NOT ALONE BE SUFFICIENT DOCUMENTATION WHEN ALTERNATIVE PARKING IS AVAILABLE WITHIN THE DOWNTOWN.

(5) COORDINATE THE LOCATION OF STATE-CONSTRUCTED FACILITIES WITH EXISTING PUBLIC AND PRIVATE SECTOR ORGANIZATIONS COMMITTED TO COMMUNITY DEVELOPMENT, DOWNTOWN REVITALIZATION AND HISTORIC PRESERVATION.

SECTION 5. REPORT TO THE GENERAL ASSEMBLY.

(A) REPORT.--WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ACT, AND EVERY YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE URBAN AFFAIRS AND HOUSING COMMITTEE AND THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE OF THE SENATE AND THE URBAN AFFAIRS COMMITTEE AND THE COMMERCE AND ECONOMIC DEVELOPMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES CONCERNING THE IMPLEMENTATION OF THIS ACT.

(B) CONTENTS.--THIS REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

(1) THE TOTAL NUMBER OF LEASED AND STATE-CONSTRUCTED FACILITIES REVIEWED BY THE DEPARTMENT DURING THE PRIOR YEAR.

(2) THE NUMBER OF LEASED AND STATE-CONSTRUCTED FACILITIES THAT WERE LOCATED IN DOWNTOWN AREAS AS DEFINED BY THIS ACT.

(3) IN CASES WHERE A LEASED OR STATE-CONSTRUCTED

1 FACILITY WAS NOT IN A DOWNTOWN AREA, THE REASONS FOR THE  
2 LEASE OR FACILITY BEING LOCATED OUTSIDE OF THE DOWNTOWN AREA.

3 (4) THE NUMBER OF LEASES AND STATE-CONSTRUCTED  
4 FACILITIES THAT INCLUDED THE RESTORATION AND REUSE OF AN  
5 EXISTING STRUCTURE.

6 (5) MEASURES TAKEN BY THE DEPARTMENT TO ENCOURAGE STATE  
7 AGENCIES TO LOCATED IN DOWNTOWN AREAS.

8 Section 5 6. Effective date.

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9 This act shall take effect in 60 days.