

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1440 Session of 2015

INTRODUCED BY LAWRENCE, SEPTEMBER 14, 2016

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, SEPTEMBER 14, 2016

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:

28 ARTICLE V-B

1 Educational Impact Fee and Assessment

2 Section 501-B. Definitions.

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

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

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

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

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

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

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

29 (1) Parks.

30 (2) Playgrounds.

- 1 (3) Golf courses.
2 (4) Wildlife preserves.
3 (5) Land used for drainage or flood control.
4 (6) Other recreation purposes permitted by the municipal
5 governing body.

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

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

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

14 Section 502-B. Educational impact fee.

15 (a) Authority to levy fee.--

16 (1) The board of directors of a school district may levy
17 an educational impact fee on each subdivision plan and
18 building permit issued for the construction of new
19 residential units located within its geographic boundaries in
20 accordance with this section. Prior to the adoption of an
21 educational impact fee, the school board shall give public
22 notice of its intention to adopt the fee and entertain public
23 comments. The educational impact fees shall be collected by
24 the school district.

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

28 (b) Amount of fee for subdivision plans.--The amount of the
29 educational impact fee levied on each proposed subdivision plan
30 shall be a fixed fee. The fee shall be \$2,500 and imposed upon

1 each bedroom in excess of one for each separate proposed
2 residential dwelling unit in the subdivision plan. The fee may
3 not exceed \$7,500 for each residential dwelling in a proposed
4 subdivision plan.

5 (c) Amount of fee for building permits.--The amount of the
6 educational impact fee levied on each building permit for new
7 residential construction shall be a fixed fee. The fee shall be
8 \$2,500 and imposed upon each bedroom in excess of one for each
9 proposed residential dwelling for which the building permit is
10 issued.

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

12 (1) A school district shall waive the educational impact
13 fee for building permits issued for the replacement of
14 existing dwelling units, even if the permits are
15 nonconcurrent.

16 (2) A school district shall waive the educational impact
17 fee for subdivision plans or building permits for residential
18 dwellings built for older adult housing.

19 (3) A school district may provide a \$1,500 deduction for
20 each acre of land preserved within the proposed development
21 for open space uses by the community.

22 (4) A school district may provide a \$1,000 deduction
23 from the impact fee owed if the developer provides for a
24 designated school bus loading area and an area for a school
25 bus turnaround if necessary.

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

1 classroom space. The money in the account may not be used for
2 personnel costs.

3 Section 503-B. Educational impact assessment.

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

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

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

14 (3) The approximate sales cost of each type of dwelling
15 unit.

16 (4) The primary access roads to the proposed
17 subdivision.

18 (5) The time frame for construction of the dwelling
19 units.

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

24 Section 504-B. School district facility expansion.

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

1 any expansion required to be constructed.

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