

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1955 Session of
1999

INTRODUCED BY BARD, SAYLOR, TIGUE, GODSHALL, BUNT, SCHRODER,
RUBLEY, ARGALL, ARMSTRONG, CAWLEY, COLAFELLA, CURRY, DALEY,
DeLUCA, FAIRCHILD, FORCIER, GIGLIOTTI, HARHAI, HENNESSEY,
JAMES, JOSEPHS, LAUGHLIN, LEH, McCALL, ORIE, PLATTS, RAYMOND,
READSHAW, SAINATO, SCHULER, S. H. SMITH, STERN, E. Z. TAYLOR
AND WILT, OCTOBER 12, 1999

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 12, 1999

AN ACT

1 Providing for a homestead exclusion for older Pennsylvanians and
2 for powers and duties of the Department of Education.

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 Older
7 Pennsylvanians Homestead Exclusion Act.

8 Section 2. Definitions.

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

12 "Claimant." A person who files a claim for a homestead
13 exclusion as provided by this act and who is:

14 (1) qualified for a property tax or rent rebate under
15 the act of March 11, 1971 (P.L.104, No.3), known as the
16 Senior Citizens Rebate and Assistance Act;

- 1 (2) one of the following:
- 2 (i) 65 years of age or older; or
- 3 (ii) a widow or widower 50 years of age or older.

4 "Department." The Department of Education of the
5 Commonwealth.

6 "Fund." The Homestead Exclusion Reimbursement Fund
7 established under section 6.

8 "Homestead." As defined in 53 Pa.C.S. § 8401 (relating to
9 definitions).

10 "School district." A school district of the first class A,
11 second class, third class or fourth class, including any
12 independent school district.

13 Section 3. Homestead exclusion.

14 (a) Exclusion.--A school district may exclude from real
15 property taxation an amount not exceeding 25% of the assessed
16 value of a claimant's homestead.

17 (b) Administration and limitations.--

18 (1) A married claimant shall have the same homestead as
19 the claimant's spouse unless the claimant and the claimant's
20 spouse lived apart for the 12 months preceding the
21 application for a homestead exclusion or are separated
22 pursuant to a written separation agreement.

23 (2) The exclusion provided under this act is separate
24 from any exclusion granted under 53 Pa.C.S. § 8583 (relating
25 to exclusion for homestead property).

26 (3) The total dollar amount of the homestead exclusion
27 provided under this act and under 53 Pa.C.S. § 8583 shall not
28 exceed the assessed value of the homestead with respect to
29 any school district offering an exclusion under this act and
30 under Pa.C.S. § 8583.

1 Section 4. Claim for homestead exclusion.

2 (a) Filing.--A claim for a homestead exclusion under this
3 act shall be filed with the school district at least 90 days
4 prior to the beginning of the fiscal year for which the claim is
5 made on a form prescribed by the school district.

6 (b) Proof.--Each claim shall include reasonable proof of the
7 age and marital status of the claimant, the size and nature of
8 the property claimed as a homestead and such other reasonable
9 information the school district shall require in order to
10 determine the correctness of the claim.

11 Section 5. Reimbursement of school districts.

12 (a) General rule.--On or before the first day of February,
13 each school district shall submit to the department a request
14 for reimbursement for homestead exclusions authorized under this
15 act for the school district's fiscal year ending in the calendar
16 year in which the request is made. The request for reimbursement
17 shall be in the form and shall contain the information required
18 by the department.

19 (b) Failure to file.--If a school district shall fail to
20 file the report required by subsection (a) by the date
21 prescribed or within any extension granted by the department,
22 that school district shall forfeit its right to reimbursement of
23 homestead exclusions granted under this act.

24 (c) Distribution.--On or after July 1, the department shall
25 distribute to each school district the amount requested by the
26 school district and approved by the department under this
27 section.

28 (d) Requisitions.--For the purpose of making payment, the
29 department shall make requisition in the manner prescribed by
30 the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal

1 Code.

2 Section 6. Funding of reimbursements to school districts.

3 (a) General rule.--School districts shall be reimbursed for
4 homestead exclusions provided under this act from moneys
5 received by the Commonwealth.

6 (b) Deposit of moneys.--There is hereby established a
7 special fund to be known as the Homestead Exclusion
8 Reimbursement Fund. An amount equal to the estimates of
9 expenditures approved by the Governor under subsection (d) shall
10 be transferred annually into the fund by the Secretary of the
11 Budget.

12 (c) Appropriation.--All moneys in the fund are hereby
13 appropriated to the department subject to annual approval by the
14 Governor and may be expended only for the purposes authorized in
15 this act.

16 (d) Expenditures from account.--The department shall
17 annually submit to the Governor, for approval or disapproval,
18 estimates of the amount of moneys to be expended from the fund.
19 The State Treasurer shall not honor any requisition for
20 expenditure of any moneys in excess of the amount approved by
21 the Governor.

22 (e) Interest earnings.--All interest earnings attributable
23 to moneys in the Homestead Exclusion Reimbursement Fund shall be
24 deposited in the fund.

25 Section 7. Powers and duties of department.

26 The Department of Education shall implement and administer
27 this act. The department shall promulgate regulations necessary
28 to implement this act.

29 Section 8. Effective date.

30 This act shall take effect January 1, 2000, or in 90 days,

1 whichever is later.