

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 91

Session of
2005

INTRODUCED BY STEIL, CALTAGIRONE, CLYMER, CORRIGAN, DALEY,
GRUCELA, HARHAI, MANN, MELIO, S. MILLER, O'NEILL, ROSS,
SCHRODER, E. Z. TAYLOR, CURRY, FREEMAN AND HENNESSEY,
JANUARY 25, 2005

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 25, 2005

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 an educational impact fee.

21 The General Assembly of the Commonwealth of Pennsylvania

22 hereby enacts as follows:

23 Section 1. The act of July 31, 1968 (P.L.805, No.247), known
24 as the Pennsylvania Municipalities Planning Code, reenacted and
25 amended December 21, 1988 (P.L.1329, No.170), is amended by
26 adding an article to read:

1 ARTICLE V-B

2 Educational Capital Improvement

3 Section 501-B. Purpose.--The imposition of educational
4 impact fees enables a school district to be reimbursed for
5 incremental costs associated with increased enrollment imposed
6 on the school district as a result of additional residential
7 development in the district without burdening current residents
8 with the costs.

9 Section 502-B. Definitions.--The following words and phrases
10 when used in this article shall have the meanings given to them
11 in this section unless the context clearly indicates otherwise:

12 "Affordable," as defined in section 502-A.

13 "Educational impact fee," a charge or fee computed for each
14 new dwelling unit by multiplying the incremental cost of each
15 new student by a student housing factor and imposed by a school
16 district against new residential development in order to
17 compensate the school district for the start-up costs associated
18 with increased student enrollment due to such new development.

19 "Educational impact statement," a report or statement
20 required in conjunction with all building permit applicants to
21 disclose the impact of new construction or development on
22 educational costs and services in the affected school district.

23 "Incremental cost," the cost attributable to adding one new
24 student to the student base in existence at the later of the
25 time the educational impact fee is imposed or the time this cost
26 factor is reviewed as required under this article.

27 "Residential development," dwelling units constructed for
28 single-family or multi-family occupation, to be either leased or
29 owned.

30 "Student housing factor," the average number of students

1 expected to occupy each new residential dwelling unit based on
2 the size, type and total cost of the structure as determined and
3 established in a scale set by the school board.

4 Section 503-B. Establishment and Calculation of Impact
5 Fees.--(a) The educational impact fee shall be determined for
6 each dwelling unit by multiplying the incremental cost by the
7 student housing factor. The following shall apply:

8 (1) School districts may impose an educational impact
9 fee and require the filing of educational impact statements
10 at the discretion of the board of school directors.

11 (2) The decision not to impose an educational impact fee
12 at any time shall not preclude requiring the filing of
13 educational impact statements.

14 (3) An educational impact fee may be imposed based on
15 the submission of a specific educational impact statement.
16 Such imposition shall be valid as applied to any dwelling
17 unit, provided it becomes effective prior to the issuance of
18 the building permit for that specific unit.

19 (b) The incremental cost of each new student shall be
20 calculated by using the following factors:

21 (1) One-time administrative costs necessary to enroll
22 additional students.

23 (2) Pro rata cost of instructional salary.

24 (3) Cost of instructional material.

25 (4) Pro rata cost based on the impact to the physical
26 plant in accommodating additional students.

27 (5) Cost of additional insurance.

28 (6) Pro rata cost of transportation.

29 (7) Actual cost of initial student evaluation.

30 (8) Pro rata cost of student special services.

1 (9) Pro rata cost of hiring and training.

2 (c) The educational impact fee shall not be based on any of
3 the following:

4 (1) Pro rata cost of voluntary curriculum instruction
5 salaries or materials.

6 (2) Cost of hiring or training necessary State-funded
7 staff, including the intermediate units.

8 (3) Pro rata shares of special education costs.

9 (4) Pro rata costs for any contracted services, except
10 direct instructional and maintenance costs.

11 (5) The costs of complying with local codes and
12 regulations.

13 (6) Costs which are reimbursed by another governmental
14 unit.

15 (d) (1) The educational impact fee shall be subject to
16 annual adjustments by the school district, based on changes
17 in the Consumer Price Index for All Urban Consumers.

18 (2) The incremental cost of each new student and the
19 student housing factor shall be reviewed at least once every
20 three years and be subject to upward or downward revision.

21 (e) Prior to initial passage of any resolution imposing an
22 educational impact fee under the authority granted under this
23 article, the school district shall give public notice of the
24 intention to pass such resolution. The notice shall set forth
25 the substantial nature of the fee to be imposed by the
26 resolution, the reason which, in the judgment of the board of
27 school directors, necessitates the imposition of the fee, and
28 the amount of revenue estimated to be derived therefrom.

29 Publication of the notice shall be made by advertisement once a
30 week for three weeks in a newspaper of general circulation

1 within the school district if there is a newspaper and, if there
2 is not, publication shall be made in a newspaper of general
3 circulation in the county in which the advertising school
4 district is located.

5 Section 504-B. Administration of Educational Impact Fees.--

6 (a) (1) Educational impact fees shall be collected by the
7 school district.

8 (2) The educational impact fee shall be payable in full
9 prior to the time of the issuance of a building permit for
10 residential development.

11 (3) No municipality shall issue a building permit within
12 the boundaries of a school district which has imposed an
13 educational impact fee without proof of payment of the
14 educational impact fee to that school district.

15 (b) The educational impact fee shall be waived for building
16 permits issued for the replacement of existing dwelling units,
17 even if the permits are nonconcurrent.

18 (c) The school district may reduce, eliminate or otherwise
19 negotiate over the educational impact fee applicable to
20 affordable housing.

21 Section 505-B. Educational Impact Statement.--(a) An
22 educational impact statement must be submitted to the
23 appropriate school district for all proposed development in
24 conjunction with the building permit process. It shall be
25 presented prior to submission by the builders of any subdivision
26 plan or other preliminary documents that may require municipal
27 approval. The municipality shall not accept the subdivision plan
28 or other preliminary documents without proof that the
29 educational impact statement has been filed with the school
30 district.

1 (b) The educational impact statement shall include the
2 following:

3 (1) The type of unit or units to be developed.

4 (2) The target market that the building permit applicant
5 hopes to reach.

6 (3) The size of the units by distribution.

7 (4) The estimated initial student population broken down
8 according to elementary, middle and senior grade levels.

9 (5) A time frame for achievement of the student
10 population.

11 (6) The estimated student population by grade level at
12 both five years and ten years from the date of the issuance
13 of the last building permit.

14 Section 2. This act shall apply to a school district's first
15 full fiscal year which commences at least 60 days after the
16 effective date of this act.

17 Section 3. This act shall take effect immediately.