
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1006 Session of
2017

INTRODUCED BY EICHELBERGER, BLAKE, MCGARRIGLE, HUTCHINSON AND
SCHWANK, DECEMBER 28, 2017

REFERRED TO LOCAL GOVERNMENT, DECEMBER 28, 2017

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in consolidated county assessment,
3 further providing for abstracts of building and demolition
4 permits to be forwarded to the county assessment office.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 8861 of Title 53 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 8861. [Abstracts of building and demolition permits to be
10 forwarded] Submission of permit and substantial
11 improvement information to the county assessment
12 office and civil penalty.

13 (a) Permit.--Every municipality, third-party agency or the
14 Department of Labor and Industry responsible for the issuance of
15 building permits shall forward a copy of each building permit to
16 the county assessment office on or before the first day of every
17 month. In addition to any charge otherwise permitted by law, a
18 municipality, a third-party agency or the Department of Labor
19 and Industry may charge an additional fee of \$10 to each person

1 to whom a permit is issued for administrative costs incurred in
2 compliance with this section. The assessment office may provide
3 for the electronic submission of permits and may establish the
4 format for the submission of permit information. The provision
5 of building permits or permit information to the assessment
6 office as required by this section shall not be subject to the
7 procedures of the act of February 14, 2008 (P.L.6, No.3), known
8 as the Right-to-Know Law. No agency, public official or public
9 employee shall be liable for civil or criminal damages or
10 penalties for complying with this section.

11 (a.1) Noncompliance.--If the county assessment office has
12 reason to believe that there is noncompliance with subsection
13 (a), the assessment office shall provide written notice to the
14 municipality and, if applicable, a third-party agency, or to the
15 Department of Labor and Industry in the case of noncompliance by
16 the Department of Labor and Industry. Upon receipt of the
17 notice, the municipality and third-party agency or Department of
18 Labor and Industry shall investigate and consult with the
19 assessment office and take any steps the recipient deems
20 necessary to remediate the noncompliance. If, after
21 consultation, noncompliance with subsection (a) continues, the
22 assessment office may:

23 (1) In the case of noncompliance after notice by a
24 municipality or the Department of Labor and Industry,
25 institute an action in mandamus before the court of common
26 pleas to compel compliance with subsection (a). Should the
27 court determine that the noncompliance is intentional, the
28 court shall award party costs, disbursements, reasonable
29 attorney fees and witness fees relating to the action to the
30 assessment office.

1 (2) In the case of noncompliance after notice by a
2 third-party agency, file a complaint with the Department of
3 Labor and Industry. Intentional noncompliance with subsection
4 (a) shall constitute just cause for corrective action by the
5 Department of Labor and Industry. The assessment office
6 shall, along with the complaint or as directed by the
7 Department of Labor and Industry, provide the Department of
8 Labor and Industry with documentation of the notice required
9 by this section and any other evidence related to the
10 intentional noncompliance.

11 (b) Substantial improvement.--If a person makes improvements
12 to any real property, other than painting of or normal regular
13 repairs to a building, aggregating more than \$2,500 in value and
14 a building permit is not required for the improvements, the
15 property owner shall furnish the following information to the
16 board:

17 (1) the name and address of the person owning the
18 property;

19 (2) a description of the improvements made or to be made
20 to the property; and

21 (3) the dollar value of the improvements.

22 (b.1) County improvement certification form.--The county
23 commissioners may, by ordinance, require that all persons making
24 substantial improvements to property as set forth in subsection
25 (b) submit to the county assessment office a county improvement
26 certification form setting forth the information in subsection
27 (b) prior to beginning any substantial improvement, regardless
28 of whether a building permit is required. The county may provide
29 for the electronic submission of the form and a fee no greater
30 than \$5. The county may cooperate with a municipality, third-

1 party agency or the Department of Labor and Industry in the
2 distribution of forms.

3 (c) [Penalty.--Any person that intentionally fails to comply
4 with the provisions of subsection (b) or intentionally falsifies
5 the information provided, shall, upon conviction in a summary
6 proceeding, be sentenced to pay a fine of not more than \$50.]

7 Civil penalty.--

8 (1) The board may assess a civil penalty of not more
9 than \$100 upon a person for intentionally failing to comply
10 with the provisions of subsection (b) or an ordinance enacted
11 in accordance with subsection (b.1) or intentionally
12 falsifying the information required.

13 (2) If a civil penalty is assessed against a person
14 under paragraph (1), the board must notify the person by
15 certified mail of the nature of the violation and the amount
16 of the civil penalty and that the person may notify the board
17 in writing within 10 calendar days that the person wishes to
18 contest the civil penalty. If, within 10 calendar days from
19 the receipt of that notification, the person does not notify
20 the county board for assessment appeals of intent to contest
21 the assessed penalty, the civil penalty shall become final.

22 (3) If timely notification of the intent to contest the
23 civil penalty is given, the person contesting the civil
24 penalty shall be provided with a hearing in accordance with 2
25 Pa.C.S. Chs. 5 Subch. B (relating to practice and procedure
26 of local agencies) and 7 Subch. B (relating to judicial
27 review of local agency action).

28 (d) Existing provisions preserved.--Nothing in this section
29 shall supersede or preempt any ordinance, resolution or other
30 requirement of a county to submit information on substantial

1 improvements in effect on the effective date of this subsection.

2 Section 2. This act shall take effect in 60 days.