

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1156 Session of
1983

INTRODUCED BY ITKIN, CESSAR, POTT, TRELLO, SEVENTY, MICHLOVIC,
VAN HORNE, DeLUCA, PISTELLA AND PRESTON, JUNE 6, 1983

SENATOR CORMAN, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
SEPTEMBER 18, 1984

AN ACT

1 Amending the act of June 21, 1939 (P.L.626, No.294), entitled
2 "An act providing for and regulating the assessment and
3 valuation of all subjects of taxation in counties of the
4 second class; creating and prescribing the powers and duties
5 of a Board of Property Assessment, Appeals and Review;
6 imposing duties on certain county and city officers;
7 abolishing the board for the assessment and revision of taxes
8 in such counties; and prescribing penalties," providing for
9 the right to appeal before the board for persons suffering
10 catastrophic losses to their property; AND FURTHER PROVIDING <—
11 FOR CHANGES IN THE ASSESSMENT OF PLANS FOR RESIDENTIAL LOTS
12 AND FOR THE TEMPORARY TAX EXEMPTION FOR RESIDENTIAL
13 CONSTRUCTION.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Section 10 of the act of June 21, 1939 (P.L.626,
17 No.294), referred to as the Second Class County Assessment Law,
18 amended December 13, 1982 (P.L.1186, No.272), is amended to
19 read:

20 Section 10. (a) The board shall, as provided by this act
21 and by the provisions of existing law, examine and revise the
22 assessments and valuations, increasing or decreasing the same as

1 in their judgment may seem proper, and shall add thereto such
2 property or subjects of taxation as may have been omitted.

3 (b) After such revision, the board shall, by rule, fix
4 convenient times for the hearing of appeals from said
5 assessments and valuations.

6 (c) In any appeal of an assessment the board shall make the
7 following determinations:

8 (1) The current market value for the tax year in question.

9 (2) The common level ratio.

10 (d) The board, after determining the current market value of
11 the property for the tax year in question, shall then apply the
12 established predetermined ratio to such value unless the common
13 level ratio varies by more than fifteen percent (15%) from the
14 established predetermined ratio, in which case the board shall
15 apply the common level ratio to the current market value of the
16 property for the tax year in question.

17 (e) Nothing herein shall prevent any appellant from
18 appealing any base year valuation without reference to ratio.

19 (f) [The] Except as provided for in subsection (g), the
20 valuations determined in accordance with this section shall
21 stand as the valuations for the assessments of all county and
22 institution district taxes and for such other political
23 subdivisions as levy their taxes on county assessments and
24 valuations in the county until the next triennial assessment.

25 (g) Persons who have suffered catastrophic losses to their
26 property shall have the right to appeal before the board, within
27 the remainder of the county fiscal year in which the
28 catastrophic loss occurred, or within six (6) months of the date
29 on which the catastrophic loss occurred, whichever time period
30 is longer. The duty of the board shall be to reassess the value

1 of the property in the following manner: the value of the
2 property before the catastrophic loss based on the percentage of
3 the taxable year for which the property stood at its former
4 value, added to the value of the property after the catastrophic
5 loss, based on the percentage of the taxable year for which the
6 property stood at its reduced value. Any property improvements
7 made subsequent to the catastrophic loss in the same tax year
8 shall not be included in the reassessment as herein described
9 for that tax year. Any adjustment in an assessment pursuant to
10 this subsection shall be reflected by the appropriate taxing
11 authorities in the form of a credit for the next succeeding tax
12 year. For purposes of this subsection, the phrase "catastrophic
13 loss" shall mean any loss due to mine subsidence, fire, flood or
14 other natural disasters which affects the physical state of the
15 real property and which exceeds fifty percent (50%) of the
16 market value of the real property prior to the loss.

17 SECTION 2. THE FOURTH PARAGRAPH OF SECTION 13 OF THE ACT, <—
18 AMENDED FEBRUARY 24, 1984 (P.L.96, NO.18), IS AMENDED TO READ:

19 SECTION 13. * * *

20 NO LAND ASSESSED AS ACREAGE OR UNIMPROVED PROPERTY, WHICH IS
21 SUBSEQUENTLY LAID OUT IN RESIDENTIAL LOTS AND THE PLAN OF SUCH
22 LOTS IS RECORDED, SHALL BE ASSESSED IN EXCESS OF THE TOTAL
23 ASSESSMENT OF THE LAND AS ACREAGE OR UNIMPROVED PROPERTY [FOR A
24 PERIOD OF THREE YEARS AFTER THE RECORDING OF SUCH PLAN, OR]
25 UNTIL SUCH TIME AS THE LOTS ARE ACTUALLY [SOLD OR] IMPROVED WITH
26 PERMANENT CONSTRUCTION OF ANY NEW BUILDING AND EITHER SOLD TO A
27 BONA FIDE PURCHASER OR OCCUPIED FOR RESIDENTIAL PURPOSES[, ,
28 WHICHEVER PERIOD IS THE SHORTER]. EACH SUCH LOT AS SOLD OR
29 OCCUPIED SHALL BE SUBJECT TO REASSESSMENT BEGINNING WITH THE
30 DATE OF SUCH SALE OR OCCUPANCY, AND NEW CONSTRUCTION [BEGUN]

1 THEREON SHALL BE SUBJECT TO REASSESSMENT AS PROVIDED ABOVE. WHEN
2 A DEPARTMENT OR AGENCY OF THE COMMONWEALTH OR A MUNICIPALITY HAS
3 ORDERED A SEWER CONNECTION BAN BECAUSE OF A LACK OF ADEQUATE
4 SEWAGE TREATMENT FACILITIES, THE REAL ESTATE AFFECTED BY THE
5 ORDER SHALL BE REASSESSED FOR THE DURATION OF THE ORDER. THE
6 REASSESSMENT SHALL BE BASED ON THE VALUE OF THE BEST USE OF THE
7 LAND DURING THE PERIOD OF THE REASSESSMENT. NEW SINGLE AND
8 MULTIPLE DWELLINGS CONSTRUCTED FOR RESIDENTIAL PURPOSES AND
9 IMPROVEMENTS TO EXISTING UNOCCUPIED DWELLINGS OR IMPROVEMENTS TO
10 EXISTING STRUCTURES FOR PURPOSES OF CONVERSION TO DWELLINGS,
11 SHALL NOT BE VALUED OR ASSESSED FOR PURPOSES OF REAL PROPERTY
12 TAXES UNTIL (1) OCCUPIED, (2) CONVEYED TO A BONA FIDE PURCHASER,
13 OR (3) [ONE YEAR] THIRTY MONTHS FROM THE FIRST DAY OF THE MONTH
14 [IN WHICH FALLS THE SIXTIETH DAY] AFTER WHICH THE BUILDING
15 PERMIT WAS ISSUED OR, IF NO BUILDING PERMIT OR OTHER
16 NOTIFICATION OF IMPROVEMENT WAS REQUIRED, THEN FROM THE DATE
17 CONSTRUCTION COMMENCED. THE ASSESSMENT OF ANY MULTIPLE DWELLING
18 BECAUSE OF OCCUPANCY SHALL BE UPON SUCH PROPORTION WHICH THE
19 VALUE OF THE OCCUPIED PORTION BEARS TO THE VALUE OF THE ENTIRE
20 MULTIPLE DWELLING. AS USED IN THIS PARAGRAPH, THE WORD
21 "DWELLINGS" MEANS BUILDINGS OR PORTIONS THEREOF INTENDED FOR
22 PERMANENT USE AS HOMES OR RESIDENCES AND THE PHRASE "AFFECTED BY
23 THE ORDER" SHALL BE DEFINED AS THE APPLICATION FOR A BUILDING
24 PERMIT AND THE DENIAL TO THE APPLICANT OF PERMISSION TO PROCEED
25 WITH THE BUILDING OR CONSTRUCTION BECAUSE OF A SEWER BAN ORDER.

26 * * *

27 Section ~~2.~~ ~~This~~ 3. (A) SECTION 1 OF THIS act shall take <—
28 effect in 60 days.

29 (B) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY. <—