

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 552 Session of 2009

INTRODUCED BY RAFFERTY, ERICKSON, WAUGH, WONDERLING AND O'PAKE,
MARCH 2, 2009

REFERRED TO LOCAL GOVERNMENT, MARCH 2, 2009

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:

1 ARTICLE V-B

2 Educational Impact Fee and Assessment

3 Section 501-B. Legislative findings and purpose.

4 The General Assembly hereby finds that:

5 (1) Development of new homes and housing tracts can have
6 a substantial impact on school district operations, affecting
7 the need for school personnel and supplies, transportation
8 systems and district facilities.

9 (2) Districts, which are confronted with large new
10 development, often have little time and few resources to
11 allow them to address the consequences of that development.

12 (3) Allowing districts the ability to assess the impact
13 of new development and impose fees that will allow that
14 district to make the requisite adjustments to address the
15 increase in student population will inevitably allow them to
16 adequately plan.

17 (4) The purpose of this article is to provide a means to
18 enable a school district to adjust its resources to the
19 influx of student population caused by new development and to
20 impose a fee to allow that district to cover the incremental
21 costs associated with increased enrollment.

22 Section 502-B. Definitions.

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

26 "Affordable housing." Housing for low-income and moderate-
27 income families and individuals whose rents or mortgage payments
28 are subsidized or are capped.

29 "Educational impact assessment." A report required of all
30 applicants for subdivision plan approvals and building permits

1 which report includes an assessment of the impact the plan
2 approval or building permit would have on the school district in
3 which the subdivision or building is located.

4 "Educational impact fee." A charge or fee imposed by a
5 school district against new residential development in order to
6 enable that school district to develop such programs and
7 facilities as may be necessary to accommodate increased student
8 enrollment.

9 "Eligible school district." A school district in which the
10 school pupil enrollment has increased by at least an average of
11 5% in the five years prior to the current school year.

12 "Pupil cost." The actual instruction expense per weighted
13 average daily membership determined under Article XXV of the act
14 of March 10, 1949 (P.L.30, No.14), known as the Public School
15 Code of 1949, for the district in which a subdivision approval
16 is being sought or building construction will occur.

17 "School board." The board of directors of the school
18 district in which a subdivision is proposed or a building permit
19 is being sought.

20 Section 503-B. Educational impact fee.

21 (a) Authority to levy fee.--

22 (1) The board of directors of an eligible school
23 district may levy an educational impact fee on each
24 subdivision plan and building permit issued for the
25 construction of new residential units located within its
26 geographic boundaries in accordance with this section.

27 (2) Prior to the adoption of an educational impact fee,
28 the school board shall give public notice of its intention to
29 adopt such fee and entertain public comments.

30 (3) The educational impact fees shall be collected by

1 the eligible school district.

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

5 (b) Amount of fee for subdivision plans.--The amount of the
6 educational impact fee levied on each proposed subdivision plan
7 may be a fixed fee or a fee based on the pupil cost for the
8 eligible school district subject to the following:

9 (1) A fixed fee may not exceed \$1,000 for each
10 residential dwelling in a proposed subdivision plan.

11 (2) A fee based on pupil cost may not exceed 15% of that
12 pupil cost.

13 (c) Amount of fee for building permits.--The amount of the
14 educational impact fee levied on each building permit for new
15 residential construction may be a fixed fee or a fee based on
16 the pupil cost for that district subject to the following:

17 (1) A fixed fee may not exceed \$2,500 for each building
18 permit.

19 (2) A fee based on pupil costs may not exceed 30% of
20 that pupil cost.

21 (d) Discretionary reduction or elimination of fee.--

22 (1) An eligible school district may reduce or eliminate
23 the educational impact fee on affordable housing units for
24 low-income and moderate-income individuals.

25 (2) An eligible school district shall waive the
26 educational impact fee for building permits issued for the
27 replacement of existing dwelling units, even if the permits
28 are nonconcurrent.

29 (e) Deposit and restricted use of fee.--The school district
30 shall deposit the educational impact fees collected into a

separate school account. The moneys in that account may only be used for new construction for additional classrooms or renovation of existing buildings to expand classrooms or classroom space.

Section 504-B. Educational impact assessment.

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

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

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

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

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

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

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

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