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

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, 2 further providing for abstracts of building and demolition 3 permits to be forwarded to the county assessment office. 4 5 The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: 6 7 Section 1. Section 8861 of Title 53 of the Pennsylvania Consolidated Statutes is amended to read: 8 [Abstracts of building and demolition permits to be 9 \$ 8861. forwarded | Submission of permit and substantial 10 11 improvement information to the county assessment 12 office and civil penalty. Permit. -- Every municipality, third-party agency or the 13 Department of Labor and Industry responsible for the issuance of 14 building permits shall forward a copy of each building permit to 15 the county assessment office on or before the first day of every 16 17 month. In addition to any charge otherwise permitted by law, a municipality, a third-party agency or the Department of Labor 18 and Industry may charge an additional fee of \$10 to each person 19

- 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 <u>employee shall be liable for civil or criminal damages or</u>
- 10 penalties for complying with this section.
- 11 (a.1) Noncompliance. -- If the county assessment office has
- 12 <u>reason to believe that there is noncompliance with subsection</u>
- 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 <u>court determine that the noncompliance is intentional, the</u>
- 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 <u>Department of Labor and Industry. The assessment office</u>
- 6 shall, along with the complaint or as directed by the
- 7 <u>Department of Labor and Industry, provide the Department of</u>
- 8 <u>Labor and Industry with documentation of the notice required</u>
- 9 by this section and any other evidence related to the
- 10 <u>intentional noncompliance</u>.
- 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 <u>Civil penalty.--</u>
- 8 (1) The board may assess a civil penalty of not more
- 9 <u>than \$100 upon a person for intentionally failing to comply</u>
- 10 with the provisions of subsection (b) or an ordinance enacted
- in accordance with subsection (b.1) or intentionally
- 12 <u>falsifying the information required.</u>
- 13 (2) If a civil penalty is assessed against a person
- 14 under paragraph (1), the board must notify the person by
- 15 <u>certified mail of the nature of the violation and the amount</u>
- of the civil penalty and that the person may notify the board
- in writing within 10 calendar days that the person wishes to
- contest the civil penalty. If, within 10 calendar days from
- 19 the receipt of that notification, the person does not notify
- 20 <u>the county board for assessment appeals of intent to contest</u>
- 21 <u>the assessed penalty, the civil penalty shall become final.</u>
- 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
- 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 <u>shall supersede or preempt any ordinance, resolution or other</u>
- 30 requirement of a county to submit information on substantial

- 1 <u>improvements in effect on the effective date of this subsection.</u>
- 2 Section 2. This act shall take effect in 60 days.