

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1924 Session of
2021

INTRODUCED BY GAYDOS, SEPTEMBER 28, 2021

REFERRED TO COMMITTEE ON URBAN AFFAIRS, SEPTEMBER 28, 2021

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, in real property,
3 providing for common interest communities.

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

6 Section 1. Part II of Title 68 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subpart to read:

8 SUBPART G

9 COMMON INTEREST COMMUNITIES

10 Chapter

11 63. Municipal Services

12 CHAPTER 63

13 MUNICIPAL SERVICES

14 Sec.

15 6301. Short title of chapter.

16 6302. Applicability.

17 6303. Definitions.

18 6304. Municipal services to be provided.

19 6305. Reimbursement for municipal services.

1 6306. Arbitration.

2 6307. Additional services.

3 6308. Construction.

4 § 6301. Short title of chapter.

5 This chapter shall be known and may be cited as the Municipal
6 Services Equalization and Tax Fairness Act.

7 § 6302. Applicability.

8 This chapter applies to all cities of the first class, cities
9 of the second class, cities of the third class, boroughs,
10 townships of the first class and townships of the second class
11 that render municipal services.

12 § 6303. Definitions.

13 The following words and phrases when used in this chapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Community." The following:

17 (1) A condominium as defined in section 3103 (relating
18 to definitions).

19 (2) A cooperative as defined in section 4103 (relating
20 to definitions).

21 (3) A planned community as defined in section 5103
22 (relating to definitions).

23 (4) A community under paragraph (1), (2) or (3) is a
24 community regardless of:

25 (i) Whether the community was created under this
26 title.

27 (ii) The number of units in the community.

28 (iii) Whether individual units are owner occupied or
29 leased.

30 (iv) The following:

1 (A) the public has open access to its streets;

2 (B) the streets have been dedicated to the
3 municipality; or

4 (C) the streets meet the construction standards
5 of the municipality.

6 "Municipal services." The following:

7 (1) Any of the following services to the extent that
8 they are provided to a noncommunity dwelling within a
9 municipality or within the jurisdiction of a municipal
10 authority that are paid for out of the general revenues of
11 the municipality:

12 (i) Solid waste collection and disposal, including
13 household waste, leaves and recyclable materials.

14 (ii) Removal of snow, ice and other obstructions
15 from the cartway of roads and streets.

16 (iii) Lighting of the roads and streets to the
17 extent of payment for the electricity required, but not
18 including the installation or maintenance of lamps,
19 standards, wiring or other equipment.

20 (iv) Maintenance, repair and replacement of sanitary
21 sewer lines.

22 (v) Maintenance, repair and replacement of water
23 lines.

24 (vi) Providing police, fire, ambulance and other
25 emergency services, including fire hydrants.

26 (vii) Any and all other services provided by a
27 municipality or municipal authority to single family
28 dwelling.

29 (2) The term shall include services provided by a
30 municipality regardless of whether the roads, streets or

other improvements are dedicated to the municipality or owned or controlled by the community.

"Municipality." A borough, city of the first class, city of the second class, city of the third class, township of the first class and township of the second class. The term shall include a municipal authority as defined under 53 Pa.C.S. § 5602 (relating to definitions).

"Noncommunity dwelling." A residential dwelling which is not part of a community.

§ 6304. Municipal services to be provided.

(a) General rule.--Except as provided under subsection (b), every municipality shall provide to a community the same municipal services it provides to noncommunity dwellings.

(b) Negotiated municipal services.--At the request of a community, the municipality in which the community is located shall negotiate the provision of municipal services. The negotiations shall result in a written agreement which:

(1) describes the specific municipal services to be provided;

(2) provides for the municipality to either supply the municipal services or to reimburse the community for the actual costs incurred by the community for the municipal services; and

(3) describes the timing and procedures to be followed for the reimbursement from the municipality to the community as provided under section 6305 (relating to reimbursement for municipal services).

(c) Compulsory arbitration.--In the event a community and municipality are unable to reach a negotiated written agreement for the provision of municipal services, the community and

1 municipality shall enter into compulsory arbitration as provided
2 under section 6306 (relating to arbitration).

3 § 6305. Reimbursement for municipal services.

4 (a) General rule.--Any amount received by a community from a
5 municipality shall be applied as reimbursement to the community
6 for the actual costs incurred by the community in performing the
7 municipal services.

8 (b) Actual costs.--The actual costs of providing the
9 municipal services shall be evidenced by copies of paid invoices
10 produced by the community to the municipality at times as may be
11 agreed upon between the community and municipality in the
12 written agreement.

13 (c) Timing for reimbursement.--Reimbursements for municipal
14 services shall be paid at least annually by the municipality to
15 the community and no later than 90 days after the date on which
16 the community provides the municipality with copies of invoices
17 paid for by the community or other timing requirements as may be
18 negotiated between the community and the municipality.

19 (d) Disputes.--Any disputes pertaining to the amount of the
20 reimbursement to be paid by the municipality to the community
21 for the provision of municipal services shall be subject to
22 arbitration as provided under section 6306 (relating to
23 arbitration), unless otherwise agreed to, in writing, between
24 the community and the municipality.

25 § 6306. Arbitration.

26 (a) General rule.--If a municipality and a community are
27 unable to reach an understanding on the terms of an agreement
28 within 90 days after a community has provided the municipality
29 with a written request to negotiate the provision of municipal
30 services, the community may request arbitration and a board of

1 arbitrators shall be appointed as provided under subsection (b).

2 (b) Board of arbitrators.--The board of arbitrators shall be
3 composed of three individuals, one appointed by the
4 municipality, one appointed by the community and a third member
5 to be agreed upon by the other two arbitrators. The community
6 arbitrator shall be named in the request for the appointment of
7 the board of arbitrators. The municipal arbitrator shall be
8 named within 10 days from the date the request is delivered.
9 If, after a period of 10 days from the date of the appointment
10 of the two arbitrators, the third arbitrator has not been
11 selected, either arbitrator may request the American Arbitration
12 Association to furnish a list of seven American Arbitration
13 Association members from which a third arbitrator shall be
14 selected. The municipal arbitrator shall eliminate a name from
15 the list and then the two arbitrators shall alternately
16 eliminate names until one name remains. That individual shall be
17 the third or neutral arbitrator and shall act as chairperson of
18 the board of arbitrators. The board of arbitrators established
19 shall commence the arbitration proceedings within 30 days after
20 the third arbitrator is selected and shall make its
21 determination within 40 days after its hearing is concluded.

22 (c) Powers of arbitrators.--Each of the arbitrators shall
23 have the power to administer oaths and compel the attendance of
24 witnesses and physical evidence by subpoena.

25 (d) Determination.--The determination of the majority of the
26 board of arbitrators shall be final on the issues in dispute and
27 shall be binding upon the municipality and the community. The
28 determination shall be in writing and a copy of the
29 determination shall be forwarded to the municipality and the
30 community. No appeal of the determination shall be allowed to

1 any court. The determination shall constitute a mandate to the
2 municipality or the community to take the action necessary to
3 carry out the determination of the board of arbitrators.

4 (e) Compensation.--The compensation, if any, of the neutral
5 arbitrator shall be shared by the municipality and the
6 community. The municipality and the community shall each pay its
7 respective arbitrator. The cost of any stenographic expenses
8 shall be paid by the party requesting a stenographic record.

9 (f) Sole arbitrator.--Notwithstanding any other provision of
10 this section, the municipality and the community may conduct the
11 arbitration provided under this section before a sole arbitrator
12 if agreed upon between the municipality and the community, in
13 writing.

14 § 6307. Additional services.

15 Nothing in this chapter shall prevent a municipality from
16 providing additional services that primarily serve public
17 purposes to the residents of a community. The governing body of
18 a municipality, which prior to the effective date of this
19 section has enacted an ordinance providing all the municipal
20 services or reimbursement provided by this chapter to a
21 community, may repeal the ordinance and implement the provisions
22 of this chapter.

23 § 6308. Construction.

24 Nothing in this chapter shall be construed as abrogating or
25 superseding any agreement in effect under an ordinance providing
26 all the municipal services or reimbursement provided by this
27 chapter to a community prior to the effective date of this
28 section.

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