



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1169

PRINTERS NO. 1449

PRIME SPONSOR: Moul

COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	\$0	\$0
County Funds	\$0	\$0

SUMMARY: Amends the Consolidated County Assessment Law to further facilitate the existing statutory requirement that building permit information be submitted to the county assessment office. This legislation would take effect in 60 days.

ANALYSIS: This legislation specifies that the currently required submission of building permit information by municipalities, third-party agency code officials (TPAs) and the Department of Labor and Industry (L&I) to the county assessment office will not be subject to the procedures of the Right-to-Know Law, and that submission of the information will not result in any criminal or civil liability.

The legislation further provides remedies to the county assessment office, should the county not receive the required submissions. If there is noncompliance, the assessment office will notify, in writing, the party responsible for submitting the information.

- In the case of continuing noncompliance by a municipality or L&I, the assessment office may institute an action in mandamus before the court of common pleas to compel compliance, and upon a finding that the noncompliance was intentional, the court is required to order payment of the assessment office's costs and fees.
- In the case of continuing noncompliance by a TPA, the assessment office may file a complaint with L&I. Along with the complaint, the assessment office must provide L&I with documentation of notification and any other evidence related to intentional noncompliance. The legislation provides that intentional noncompliance is "just cause for corrective action" by L&I. Title 34 Section 401.14 of the PA Code describes corrective action taken by L&I and may include a range of remedies including a formal warning through decertification.

Additionally, this legislation contains a provision to authorize counties to enact ordinances requiring persons undertaking substantial improvements to property to submit information related to the improvement to the assessment office, regardless of whether the municipality requires a building permit. The county may:

- provide for the electronic submission of the forms;
- cooperate with the municipality, a TPA or L&I in the distribution of the forms; and
- charge \$5.00 or the actual cost of producing and processing the form, whichever is less.

This legislation will convert the current summary offense penalty (up to \$50) to a civil penalty of up to \$100, applicable to owners for:

- failing to submit information on substantial improvements when a permit is not required;
- submitting fraudulent information; or
- noncompliance with an ordinance requiring improvement information.

The Consolidated County Assessment Law currently authorizes the assessment office to change an assessment of property for “normal regular repairs” exceeding a value of \$2,500. The legislation repeals this monetary threshold and consequently removes all “normal regular repairs,” as newly defined, from grounds for an assessment adjustment. This legislation also increases the threshold of “substantial improvements” required to be reported to the assessment office in Section 8861(b) from \$2,500 with \$4,000 in value and subject to increase by the Consumer Price Index for each ensuing year.

Finally, this legislation will “grandfather” any existing county requirements for the submission of improvement information.

FISCAL IMPACT: This legislation would have no adverse fiscal impact on Commonwealth or county funds.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: May 25, 2021

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.