

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 41

Session of
1991

INTRODUCED BY LLOYD, MERRY, NOYE, E. Z. TAYLOR, TRELLO, BILLOW,
GIGLIOTTI, HALUSKA, BELFANTI, D. R. WRIGHT, CARLSON, HERMAN,
ITKIN, COY, JOHNSON, PESCI, PRESTON, COLAIZZO, JAMES, KASUNIC
AND BROUJOS, JANUARY 15, 1991

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MARCH 24, 1992

AN ACT

1 Amending the act of May 22, 1933 (P.L.853, No.155), entitled "An
2 act relating to taxation; designating the subjects, property
3 and persons subject to and exempt from taxation for all local
4 purposes; providing for and regulating the assessment and
5 valuation of persons, property and subjects of taxation for
6 county purposes, and for the use of those municipal and
7 quasi-municipal corporations which levy their taxes on county
8 assessments and valuations; amending, revising and
9 consolidating the law relating thereto; and repealing
10 existing laws," providing for CERTAIN CATASTROPHIC LOSSES, <—
11 FOR APPEALS FROM ASSESSMENTS WHERE THERE HAS BEEN A <—
12 COUNTYWIDE REVISION OF ASSESSMENTS AND FOR refunds.

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

15 Section 1. Section 511(e) AND (F) of the act of May 22, 1933 <—
16 (P.L.853, No.155), known as The General County Assessment Law,
17 added October 11, 1984 (P.L.894, No.175), ~~is~~ ARE amended AND THE <—
18 SECTION IS AMENDED BY ADDING ~~A SUBSECTION~~ SUBSECTIONS to read: <—

19 Section 511. Board of Revision to Hear and Pass on
20 Appeals.--* * *

1 (B.1) WHEN A COUNTY HAS EFFECTED A COUNTYWIDE REVISION OF
2 THE ASSESSMENT WHICH WAS USED TO DEVELOP THE COMMON LEVEL RATIO
3 LAST DETERMINED BY THE STATE TAX EQUALIZATION BOARD, THE
4 FOLLOWING SHALL APPLY:

5 (1) IF A COUNTY CHANGES ITS ASSESSMENT BASE BY APPLYING A
6 CHANGE IN PREDETERMINED RATIO, THE BOARD SHALL APPLY THE
7 PERCENTAGE CHANGE BETWEEN THE EXISTING PREDETERMINED RATIO AND
8 NEWLY ESTABLISHED PREDETERMINED RATIO TO THE COUNTY'S COMMON
9 LEVEL RATIO TO ESTABLISH THE CERTIFIED REVISED COMMON LEVEL
10 RATIO FOR THE YEAR IN WHICH THE ASSESSMENT WAS REVISED.

11 (2) IF THE COUNTY PERFORMS A COUNTYWIDE REVISION OF
12 ASSESSMENTS BY REVALUING THE PROPERTIES AND APPLYING AN
13 ESTABLISHED PREDETERMINED RATIO, THE BOARD SHALL UTILIZE THE
14 ESTABLISHED PREDETERMINED RATIO INSTEAD OF THE COMMON LEVEL
15 RATIO FOR THE YEAR IN WHICH THE ASSESSMENT WAS REVISED AND UNTIL
16 SUCH TIME AS THE COMMON LEVEL RATIO DETERMINED BY THE STATE TAX
17 EQUALIZATION BOARD REFLECTS THE REVALUING OF PROPERTIES
18 RESULTING FROM THE REVISION OF ASSESSMENTS.

19 * * *

20 (e) Persons who have suffered catastrophic losses to their
21 property shall have the right to appeal before the county
22 commissioners, acting as a board of revision of taxes, or the
23 board for the assessment and revision of taxes within the
24 remainder of the county fiscal year in which the catastrophic
25 loss occurred, or within six months of the date on which the
26 catastrophic loss occurred, whichever time period is longer. The
27 duty of the county commissioners, acting as a board of revision
28 of taxes, or the board for the assessment and revision of taxes
29 shall be to reassess the value of the property in the following
30 manner: the value of the property before the catastrophic loss,

1 based on the percentage of the taxable year for which the
2 property stood at its former value, shall be added to the value
3 of the property after the catastrophic loss, based on the
4 percentage of the taxable year for which the property stood at
5 its reduced value. Any property improvements made subsequent to
6 the catastrophic loss in the same tax year shall not be included
7 in the reassessment described in this subsection for that tax
8 year. Any adjustments in assessment under this subsection:

9 (1) shall be reflected by the appropriate taxing authorities
10 in the form of a credit for the succeeding tax year; or

11 (2) upon application by the property owner to the
12 appropriate taxing authorities, shall result in a refund being
13 paid to the property owner at the time of issuance of the tax
14 notice for the next succeeding tax year by the respective taxing
15 authorities.

16 A REDUCTION IN ASSESSED VALUE FOR CATASTROPHIC LOSS DUE TO <—
17 INCLUSION OR PROPOSED INCLUSION AS RESIDENTIAL PROPERTY ON
18 EITHER THE NATIONAL PRIORITY LIST UNDER THE FEDERAL
19 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND
20 LIABILITY ACT OF 1980 (PUBLIC LAW 96-510, 94 STAT. 2767), AS
21 AMENDED, OR THE STATE PRIORITY LIST UNDER THE ACT OF OCTOBER 18,
22 1988 (P.L.756, NO.108), KNOWN AS THE "HAZARDOUS SITES CLEANUP
23 ACT," SHALL BE IN EFFECT UNTIL REMEDIATION IS COMPLETED.

24 * * *

25 (F) AS USED IN THIS SECTION, "CATASTROPHIC LOSS" MEANS ANY <—
26 LOSS DUE TO MINE SUBSIDENCE, FIRE, FLOOD OR OTHER NATURAL
27 DISASTER WHICH AFFECTS THE PHYSICAL STATE OF THE REAL PROPERTY
28 AND WHICH EXCEEDS FIFTY PER CENTUM (50%) OF THE MARKET VALUE OF
29 THE REAL PROPERTY PRIOR TO THE LOSS. THE PHRASE "CATASTROPHIC
30 LOSS" SHALL ALSO MEAN ANY LOSS WHICH EXCEEDS FIFTY PER CENTUM

(50%) OF THE MARKET VALUE OF THE REAL PROPERTY PRIOR TO THE LOSS
INCURRED BY RESIDENTIAL PROPERTY OWNERS WHO ARE NOT DEEMED
RESPONSIBLE PARTIES UNDER THE COMPREHENSIVE ENVIRONMENTAL
RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980 OR THE
"HAZARDOUS SITES CLEANUP ACT," AND WHOSE RESIDENTIAL PROPERTY IS
INCLUDED OR PROPOSED TO BE INCLUDED AS RESIDENTIAL PROPERTY ON:

(1) THE NATIONAL PRIORITY LIST BY THE ENVIRONMENTAL
PROTECTION AGENCY UNDER THE COMPREHENSIVE ENVIRONMENTAL
RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980; OR

(2) THE STATE PRIORITY LIST BY THE DEPARTMENT OF
ENVIRONMENTAL RESOURCES UNDER THE "HAZARDOUS SITES CLEANUP ACT."

(G) NOTWITHSTANDING ANY OTHER LAW REGARDING THE ASSESSMENT
OF REAL PROPERTY DUE TO CATASTROPHIC LOSS, THE PROVISION OF
SUBSECTIONS (E) AND (F) RELATING TO RESIDENTIAL PROPERTY
AFFECTED BY THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT OF 1980 OR THE "HAZARDOUS SITES
CLEANUP ACT" SHALL APPLY TO ALL COUNTIES.

SECTION 2. SECTION 518.2 OF THE ACT IS AMENDED BY ADDING A
SUBSECTION TO READ:

SECTION 518.2. APPEALS TO COURT.--* * *

(B.1) WHEN A COUNTY HAS EFFECTED A COUNTYWIDE REVISION OF
THE ASSESSMENT WHICH WAS USED TO DEVELOP THE COMMON LEVEL RATIO
LAST DETERMINED BY THE STATE TAX EQUALIZATION BOARD, THE
FOLLOWING SHALL APPLY:

(1) IF A COUNTY CHANGES ITS ASSESSMENT BASE BY APPLYING A
CHANGE IN PREDETERMINED RATIO, THE COURT SHALL APPLY THE
PERCENTAGE CHANGE BETWEEN THE EXISTING PREDETERMINED RATIO AND
NEWLY ESTABLISHED PREDETERMINED RATIO TO THE COUNTY'S COMMON
LEVEL RATIO TO ESTABLISH THE CERTIFIED REVISED COMMON LEVEL
RATIO FOR THE YEAR IN WHICH THE ASSESSMENT WAS REVISED.

1 (2) IF THE COUNTY PERFORMS A COUNTYWIDE REVISION OF
2 ASSESSMENTS BY REVALUING THE PROPERTIES AND APPLYING AN
3 ESTABLISHED PREDETERMINED RATIO, THE COURT SHALL UTILIZE THE
4 ESTABLISHED PREDETERMINED RATIO INSTEAD OF THE COMMON LEVEL
5 RATIO FOR THE YEAR IN WHICH THE ASSESSMENT WAS REVISED AND UNTIL
6 SUCH TIME AS THE COMMON LEVEL RATIO DETERMINED BY THE STATE TAX
7 EQUALIZATION BOARD REFLECTS THE REVALUING OF PROPERTIES
8 RESULTING FROM THE REVISION OF ASSESSMENTS.

9 * * *

10 Section 2 3. This act shall take effect ~~in 60 days~~
11 IMMEDIATELY.

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