

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 42

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, HOUSE OF REPRESENTATIVES,  
FEBRUARY 12, 1991

## AN ACT

1 Amending the act of May 21, 1943 (P.L.571, No.254), entitled, as  
2 amended, "An act relating to assessment for taxation in  
3 counties of the fourth, fifth, sixth, seventh and eighth  
4 classes; designating the subjects, property and persons  
5 subject to and exempt from taxation for county, borough,  
6 town, township, school, except in cities and county  
7 institution district purposes; and providing for and  
8 regulating the assessment and valuation thereof for such  
9 purposes; creating in each such county a board for the  
10 assessment and revision of taxes; defining the powers and  
11 duties of such boards; providing for the acceptance of this  
12 act by cities; regulating the office of ward, borough, town  
13 and township assessors; abolishing the office of assistant  
14 triennial assessor in townships of the first class; providing  
15 for the appointment of a chief assessor, assistant assessors  
16 and other employees; providing for their compensation payable  
17 by such counties; prescribing certain duties of and certain  
18 fees to be collected by the recorder of deeds and municipal  
19 officers who issue building permits; imposing duties on  
20 taxables making improvements on land and grantees of land;  
21 prescribing penalties; and eliminating the triennial  
22 assessment," providing for refunds.

23 The General Assembly of the Commonwealth of Pennsylvania  
24 hereby enacts as follows:

25 Section 1. Section 602(a) of the act of May 21, 1943  
26 (P.L.571, No.254), known as The Fourth to Eighth Class County

1 Assessment Law, amended December 13, 1982 (P.L.1173, No.270), is  
2 amended to read:

3 Section 602. Valuation of Persons and Property.--(a) It  
4 shall be the duty of the chief assessor to rate and value all  
5 subjects and objects of local taxation, whether for county,  
6 township, town, school (except in cities), county institution  
7 district, poor or borough purposes, according to the actual  
8 value thereof, and in the case of subjects and objects of local  
9 taxation other than real property at such rates and prices for  
10 which the same would separately bona fide sell. After there has  
11 been established and completed for the entire county the  
12 permanent system of records consisting of tax maps, property  
13 record cards and property owners' index, as required by section  
14 three hundred six of the act herein amended, real property shall  
15 be assessed at a value based upon an established predetermined  
16 ratio, of which proper notice shall be given, not exceeding  
17 [seventy-five per centum (75%)] one hundred per centum (100%) of  
18 actual value. Such ratio shall be established and determined by  
19 the board of county commissioners. In arriving at actual value  
20 the county may utilize the current market value or it may adopt  
21 a base year market value. In arriving at such value, the price  
22 at which any property may actually have been sold either in the  
23 base year or in the current taxable year shall be considered,  
24 but shall not be controlling. Instead, such selling price  
25 estimated or actual shall be subject to revision by increase or  
26 decrease to accomplish equalization with other similar property  
27 within the county. In arriving at the actual value, all three  
28 methods, namely, cost (reproduction or replacement, as  
29 applicable, less depreciation and all forms of obsolescence),  
30 comparable sales and income approaches, must be considered in

1 conjunction with one another. After the completion of the  
2 permanent system of records for the county, when valuing real  
3 property, the chief assessor shall also take into consideration  
4 the actual value of such property as indicated by the use of the  
5 permanent system of records, cost charts and land values applied  
6 on the basis of zones and districts as well as the general  
7 adherence to the established predetermined ratio.

8 \* \* \*

9 Section 2. Section 702(d.1) of the act, added October 11,  
10 1984 (P.L.896, No.176), is amended to read:

11 Section 702. Appeal Hearings.--\* \* \*

12 (d.1) Persons who have suffered catastrophic losses to their  
13 property shall have the right to appeal before the county board  
14 of assessment appeals within the remainder of the county fiscal  
15 year in which the catastrophic loss occurred, or within six  
16 months of the date on which the catastrophic loss occurred,  
17 whichever time period is longer. The duty of the county board of  
18 assessment appeals shall be to reassess the value of the  
19 property in the following manner: the value of the property  
20 before the catastrophic loss, based on the percentage of the  
21 taxable year for which the property stood at its former value,  
22 shall be added to the value of the property after the  
23 catastrophic loss, based on the percentage of the taxable year  
24 for which the property stood at its reduced value. Any property  
25 improvements made subsequent to the catastrophic loss in the  
26 same tax year shall not be included in the reassessment  
27 described in this subsection for that tax year. Any adjustments  
28 in assessment under this subsection ~~shall be reflected by the~~  
29 ~~appropriate taxing authorities in the form of a credit for the~~  
30 ~~succeeding tax year or in the form of a refund, as ordered by~~

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1 ~~the board.:~~

2     (1) SHALL BE REFLECTED BY THE APPROPRIATE TAXING AUTHORITIES  
3 IN THE FORM OF A CREDIT FOR THE SUCCEEDING TAX YEAR; OR

4     (2) UPON APPLICATION BY THE PROPERTY OWNER TO THE  
5 APPROPRIATE TAXING AUTHORITIES, SHALL RESULT IN A REFUND BEING  
6 PAID TO THE PROPERTY OWNER AT THE TIME OF ISSUANCE OF THE TAX  
7 NOTICE FOR THE NEXT SUCCEEDING TAX YEAR BY THE RESPECTIVE TAXING  
8 AUTHORITIES. As used in this section, "catastrophic loss" means  
9 any loss due to mine subsidence, fire, flood or other natural  
10 disaster which affects the physical state of the real property  
11 and which exceeds fifty per centum (50%) of the market value of  
12 the real property prior to the loss.

13     \* \* \*

14     Section 3. This act shall take effect in 60 days.