

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 70

Session of
1993

INTRODUCED BY CAPPABIANCA, PESCI, STURLA, SCRIMENTI, ACOSTA,
PRESTON, WOZNIAK AND WILLIAMS, JANUARY 27, 1993

AS REPORTED FROM COMMITTEE ON FINANCE, HOUSE OF REPRESENTATIVES,
AS AMENDED, SEPTEMBER 27, 1993

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," further providing for exemptions from
11 taxation.

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

14 Section 1. Section 204 of the act of May 22, 1933 (P.L.853,
15 No.155), known as The General County Assessment Law, amended
16 September 22, 1972 (P.L.868, No.197), December 16, 1977
17 (P.L.326, No.95), November 26, 1982 (P.L.757, No.212), March 27,
18 1986 (P.L.68, No.22) and December 14, 1992 (P.L.886, No.141), is
19 amended to read:

20 Section 204. Exemptions from Taxation.--(a) The following
21 property shall be exempt from all county, city, borough, town,

1 township, road, poor and school tax, to wit:

2 (1) All churches, meeting-houses, or other actual places of
3 regularly stated religious worship, with the ground thereto
4 annexed necessary for the occupancy and enjoyment of the same;

5 (2) All actual places of burial, including burial grounds
6 and all mausoleums, vaults, crypts or structures intended to
7 hold or contain the bodies of the dead, when used or held by a
8 person or organization deriving no private or corporate profit
9 therefrom and no substantial part of whose activity consists of
10 selling personal property in connection therewith;

11 (3) All hospitals, universities, colleges, seminaries,
12 academies, associations and institutions of learning,
13 benevolence, or charity, including fire and rescue stations,
14 with the grounds thereto annexed and necessary for the occupancy
15 and enjoyment of the same, founded, endowed, and maintained by
16 public or private charity: Provided, That the entire revenue
17 derived by the same be applied to the support and to increase
18 the efficiency and facilities thereof, the repair and the
19 necessary increase of grounds and buildings thereof, and for no
20 other purpose: And provided further, That any charitable
21 organization providing residential housing services in which the
22 charitable nonprofit organization receives subsidies for at
23 least ninety-five per centum of the residential housing units
24 from a low-income Federal housing program shall remain a "purely
25 public charity" and tax exempt provided that any surplus from
26 such assistance or subsidy is monitored by the appropriate
27 governmental agency and used solely to advance common charitable
28 purposes within the charitable organization; ~~And provided~~ <—
29 ~~further, That upon review of an exemption under this clause,~~
30 ~~elected assessors or appointed assessors shall have access to~~

~~1 all relevant documents, including audited financial statements,~~
~~2 compensation records and information on profit incentive bonus~~
~~3 programs, in order to make a fair decision;~~

4 (4) All schoolhouses belonging to any county, borough or
5 school district, with the ground thereto annexed and necessary
6 for the occupancy and enjoyment of the same, except that there
7 shall be no exemption for grading, paving, curbing,
8 macadamizing, maintenance, or improvement of streets or roads
9 and constructing sewers and sidewalks and other municipal
10 improvements abutting land owned by a school district other than
11 any school district of the first class or first class A or
12 school district of the second, third or fourth class which is
13 coterminous with a city, borough, town or township, except that
14 any such school district of the second, third or fourth class
15 coterminous with a city, borough, town or township may agree to
16 pay all or part of any such assessments or charges[.];

17 (5) All courthouses, jails and poorhouses, with the ground
18 thereto annexed and necessary for the occupancy and enjoyment of
19 the same;

20 (6) All public parks when owned and held by trustees for the
21 benefit of the public, and used for amusements, recreation,
22 sports and other public purposes without profit;

23 (7) All other public property used for public purposes, with
24 the ground thereto annexed and necessary for the occupancy and
25 enjoyment of the same, but this shall not be construed to
26 include property otherwise taxable which is owned or held by an
27 agency of the Government of the United States nor shall this act
28 or any other act be construed to exempt from taxation any
29 privilege, act or transaction conducted upon public property by
30 persons or entities which would be taxable if conducted upon

1 nonpublic property regardless of the purpose or purposes for
2 which such activity occurs, even if conducted as agent for or
3 lessee of any public authority;

4 (8) All real and personal property owned, occupied, and used
5 by any branch, post or camp of honorably discharged servicemen
6 or servicewomen and actually and regularly used for benevolent,
7 charitable or patriotic purposes;

8 (9) All real property owned by one or more institutions of
9 purely public charity, used and occupied partly by such owner or
10 owners and partly by other institutions of purely public
11 charity, and necessary for the occupancy and enjoyment of such
12 institutions so using it;

13 (10) All playgrounds, with the equipments and grounds
14 thereto annexed, necessary for the occupancy and enjoyment of
15 the same, founded, endowed, or maintained by public or private
16 charity, which apply their revenue to the support and repair of
17 such playgrounds and to increase the efficiency and facilities
18 thereof, either in ground or buildings, or otherwise, and for no
19 other purpose, and owned, leased, possessed, or controlled by
20 public school boards or properly organized and duly constituted
21 playground associations, and approved and accepted by the board
22 of county commissioners, or board of revision of taxes, of the
23 county in which said playgrounds are situated as such
24 playgrounds;

25 (11) All buildings owned and occupied by free, public,
26 nonsectarian libraries, and the land on which they stand and
27 that which is immediately and necessarily appurtenant thereto,
28 notwithstanding the fact that some portion or portions of said
29 building or lands appurtenant may be yielding rentals to the
30 corporation or association managing such library: Provided, That

1 the net receipts of such corporation or association from rentals
2 shall be used solely for the purpose of maintaining the said
3 library;

4 (12) All property, including buildings and the land
5 reasonably necessary thereto, provided and maintained by public
6 or private charity, and used exclusively for public libraries,
7 museums, art galleries, or concert music halls, and not used for
8 private or corporate profit, so long as the said public use
9 continues: Provided, however, That in the case of concert music
10 halls used partly for exempt purposes and partly for non-exempt
11 purposes, that part measured either in area or in time,
12 whichever is the lesser, which is used for non-exempt purposes,
13 shall be valued, assessed and subject to taxation[.];

14 (13) All fire and rescue stations which are founded, endowed
15 and maintained by public or private charity, together with the
16 grounds thereto annexed and necessary for the occupancy and
17 enjoyment of the same, and social halls and grounds owned and
18 occupied by fire and rescue stations, used on a regular basis
19 for activities which contribute to the support of fire and
20 rescue stations: Provided, That the net receipts from such
21 activities are used solely for the charitable purposes of the
22 fire and rescue stations.

23 (A.1) UPON REVIEW OF AN EXEMPTION UNDER SUBSECTION (A), <—
24 ELECTED ASSESSORS OR APPOINTED ASSESSORS SHALL HAVE ACCESS TO
25 ALL RELEVANT DOCUMENTS, WHICH SHALL REMAIN CONFIDENTIAL,
26 INCLUDING AUDITED FINANCIAL STATEMENTS, COMPENSATION RECORDS AND
27 INFORMATION ON PROFIT-INCENTIVE BONUS PROGRAMS, IN ORDER TO MAKE
28 A FAIR DECISION.

29 (b) Except as otherwise provided in clauses (11) and (13) of
30 this section, all property real or personal, other than that

1 which is actually and regularly used and occupied for the
2 purposes specified in this section, and all such property from
3 which any income or revenue is derived, other than from
4 recipients of the bounty of the institution or charity, shall be
5 subject to taxation, except where exempted by law for State
6 purposes, and nothing herein contained shall exempt same
7 therefrom.

8 (c) Except as otherwise provided in clause (10) of this
9 section, all property, real and personal, actually and regularly
10 used and occupied for the purposes specified in this section
11 shall be subject to taxation, unless the person or persons,
12 associations or corporation, so using and occupying the same,
13 shall be seized of the legal or equitable title in the realty
14 and possessor of the personal property absolutely.

15 (d) Each county, city, borough, incorporated town, township
16 and school district may, by ordinance or resolution, exempt any
17 person whose total income from all sources is less than five
18 thousand dollars (\$5,000), per annum from its per capita, or
19 similar head tax, occupation tax and occupational privilege tax
20 or any portion thereof. Each taxing authority may adopt
21 regulations for the processing of claims for the exemption.

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