

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1057 Session of  
1993

INTRODUCED BY STEIL, TRELLO, HUTCHINSON, HECKLER AND MELIO,  
MARCH 29, 1993

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 29, 1993

AN ACT

1 Amending the act of July 31, 1968 (P.L.805, No.247), entitled,  
2 as reenacted and amended, "An act to empower cities of the  
3 second class A, and third class, boroughs, incorporated  
4 towns, townships of the first and second classes including  
5 those within a county of the second class and counties of the  
6 second through eighth classes, individually or jointly, to  
7 plan their development and to govern the same by zoning,  
8 subdivision and land development ordinances, planned  
9 residential development and other ordinances, by official  
10 maps, by the reservation of certain land for future public  
11 purpose and by the acquisition of such land; to promote the  
12 conservation of energy through the use of planning practices  
13 and to promote the effective utilization of renewable energy  
14 sources; providing for the establishment of planning  
15 commissions, planning departments, planning committees and  
16 zoning hearing boards, authorizing them to charge fees, make  
17 inspections and hold public hearings; providing for  
18 mediation; providing for transferable development rights;  
19 providing for appropriations, appeals to courts and penalties  
20 for violations; and repealing acts and parts of acts,"  
21 providing for an educational impact fee.

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

24 Section 1. The act of July 31, 1968 (P.L.805, No.247), known  
25 as the Pennsylvania Municipalities Planning Code, reenacted and  
26 amended December 21, 1988 (P.L.1329, No.170), is amended by  
27 adding an article to read:

1                                    ARTICLE V-B

2                                    Educational Capital Improvement

3            Section 501-B. Purposes.--To further the purposes of this  
4 act in an era of increasing development and of a corresponding  
5 demand for educational capital improvement, to insure that a  
6 school district will be reimbursed for the one-time start-up  
7 costs associated with additional students imposed on the school  
8 district as a result of additional residential development in  
9 the district, the following hereof are granted to school  
10 districts.

11          Section 502-B. Definitions.--The following words and phrases  
12 when used in this article shall have the meanings given to them  
13 in this section unless the context clearly indicates otherwise:

14          "Affordable," as defined in section 502-A.

15          "Educational impact fee," a charge or fee imposed by a school  
16 district through the building permit process against new  
17 residential development in order to reimburse the school  
18 district for the total calculated incremental costs necessitated  
19 by and attributable to the new residential development.

20          "Educational impact statement," a report or statement  
21 required of all building permit applicants as part of the  
22 building permit process to disclose the impact of new  
23 construction or development on educational costs and services in  
24 the affected school district.

25          "Election date," the date at which a school district  
26 determines that it will impose an educational impact fee.

27          "Residential development," dwelling units constructed for  
28 single-family or multi-family occupation, to be either leased or  
29 owned.

30          "Start-up costs," those costs necessary to accommodate

additional students in the school district due to the  
construction of additional residential developments.

Section 503-B. Establishment and Calculation of Impact  
Fees.--(a) (1) The imposition of an educational impact fee  
shall be made at the discretion of the school district as  
determined by its school board.

(2) The decision to impose or not impose an educational  
impact fee shall be determined by each school district on its  
election date.

(3) After the election date, all development plans  
submitted shall be subject to the educational impact fee.

(b) The educational impact fee shall be calculated based  
upon the actual incremental cost of each student added to the  
student base in existence at the time of the election date, to  
include all of the following:

(1) One-time administrative costs necessary to enroll  
additional students.

(2) Pro rata cost of instructional salary.

(3) Cost of instructional material.

(4) Pro rata cost based on the impact to the physical  
plant in accommodating additional students.

(5) Cost of additional insurance.

(6) Pro rata cost of transportation.

(7) Actual cost of initial student evaluation.

(8) Pro rata cost of student special services.

(9) Pro rata cost of hiring and training.

(c) The educational impact fee shall not be based upon any  
of the following:

(1) Pro rata cost of voluntary curriculum instruction  
salaries or materials.

1       (2) Cost of hiring or training necessary State-funded  
2       staff, including the intermediate units.

3       (3) Pro rata shares of special education costs.

4       (4) Pro rata costs for any contracted services, except  
5       for direct instructional and maintenance costs.

6       (5) The costs of complying with local codes and  
7       regulations.

8       (6) Costs which are reimbursed by another governmental  
9       unit.

10      (d) The educational impact fee shall be subject to annual  
11      adjustments by the school district, based upon changes in the  
12      Consumer Price Index for All Urban Consumers.

13      Section 504-B. Administration of Impact Fees.--(a) (1)  
14      Educational impact fees shall be collected by the  
15      municipality pursuant to its building permit process and  
16      forwarded by the municipality to the affected school  
17      district.

18      (2) The educational impact fee shall be payable in full  
19      at the time of the issuance of a building permit for  
20      residential development.

21      (b) The educational impact fee shall be waived for building  
22      permits issued for the replacement of existing dwelling units,  
23      even if the permits are nonconcurrent. This waiver shall apply  
24      only once per dwelling unit. This waiver shall be available only  
25      to the original building permit applicant.

26      (c) The school district may reduce, eliminate or otherwise  
27      negotiate over the educational impact fee applicable to  
28      affordable housing.

29      Section 505-B. Educational Impact Statement.--(a) An  
30      educational impact statement must be submitted by all building

permit applicants as part of the building permit process. It shall be presented as part of the builders preliminary plan.

(b) The educational impact statement shall include the following:

(1) The type of units to be developed.

(2) The target market that the building permit applicant hopes to reach.

(3) The size of the units by distribution.

(4) The estimated initial student population broken down according to elementary, middle and senior grade levels.

(5) A time frame for achievement of the student population.

(6) The estimated student population by grade level at both five years and ten years from the date of the issuance of the last building permit.

(c) The municipality shall forward a copy of the educational impact statement to the affected school district, for review in determining the necessity of an educational impact fee.

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