

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 728** Session of
1999

INTRODUCED BY ARGALL, FREEMAN, McILHINNEY, L. I. COHEN, FARGO,
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YOUNGBLOOD, ZUG, WOJNAROSKI, PIPPY, LEH, BELARDI, HUTCHINSON
AND GRUCELA, MARCH 8, 1999

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 26, 1999

AN ACT

1 Encouraging State agencies to locate facilities in a downtown
2 area; AND PROVIDING FOR REPORT TO GENERAL ASSEMBLY. <—

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Downtown
7 Location Law.

8 Section 2. Legislative findings ~~and declaration of purpose.~~ <—

9 ~~(a) Findings.~~ The General Assembly finds that: <—

10 (1) This Commonwealth has lost over 4,000,000 acres of
11 farmland to development in the last 40 years.

12 (2) The phenomenon of urban flight and sprawl has led to
13 a decline of traditional central and neighborhood business
14 districts throughout this Commonwealth.

1 (3) The decline of these districts has a clear linkage
2 to many problems facing our communities: crime, unemployment,
3 shrinking tax bases and decaying infrastructure.

4 (4) It is in the best interest of this Commonwealth to
5 facilitate the revitalization of traditional central and
6 neighborhood business districts within our communities.

7 (5) Federal agencies already have established a policy
8 to use downtown locations.

9 ~~(b) Purpose. The purpose of this act is to encourage~~ <—
10 ~~agencies of the Commonwealth to be leaders in the movement to~~
11 ~~end urban flight and sprawl and serve as examples of the~~
12 ~~feasibility of returning to downtowns areas.~~

13 Section 3. Definitions.

14 The following words and phrases when used in this act shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Department." The Department of General Services of the
18 Commonwealth.

19 "Downtown area." The central business district of a city,
20 borough, incorporated town or township, or any commercial ~~or~~ <—
21 ~~mixed use~~ area, within a neighborhood of a city, borough,
22 incorporated town or township, in every case that has
23 ~~traditionally served, since the founding of the community, as~~ <—
24 ~~the~~ SERVED AS A commercial center within that community of this <—
25 Commonwealth.

26 "Secretary." The Secretary of General Services of the
27 Commonwealth.

28 ~~"State agency." Includes any of the departments, agencies,~~ <—
29 ~~boards, commissions and offices under the administrative control~~
30 ~~of the executive branch of government of the Commonwealth.~~

1 "STATE AGENCY." AN EXECUTIVE AGENCY OR INDEPENDENT AGENCY AS <—
2 THOSE TERMS ARE DEFINED IN 62 PA.C.S. § 103 (RELATING TO
3 DEFINITIONS).

4 Section 4. Powers and duties.

5 ~~The department shall establish and promulgate regulations to <—~~
6 ~~encourage State agencies to locate leased and State owned~~
7 ~~offices in a downtown area. The regulations shall:~~

8 ~~(1) Focus on:~~

9 ~~(i) The requirements of the agency.~~

10 ~~(ii) Servicing clientele needs.~~

11 ~~(iii) Local economic considerations.~~

12 ~~(iv) The availability of suitable space.~~

13 ~~(v) Competitiveness in the market place.~~

14 ~~(2) Give primary consideration to the rehabilitation,~~
15 ~~reuse, or both, of existing structures within the downtown~~
16 ~~area. When using existing structures, reasonable efforts~~
17 ~~shall be made to:~~

18 (A) GUIDELINES.--THE DEPARTMENT SHALL ESTABLISH GUIDELINES <—
19 TO ENCOURAGE STATE AGENCIES TO LOCATE ALL NEW OFFICE FACILITIES
20 IN DOWNTOWN AREAS. THE GUIDELINES SHALL INCLUDE CONSIDERATION OF
21 THE FOLLOWING FACTORS:

22 (1) THE REQUIREMENTS OF THE AGENCY.

23 (2) SERVICING CLIENTELE NEEDS.

24 (3) LOCAL ECONOMIC CONSIDERATIONS.

25 (4) THE AVAILABILITY OF SUITABLE SPACE IN A DOWNTOWN
26 AREA.

27 (5) COMPETITIVENESS IN THE MARKETPLACE.

28 (6) COST TO THE COMMONWEALTH.

29 (B) LEASES.--PRIOR TO A STATE AGENCY ENTERING INTO A LEASE
30 OF REAL ESTATE FOR OFFICE PURPOSES, THE STATE AGENCY SHALL, IN

1 ACCORDANCE WITH THE DEPARTMENT GUIDELINES, CONSIDER LOCATING THE
2 OFFICE FACILITIES IN A DOWNTOWN AREA.

3 (C) CONSTRUCTION.--WHENEVER A STATE AGENCY IS PLANNING TO
4 CONSTRUCT A BUILDING TO BE USED FOR OFFICE PURPOSES, THE STATE
5 AGENCY SHALL, IN ACCORDANCE WITH THE DEPARTMENT'S GUIDELINES:

6 (1) CONSIDER THE REHABILITATION, REUSE, OR BOTH, OF
7 EXISTING STRUCTURES WITHIN A DOWNTOWN AREA. CONSIDERATION MAY
8 INCLUDE REASONABLE EFFORTS TO:

9 (i) Rehabilitate or rebuild the structure's facade, <—
10 IF APPROPRIATE, in a way which maintains the
11 architectural integrity of the building and streetscape
12 according to the United States Secretary of the
13 Interior's ~~Standards for Rehabilitation (36 CFR 68)~~ <—
14 STANDARDS FOR REHABILITATION IN FEDERAL REGULATIONS. <—

15 (ii) Ensure that the structure meets the
16 REQUIREMENTS OF THE Americans with Disabilities Act of <—
17 1990 (Public Law 101-336, 104 Stat. 327) ~~requirements~~ in <—
18 a manner which respects the architectural integrity of
19 the building.

20 ~~(3) Give secondary consideration to the use of new <—~~
21 ~~construction on existing vacant land within the downtown area~~
22 ~~if the rehabilitation or reuse of existing structures within~~
23 ~~the downtown area is not determined to be a reasonable~~
24 ~~alternative by the department. When using new construction,~~
25 ~~reasonable efforts shall be made to:~~

26 (2) CONSIDER NEW CONSTRUCTION ON AVAILABLE LAND WITHIN A <—
27 DOWNTOWN AREA. CONSIDERATION MAY INCLUDE REASONABLE EFFORTS
28 TO:

29 (i) Have the scale and facade of the new structure
30 maintain the architectural integrity of the existing

1 streetscape.

2 (ii) Ensure that the structure meets the
3 REQUIREMENTS OF THE Americans with Disabilities Act of <—
4 1990 ~~requirements~~ in a manner which respects the <—
5 architectural integrity of the neighboring building.

6 ~~(4) Include provisions to deny requests from State <—
7 agencies to locate or to relocate outside of a downtown area
8 unless it is documented that no reasonable alternative
9 exists. Lack of onsite parking shall not alone be sufficient
10 documentation when alternative parking is available within
11 the downtown.~~

12 SECTION 5. REPORT TO GENERAL ASSEMBLY. <—

13 (A) REPORT.--FOUR YEARS AFTER THE EFFECTIVE DATE OF THIS
14 ACT, AND EVERY YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A
15 REPORT TO THE URBAN AFFAIRS AND HOUSING COMMITTEE OF THE SENATE
16 AND THE URBAN AFFAIRS COMMITTEE OF THE HOUSE OF REPRESENTATIVES
17 CONCERNING THE IMPLEMENTATION AND EFFECTIVENESS OF THIS ACT.

18 (B) BASELINE.--WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF
19 THIS ACT, THE DEPARTMENT SHALL PREPARE A LIST OF ALL OFFICE
20 FACILITIES CURRENTLY OWNED OR LEASED BY STATE AGENCIES. THE LIST
21 SHALL IDENTIFY THOSE OFFICE FACILITIES LOCATED IN A DOWNTOWN
22 AREA.

23 (C) CONTENTS.--THIS REPORT SHALL INCLUDE, BUT NOT BE LIMITED
24 TO, THE FOLLOWING:

25 (1) THE TOTAL NUMBER OF OFFICE FACILITIES CURRENTLY
26 OWNED OR LEASED BY STATE AGENCIES. THE LIST SHALL IDENTIFY
27 THOSE OFFICE FACILITIES LOCATED IN A DOWNTOWN AREA AS DEFINED
28 BY THIS ACT. THIS LIST SHALL BE COMPARED WITH THE TOTAL
29 NUMBER OF OFFICE FACILITIES OWNED OR LEASED BY STATE AGENCIES
30 ON THE EFFECTIVE DATE OF THIS ACT.

1 (2) THE TOTAL NUMBER OF LEASED AND STATE-CONSTRUCTED
2 OFFICE FACILITIES REVIEWED BY THE DEPARTMENT DURING THE PRIOR
3 YEAR AND OF THAT TOTAL:

4 (I) THE NUMBER OF LEASED AND STATE-CONSTRUCTED
5 FACILITIES WHICH WERE LOCATED IN DOWNTOWN AREAS AS
6 DEFINED BY THIS ACT.

7 (II) THE NUMBER OF LEASES AND STATE-CONSTRUCTED
8 OFFICE FACILITIES THAT INCLUDED THE RESTORATION AND REUSE
9 OF AN EXISTING STRUCTURE.

10 (III) THE NUMBER OF LEASES AND STATE-CONSTRUCTED
11 OFFICE FACILITIES THAT WERE NOT LOCATED IN DOWNTOWN AREAS
12 AND THE REASONS FOR NOT LOCATING IN A DOWNTOWN AREA.

13 Section 5 6. Effective date.

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14 This act shall take effect in 60 days.