
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1142 Session of
1999

INTRODUCED BY REINARD, PETRONE, J. TAYLOR, MARSICO, PIPPY, LEH,
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WILLIAMS, BROWNE AND WASHINGTON, MARCH 29, 1999

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, OCTOBER 3, 2000

AN ACT

1 ~~Establishing Neighborhood Improvement Districts; conferring~~ <—
2 ~~powers and duties on municipal corporations and neighborhood~~
3 ~~improvement districts; providing for annual audits; and~~
4 ~~making repeals.~~

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5 AMENDING THE ACT OF DECEMBER 21, 1998 (P.L.1307, NO.174),

<—

6 ENTITLED "AN ACT RELATING TO CITIES OF THE FIRST CLASS,

7 ESTABLISHING NEIGHBORHOOD IMPROVEMENT DISTRICTS; CONFERRING

8 POWERS AND DUTIES ON MUNICIPAL CORPORATIONS AND NEIGHBORHOOD

9 IMPROVEMENT DISTRICTS; AND PROVIDING FOR ANNUAL AUDITS AND

10 FOR TOURISM AND MARKETING," FURTHER PROVIDING FOR THE

11 LOCATION OF REAL PROPERTY WITHIN NEIGHBORHOOD IMPROVEMENT

12 DISTRICTS; EXTENDING PROVISIONS RELATING TO NEIGHBORHOOD

13 IMPROVEMENT DISTRICTS TO ALL MUNICIPALITIES; AND MAKING

14 EDITORIAL CHANGES.

15 The General Assembly of the Commonwealth of Pennsylvania

16 hereby enacts as follows:

17 ~~Section 1. Short title.~~

<—

18 ~~This act shall be known and may be cited as the Neighborhood~~

19 ~~Improvement District Act.~~

20 ~~Section 2. Legislative findings.~~

21 ~~The General Assembly finds that:~~

22 ~~(1) Existing tax rates in many municipalities are at or~~
23 ~~near their statutory cap.~~

24 ~~(2) The General Fund revenue derived from these taxes~~
25 ~~many times is not sufficient to provide adequate municipal~~
26 ~~services or additional services needed in specific geographic~~
27 ~~areas within the municipality, including, but not limited to,~~
28 ~~downtown commercial districts.~~

29 ~~(3) As a result, municipalities should be encouraged to~~
30 ~~create, where feasible and desired, assessment based~~

1 ~~neighborhood improvement districts which would include, but~~
2 ~~not be limited to, downtown commercial districts. Designated~~
3 ~~district management associations would initiate and~~
4 ~~administer programs to promote and enhance more attractive~~
5 ~~and safer commercial, industrial, residential and mixed use~~
6 ~~neighborhoods; economic growth; increased employment~~
7 ~~opportunities; and improved commercial, industrial, business~~
8 ~~districts and business climates.~~

9 ~~(4) Municipalities should be given the broadest possible~~
10 ~~discretion in establishing by local ordinance the type of~~
11 ~~assessment based programs most consistent with neighborhood~~
12 ~~needs, goals and objectives, as determined and expressed by~~
13 ~~property owners in the designated district.~~

14 ~~Section 3. Definitions.~~

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

18 ~~"Authority." A body politic and corporate, created pursuant~~
19 ~~to the act of May 2, 1945 (P.L.382, No.164), known as the~~
20 ~~Municipality Authorities Act of 1945.~~

21 ~~"Benefited property." Those properties located within a~~
22 ~~neighborhood improvement district which profit from district~~
23 ~~improvements based on a rational nexus test. Properties need not~~
24 ~~profit equally to be considered to have benefited.~~

25 ~~"Bonds." The term shall include the notes, bonds and other~~
26 ~~evidence of indebtedness or obligations which each municipal~~
27 ~~corporation is authorized to issue under section 4(5).~~

28 ~~"Business improvement." In the case of neighborhood~~
29 ~~improvement district management associations created for the~~
30 ~~purpose of making improvements or providing administrative~~

1 ~~services within a neighborhood improvement district, the term~~
2 ~~shall mean those improvements needed in specific areas or to~~
3 ~~individual properties, including, but not limited to, sidewalks,~~
4 ~~retaining walls, street paving, parks, recreational equipment~~
5 ~~and facilities, open space, street lighting, parking lots,~~
6 ~~parking garages, trees and shrubbery, pedestrian walks, sewers,~~
7 ~~water lines, rest areas and the acquisition and rehabilitation~~
8 ~~or demolition of blighted buildings or structures.~~

9 ~~"Business improvement district."— A business improvement~~
10 ~~district (BID) created prior to the effective date of this act~~
11 ~~governed by the act of May 2, 1945 (P.L.382, No.164), known as~~
12 ~~the Municipality Authorities Act of 1945, insofar as it relates~~
13 ~~to business improvement districts or 53 Pa.C.S. Ch. 54 (relating~~
14 ~~to business improvement districts). On or after the effective~~
15 ~~date of this act, the term shall mean a limited, geographical~~
16 ~~area comprised of real property which is used for any for profit~~
17 ~~activity involving trade and traffic, or commerce in general.~~

18 ~~"Commercial."— Relating to or associated with any for profit~~
19 ~~activity involving trade and traffic, or commerce in general.~~

20 ~~"Construction expenditures."— Property and right of way~~
21 ~~acquisition costs where applicable.~~

22 ~~"Costs of improvements."— The term includes architectural~~
23 ~~fees, engineering fees, attorney fees, consulting fees,~~
24 ~~professional fees, preliminary planning expenditures,~~
25 ~~feasibility study expenditures, financing costs and any other~~
26 ~~expenditures necessary and incidental to the development,~~
27 ~~construction or completion of the improvement.~~

28 ~~"District Advisory Council."— A committee comprised of~~
29 ~~property owners from a neighborhood improvement district~~
30 ~~established under section 7(a), for the purpose of providing~~

1 ~~guidance and direction to the neighborhood improvement district~~
2 ~~management association concerning association activities within~~
3 ~~the district.~~

4 ~~"Industrial district."—A limited, geographical area~~
5 ~~comprised of real property which is used predominantly for~~
6 ~~manufacturing, commercial or any other activity related to the~~
7 ~~distribution of goods and services and intermediate and final~~
8 ~~products, including, but not limited to, warehousing, shipping,~~
9 ~~transportation, remanufacturing, stockpiling of raw materials,~~
10 ~~repair and maintenance of machinery and equipment, storage,~~
11 ~~administration or business activities, and research and~~
12 ~~development.~~

13 ~~"Institution."—The term includes, but is not limited to,~~
14 ~~colleges, universities, schools, hospitals, museums, theaters,~~
15 ~~churches, synagogues, art centers or similar facilities.~~

16 ~~"Institutional district."—A limited, geographical area~~
17 ~~comprised predominantly of real property on which educational,~~
18 ~~health related or cultural activities occur within buildings and~~
19 ~~structures, including, but not limited to, colleges,~~
20 ~~universities, schools, hospitals, museums, theaters, churches,~~
21 ~~synagogues and art centers.~~

22 ~~"Mixed use district."—A limited, geographical area comprised~~
23 ~~of real property used for any or all purposes contained within a~~
24 ~~business, residential, industrial or institutional district.~~

25 ~~"Municipal corporation."—The body or board authorized by law~~
26 ~~to enact ordinances or adopt resolutions for the particular~~
27 ~~municipality.~~

28 ~~"Municipality."—With the exception of cities of the first~~
29 ~~class, any city, borough, incorporated town, township, home~~
30 ~~rule, optional plan or optional charter municipality, located~~

1 ~~within this Commonwealth.~~

2 ~~"Neighborhood."—A limited geographic area within a~~
3 ~~municipality establishing a neighborhood improvement district,~~
4 ~~the limits of which form the neighborhood improvement district~~
5 ~~boundary.~~

6 ~~"Neighborhood improvement."—Improvements needed in specific~~
7 ~~geographic areas or to individual properties within those areas,~~
8 ~~including, but not limited to, sidewalks, retaining walls,~~
9 ~~street paving, parks, recreational equipment and facilities,~~
10 ~~open space, street lighting, parking lots, trees and shrubbery,~~
11 ~~sewers, water lines, rest areas and the acquisition and~~
12 ~~rehabilitation or demolition of deteriorated buildings or~~
13 ~~structures.~~

14 ~~"Neighborhood improvement district."—A limited geographic~~
15 ~~area within a municipality, in which a special assessment is~~
16 ~~levied on all designated property, other than tax exempt~~
17 ~~property, for the purpose of promoting the economic and general~~
18 ~~welfare of the district and the municipality, hereinafter~~
19 ~~referred to as NID. Such districts shall be referred to~~
20 ~~generally as neighborhood improvement district (NID) and~~
21 ~~specifically as: business improvement district (BID);~~
22 ~~residential improvement district (RID); industrial improvement~~
23 ~~district (IID); institutional improvement district (INID); or~~
24 ~~mixed use improvement district (MID) depending on the type~~
25 ~~district established. A designated property may not be included~~
26 ~~in more than one neighborhood improvement district.~~

27 ~~"Neighborhood improvement district management association."~~
28 ~~The governing body which oversees the management of neighborhood~~
29 ~~improvement districts in a municipality as established under~~
30 ~~section 5 which hereinafter shall be referred to as the NIDMA.~~

1 ~~Such body shall be incorporated as a nonprofit corporation in~~
2 ~~this Commonwealth or an authority as established pursuant to the~~
3 ~~act of May 2, 1945 (P.L.382, No.164), known as the Municipality~~
4 ~~Authorities Act of 1945.~~

5 ~~"Neighborhood improvement district plan." The strategic plan~~
6 ~~for neighborhood improvements required by section 5, hereinafter~~
7 ~~referred to as NIDP, and all projects, programs and supplemental~~
8 ~~services to be provided within the district to implement the~~
9 ~~plan by the neighborhood improvement district management~~
10 ~~association.~~

11 ~~"Neighborhood improvement district services." In the case of~~
12 ~~neighborhood improvement district management associations~~
13 ~~created for the purpose of making improvements or providing~~
14 ~~expanded services within any neighborhood business improvement~~
15 ~~districts established, the term shall include, but not be~~
16 ~~limited to, those services which improve the ability of the~~
17 ~~commercial establishments within the district to serve the~~
18 ~~consumer, such as free or reduced fee parking for customers,~~
19 ~~transportation related expenses, public relations programs,~~
20 ~~group advertising, and district maintenance and security~~
21 ~~services. For services provided within any residential,~~
22 ~~industrial, institutional, or mixed use neighborhood improvement~~
23 ~~district, the term shall include, but not be limited to, those~~
24 ~~services which improve the ability of property owners to enjoy a~~
25 ~~safer and more attractive neighborhood through the provision of~~
26 ~~increased or expanded services, including street lighting,~~
27 ~~street cleaning, street maintenance, parks, recreational~~
28 ~~equipment and facilities, open space and/or security services.~~

29 ~~"Nonprofit corporation." A legal entity that is incorporated~~
30 ~~within this Commonwealth and specifies in its charter or bylaws~~

1 ~~that no part of the net earnings may benefit any private~~
2 ~~shareholder or individual holding interest in such entity.~~

3 ~~"Private security officer."— Any person or firm employed by~~
4 ~~the neighborhood improvement district management association for~~
5 ~~the purpose of providing increased security or protective patrol~~
6 ~~services within the neighborhood improvement district. The term~~
7 ~~may include off duty police officers provided that the use of~~
8 ~~such officers for this purpose is approved by the governing body~~
9 ~~of the municipality in which the neighborhood improvement~~
10 ~~district is located or the municipality where the officer is~~
11 ~~employed if different.~~

12 ~~"Project."— The acquisition, development, construction,~~
13 ~~improvement, rehabilitation, operation and/or maintenance of any~~
14 ~~building, facility, equipment or structure, by purchase, lease~~
15 ~~or contract, by a neighborhood improvement district management~~
16 ~~association to facilitate neighborhood and business improvements~~
17 ~~as authorized by this act.~~

18 ~~"Rational nexus."— The legal principle which requires that~~
19 ~~there is a rational, definable benefit which accrues to any~~
20 ~~property owner assessed a fee for said benefit in a neighborhood~~
21 ~~improvement district created under this act. All property owners~~
22 ~~within a designated neighborhood improvement district paying a~~
23 ~~special assessment fee must benefit directly or indirectly from~~
24 ~~facilities or services provided by a neighborhood improvement~~
25 ~~district management association within the neighborhood~~
26 ~~improvement district, provided, however, that property owners~~
27 ~~need not benefit equally.~~

28 ~~"Residential district."— A limited, geographical area~~
29 ~~comprised of real property consisting predominantly of buildings~~
30 ~~and structures for housing individuals and families, including,~~

1 ~~but not limited to, single family detached homes, single family~~
2 ~~semi-detached homes, townhouses, condominiums, apartments,~~
3 ~~manufactured homes, modular homes or any combination of same.~~

4 ~~"Service area." The area within the boundaries of the~~
5 ~~neighborhood improvement district established by a municipality~~
6 ~~under this act, in which the neighborhood improvement district~~
7 ~~management association provides programs, services and~~
8 ~~improvements. The term may also include an area outside of the~~
9 ~~neighborhood improvement district where services are being~~
10 ~~provided by the neighborhood improvement district management~~
11 ~~association under contract.~~

12 ~~"Special assessment fee." The fee assessed on property~~
13 ~~owners within a neighborhood improvement district, levied by the~~
14 ~~municipality establishing a neighborhood improvement district,~~
15 ~~under section 4(8), for the purposes of providing programs,~~
16 ~~improvements and services, under section 7.~~

17 ~~"Sunset provision." The term means a provision in the~~
18 ~~neighborhood improvement district plan, under section 5(c),~~
19 ~~establishing a neighborhood improvement district, which provides~~
20 ~~for the automatic termination of the neighborhood improvement~~
21 ~~district on a date specified in the neighborhood improvement~~
22 ~~district plan and in the municipal ordinance establishing the~~
23 ~~neighborhood improvement district. The neighborhood improvement~~
24 ~~district may be continued beyond that date, provided the~~
25 ~~municipal enabling ordinance creating the original neighborhood~~
26 ~~improvement district is reenacted, following a review of the~~
27 ~~neighborhood improvement district and the neighborhood~~
28 ~~improvement district management association programs and~~
29 ~~services provided within the neighborhood improvement district,~~
30 ~~by the municipality.~~

1 ~~Section 4. Powers of municipal corporation.~~

2 ~~Every municipal corporation shall have the power:~~

3 ~~(1) To establish within the municipality an area or~~
4 ~~areas designated as an NID.~~

5 ~~(2) To establish an authority to administer the NID or~~
6 ~~to designate an existing community development corporation or~~
7 ~~other existing nonprofit corporation to administer same or to~~
8 ~~create a community development corporation or other nonprofit~~
9 ~~corporation to administer same, under sections 6 and 7.~~

10 ~~(3) To appropriate and expend, in accordance with the~~
11 ~~specific provisions of the municipal enabling ordinance,~~
12 ~~municipal funds as may be required to:~~

13 ~~(i) Acquire by purchase or lease real or personal~~
14 ~~property deemed necessary to effectuate the purposes of~~
15 ~~the NID.~~

16 ~~(ii) Prepare or have prepared preliminary planning~~
17 ~~or feasibility studies to determine needed improvements~~
18 ~~in an NID, including, but not limited to, capital~~
19 ~~improvements, traditional streetscape and building~~
20 ~~renovations, retaining walls, street paving, street~~
21 ~~lighting, parking lots, parking garages, trees and~~
22 ~~shrubbery, pedestrian walks, sewers, water lines, rest~~
23 ~~areas, acquisition, rehabilitation or demolition of~~
24 ~~blighted buildings and structures, graffiti removal,~~
25 ~~security, marketing, promotions, advertising, business~~
26 ~~retention and recruitment activities, master leasing and~~
27 ~~property management, joint advertising, research and~~
28 ~~planning, as well as the provision of additional services~~
29 ~~to supplement, not replace, existing municipal services~~
30 ~~provided within the NID.~~

1 ~~(4) To advance funds to a NIDMA as may be required to~~
2 ~~carry out the purposes of this act.~~

3 ~~(5) To collect special property assessments on behalf of~~
4 ~~the NIDMA levied on designated property owners within the~~
5 ~~NID, and to employ any legal methods to insure collection of~~
6 ~~the assessments.~~

7 ~~(6) To acquire by gift, purchase or eminent domain,~~
8 ~~land, real property, or rights of way, which may be needed~~
9 ~~for the purposes of making physical improvements within the~~
10 ~~NID.~~

11 ~~(7) To issue bonds, notes or guarantees, in accordance~~
12 ~~with the provisions of general laws in the amounts and for~~
13 ~~the periods necessary, to finance needed improvements within~~
14 ~~any NID.~~

15 ~~(8) To review all proposed expenditures of funds within~~
16 ~~NIDs by NIDMAs and suggest changes to same where a nonprofit~~
17 ~~corporation is the NIDMA.~~

18 ~~(9) To include a sunset provision of no less than five~~
19 ~~years in the municipal enabling ordinance creating the NID~~
20 ~~and in the contract with the NIDMA.~~

21 ~~(10) To levy an assessment fee on property owners~~
22 ~~located within an NID needed to finance additional~~
23 ~~supplemental programs, services and improvements to be~~
24 ~~provided or made by the NIDMA.~~

25 ~~Section 5. Creation of neighborhood improvement district.~~

26 ~~(a) Establishment.—~~

27 ~~(1) The governing body of the municipality, or any~~
28 ~~municipal businesses, or residents, or combination thereof,~~
29 ~~may initiate action to establish an NID or NIDs within the~~
30 ~~municipality, under this act.~~

1 ~~(2) In the case of businesses, or residents, or both~~
2 ~~desiring to establish an NID, where the municipality has not~~
3 ~~taken action to do so, the governing body of the municipality~~
4 ~~may be petitioned to establish an NID, under the procedures~~
5 ~~provided for by this act.~~

6 ~~(3) In no case, where the governing body of a~~
7 ~~municipality is petitioned to establish an NID under~~
8 ~~paragraph (2), shall the municipality be required to~~
9 ~~establish an NID.~~

10 ~~(b) Specific procedures.—~~

11 ~~(1) A copy of everything required under this section, as~~
12 ~~well as the date, location and time of any public hearing~~
13 ~~required by this act, shall be provided by the municipal~~
14 ~~corporation to all property owners and lessees of property~~
15 ~~owners located in the proposed NID, at least 30 days prior to~~
16 ~~the first public hearing required by this section.~~

17 ~~(2) At least one public hearing, no earlier than 15 days~~
18 ~~apart, for the purpose of receiving public comment from~~
19 ~~affected property owners within the proposed NID, on the~~
20 ~~proposed NIDP, shall be held by the municipality before the~~
21 ~~establishment of an NID. Notice of the hearing shall be~~
22 ~~advertised at least ten days prior thereto in a newspaper of~~
23 ~~general circulation in the municipality.~~

24 ~~(3) Any objections by property owners within the~~
25 ~~proposed NID must be made in writing, by persons representing~~
26 ~~the ownership of 51% 40%, in numbers, of the benefited~~
27 ~~properties within the NID., or by property owners within the~~
28 ~~proposed NID whose property valuation, as assessed for~~
29 ~~taxable purposes, shall amount to 51% of the total property~~
30 ~~valuation within the NID. Objections must be signed by the~~

1 ~~property owner and filed in the office of the clerk for the~~
2 ~~governing body of the municipality in which the NID is~~
3 ~~proposed.~~

4 ~~(c) Contents of preliminary plan. The plan shall include~~
5 ~~the following:~~

6 ~~(1) A map indicating the boundaries by street of the~~
7 ~~proposed NID, however, a designated property may not be~~
8 ~~included in more than one NID.~~

9 ~~(2) A written report from the municipality containing:~~

10 ~~(i) The name of the proposed district.~~

11 ~~(ii) A detailed description of the service areas of~~
12 ~~the proposed district.~~

13 ~~(iii) A list of all properties to be assessed.~~

14 ~~(iv) A list of proposed improvements within the NID,~~
15 ~~and their estimated cost.~~

16 ~~(v) A proposed budget for the first fiscal year,~~
17 ~~including, but not limited to, the following: personnel~~
18 ~~and administration, programs and services, maintenance~~
19 ~~and operation, and capital expenditures.~~

20 ~~(vi) The proposed revenue sources for financing all~~
21 ~~proposed improvements, programs and services.~~

22 ~~(vii) The estimated time for implementation and~~
23 ~~completion of all proposed improvements, programs and~~
24 ~~services.~~

25 ~~(viii) A statement identifying the administrative~~
26 ~~body which will govern and administer the NID.~~

27 ~~(ix) Any other information, including the statutory~~
28 ~~authority, or, in the case of a nonprofit corporation,~~
29 ~~the bylaws, which describe the powers and duties of and~~
30 ~~the method for making decisions by the NIDMA.~~

1 ~~(x) The method of determining the amount of the~~
2 ~~assessment fee to be levied on property owners within the~~
3 ~~NID under section 7.~~

4 ~~(3) In addition, the plan shall also:~~

5 ~~(i) Identify in detail the specific duties and~~
6 ~~responsibilities of both the NIDMA and the municipal~~
7 ~~corporation with respect to the NID.~~

8 ~~(ii) Require that a written agreement be signed by~~
9 ~~the municipal corporation and the NIDMA describing in~~
10 ~~detail their respective duties and responsibilities.~~

11 ~~(iii) Allow for and encourage tax exempt property~~
12 ~~owners located within the NID to provide in kind services~~
13 ~~or a financial contribution to the NIDMA, if not~~
14 ~~assessed, in lieu of a property assessment fee.~~

15 ~~(iv) Require in the agreement between the municipal~~
16 ~~corporation and the NIDMA that the municipality must~~
17 ~~maintain the same level of municipal programs and~~
18 ~~services provided within the NID before NID designation~~
19 ~~as after NID designation.~~

20 ~~(v) Allow the municipal corporation the right to~~
21 ~~include in the agreement with the NIDMA and in the~~
22 ~~enabling ordinance establishing the NID a sunset~~
23 ~~provision of no less than five years for renewal of the~~
24 ~~agreement.~~

25 ~~(vi) Require in the agreement with the NIDMA that~~
26 ~~the municipality establishing an NID shall be responsible~~
27 ~~for the collection of all property assessment fees levied~~
28 ~~within the NID, if so desired by the NIDMA.~~

29 ~~(vii) Provide that a negative vote of at least 51%~~
30 ~~40% of the property owners within the NID, or property~~

1 ~~owners within the NID whose property valuation as~~
2 ~~assessed for taxable purposes amounts to 51% of the total~~
3 ~~property valuation located within the NID proposed in the~~
4 ~~final plan, shall be required to defeat the establishment~~
5 ~~of the proposed NID by filing objections with the clerk~~
6 ~~for the governing body of the municipality within 45 days~~
7 ~~of presentation of the final plan, where the governing~~
8 ~~body of municipality is inclined to establish the NID.~~

9 ~~(d) Final plan. Prior to the establishment of an NID, the~~
10 ~~municipality shall submit a revised final plan to property~~
11 ~~owners located within the proposed NID, which incorporates~~
12 ~~changes made to the plan, based on comments from affected~~
13 ~~property owners within the NID, provided at the public hearings~~
14 ~~or at some other time. Changes to the final plan, which differ~~
15 ~~from the preliminary plan, shall also be so indicated in an~~
16 ~~easily discernible method for the reader, including, but not~~
17 ~~limited to, changes being in boldfaced or italicized type.~~

18 ~~(e) Public hearing. At least one public hearing for the~~
19 ~~purpose of receiving public comment on any revisions to the~~
20 ~~preliminary plan made following suggestions by affected property~~
21 ~~owners within the proposed NID and reflected in the final NIDP~~
22 ~~shall be held by the municipal corporation before enacting an~~
23 ~~ordinance establishing an NID. Notice of the hearing shall be~~
24 ~~advertised at least ten days prior thereto in a newspaper of~~
25 ~~general circulation in the municipality.~~

26 ~~(f) Veto of final plan for NID.—~~

27 ~~(1) Following the last public hearing required under~~
28 ~~subsection (e) or under subsection (g), if an amendment to~~
29 ~~the final plan, affected property owners located within a~~
30 ~~proposed NID shall have 45 days from the date of the hearing~~

1 ~~to object to and disapprove the final plan or any amendment~~
2 ~~to the final plan under the requirements of subsection~~
3 ~~(b)(3).~~

4 ~~(2) If 51% 40% or more of the affected property owners~~
5 ~~or property owners whose property valuation as assessed for~~
6 ~~taxable purposes amounts to 51% of the total property~~
7 ~~valuation within the proposed NID fail to register their~~
8 ~~disapproval of the final plan or amendment to the final plan~~
9 ~~in writing with the clerk of the governing body of the~~
10 ~~municipality in which the NID is proposed, the governing body~~
11 ~~of the municipality may, following the 45 day period, enact a~~
12 ~~municipal ordinance establishing an NID under this act, or in~~
13 ~~the case of an amendment to the final plan, adopt any~~
14 ~~amendments to the ordinance.~~

15 ~~(g) Amendments to final plan.—~~

16 ~~(1) The final plan may be amended by the NIDMA any time~~
17 ~~after the establishment of an NID, pursuant to the provisions~~
18 ~~of this act, upon the recommendation of the NIDMA board,~~
19 ~~provided there is concurrence with the owners of at least 51%~~
20 ~~of the assessed valuation of all property within the NID or~~
21 ~~51% 60% of the property owners within the NID.~~

22 ~~(2) Amendments to the final plan which also require the~~
23 ~~approval of the governing body of the municipality~~
24 ~~establishing the NID, include:~~

25 ~~(i) Substantially changed or added programs,~~
26 ~~improvements and/or services to be provided in the NID.~~

27 ~~(ii) Increased expenditures affecting more than 25%~~
28 ~~of the total NIDMA budget for the fiscal year.~~

29 ~~(iii) Incurring increased indebtedness.~~

30 ~~(iv) Changing the assessment fee structure levied on~~

1 ~~property owners in the NID.~~

2 ~~(v) Changing the legal entity (NIDMA) which provides~~
3 ~~programs, improvements and services within the NID.~~

4 ~~(vi) Changing the NID service area boundary.~~

5 ~~Prior to the governing body of the municipality approving any~~
6 ~~of the changes in this paragraph, the governing body shall~~
7 ~~hold at least one public hearing to determine that such~~
8 ~~changes are in the public interest as it relates to affected~~
9 ~~property owners within the NID.~~

10 ~~(3) The municipality shall provide public notice of the~~
11 ~~hearing for any amendments, by publication of a notice, in at~~
12 ~~least one newspaper having a general circulation in the NID,~~
13 ~~specifying the time and the place of such hearing and the~~
14 ~~amendments to be considered. This notice shall be published~~
15 ~~once at least 10 days prior to the date of the hearing.~~

16 ~~(4) The governing body of the municipality may, within~~
17 ~~30 days following the public hearing and at its sole~~
18 ~~discretion, approve or disapprove of any amendments to the~~
19 ~~plan. If approved, such amendments shall be effective upon~~
20 ~~the date of such approval.~~

21 ~~(5) Prior to the adoption of any amendment to the NID~~
22 ~~boundary which increases the size of the NID, any owner of~~
23 ~~property to be added to the NID shall be notified of the~~
24 ~~date, time and location of the public hearing on the proposed~~
25 ~~amendment to the final plan, and provided all information~~
26 ~~required by subsection (c).~~

27 ~~Section 6. Creation of neighborhood improvement district~~
28 ~~management association.~~

29 ~~(a) Association designated. When a municipality establishes~~
30 ~~an NID under this act, a neighborhood improvement district~~

1 ~~management association shall be designated by the governing body~~
2 ~~of the municipality in which the NID is to be located to~~
3 ~~administer programs, improvements and services within the NID.~~

4 ~~(b) Administration.~~

5 ~~(1) NIDs created pursuant to this act shall be~~
6 ~~administered by an NIDMA which shall be an authority created~~
7 ~~pursuant to the act of May 2, 1945 (P.L.382, No.164), known~~
8 ~~as the Municipality Authorities Act of 1945, an existing~~
9 ~~nonprofit development corporation, an existing nonprofit~~
10 ~~corporation or a nonprofit development corporation or~~
11 ~~nonprofit corporation established by the governing body or~~
12 ~~authorized to be established by the governing body of the~~
13 ~~municipality in which the NID is to be located, to administer~~
14 ~~the NIDP.~~

15 ~~(2) If an active nonprofit development corporation~~
16 ~~already exists within the geographic boundaries of the NID~~
17 ~~and formally indicates its interest to the governing body of~~
18 ~~the municipality to become the designated NIDMA, the~~
19 ~~governing body of the municipality shall grant that request~~
20 ~~unless 51% 40% or more of the affected property owners or~~
21 ~~property owners whose property valuation as assessed for~~
22 ~~taxable purposes amounts to 51% of the total property~~
23 ~~valuation within the proposed NID register their disapproval~~
24 ~~of this designation in writing with the clerk of the~~
25 ~~governing body within a 45 day period following the formal~~
26 ~~written request for designation by the nonprofit development~~
27 ~~corporation to become the NIDMA.~~

28 ~~(c) Powers. An NIDMA created under this act shall assume~~
29 ~~all powers provided for in section 7 immediately upon the~~
30 ~~effective date of the municipal ordinance enacted under section~~

1 ~~4 creating an NID.~~

2 ~~(d) Board. Every NIDMA shall have an administrative board.~~

3 ~~(1) Where an authority created pursuant to the~~
4 ~~Municipality Authorities Act of 1945 serves as the NIDMA, the~~
5 ~~board shall be appointed pursuant to the Municipality~~
6 ~~Authorities Act of 1945.~~

7 ~~(2) Where an existing nonprofit development corporation~~
8 ~~or other nonprofit corporation is to serve as the NIDMA, the~~
9 ~~board shall be appointed according to the bylaws of the NIDMA~~
10 ~~filed with the Department of State.~~

11 ~~(3) Where a nonprofit development corporation or other~~
12 ~~nonprofit corporation is established to serve as the NIDMA~~
13 ~~for an NID, the board shall be comprised of an odd number of~~
14 ~~members, between five and nine, with at least one member~~
15 ~~representing the municipal corporation in which the NID is~~
16 ~~located.~~

17 ~~(4) In all cases, NIDMA boards shall include a~~
18 ~~representative of property owners located in the NID,~~
19 ~~business owners located in the NID and any institutions~~
20 ~~located in the NID. Institutional members may appoint a~~
21 ~~designee to represent them. All board members need not be~~
22 ~~residents of the NID.~~

23 ~~Section 7. Powers of neighborhood improvement district~~
24 ~~management association.~~

25 ~~(a) General powers. A NIDMA shall have, in addition to any~~
26 ~~other powers provided pursuant to the act of May 2, 1945~~
27 ~~(P.L.382, No.164), known as the Municipality Authorities Act of~~
28 ~~1945, where the NIDMA is an authority, or in addition to any~~
29 ~~other powers provided pursuant to the charter establishing a~~
30 ~~nonprofit development corporation or other nonprofit~~

1 ~~corporation, where the NIDMA is a nonprofit development~~
2 ~~corporation or other nonprofit corporation, the power to:~~

3 ~~(1) Sue or be sued, implead or be impleaded, complain~~
4 ~~and defend in all courts.~~

5 ~~(2) Employ an executive director or administrator and~~
6 ~~any necessary supporting staff or contract for the provision~~
7 ~~of same.~~

8 ~~(3) Prepare planning or feasibility studies or contract~~
9 ~~for the preparation of same, to determine needed capital~~
10 ~~improvements or administrative programs and services within~~
11 ~~the NID.~~

12 ~~(4) Make capital improvements or provide administrative~~
13 ~~programs and services within an NID.~~

14 ~~(5) Purchase, own, construct, renovate, develop,~~
15 ~~operate, rehabilitate, manage, sell and/or dispose of real~~
16 ~~property.~~

17 ~~(6) Contract with existing businesses within the NID.~~

18 ~~(7) Contract for the provision of products or services~~
19 ~~by the NIDMA to clients located inside and outside of the~~
20 ~~NID, including billing and collection of assessment fees by~~
21 ~~another NIDMA.~~

22 ~~(8) Appropriate and expend NID funds which would include~~
23 ~~any Federal, State or municipal funds received by the NIDMA.~~
24 ~~The funds shall be expended in accordance with any specific~~
25 ~~provisions contained in the municipal enabling ordinance~~
26 ~~establishing the NID and may be used:~~

27 ~~(i) To acquire by purchase or lease real or personal~~
28 ~~property to effectuate the purposes of this act,~~
29 ~~including making common improvements within the NID,~~
30 ~~including, but not limited to, sidewalks, retaining~~

1 ~~walls, street paving, parks, recreational equipment and~~
2 ~~facilities, open space, street lighting, parking lots,~~
3 ~~parking garages, trees and shrubbery, pedestrian walks,~~
4 ~~sewers, water lines, rest areas and the acquisition,~~
5 ~~rehabilitation or demolition of blighted buildings or~~
6 ~~comparable structures.~~

7 ~~(ii) To provide free or reduced fee parking for~~
8 ~~customers of businesses within the NID; transportation-~~
9 ~~related expenditures, public relations programs, group~~
10 ~~advertising and NID maintenance and security services.~~

11 ~~(iii) To impose special assessment fees.~~

12 ~~(9) Solicit in kind services or financial contributions~~
13 ~~from tax exempt property owners within the NID in lieu of~~
14 ~~property assessment fees. This may include entering into~~
15 ~~voluntary multiyear agreements (VMAs) between the NIDMA and~~
16 ~~tax exempt property owners located within an NID, for the~~
17 ~~provision of same.~~

18 ~~(10) Impose liens on property for the nonpayment of~~
19 ~~property assessments. NIDs administered by nonprofit~~
20 ~~corporations would have any such liens filed by the municipal~~
21 ~~corporation.~~

22 ~~(11) Hire additional off duty police officers or private~~
23 ~~security officers, whose patrol area responsibilities would~~
24 ~~be limited to the geographical area incorporated within the~~
25 ~~designated NID service area and whose responsibility would be~~
26 ~~to support existing municipal and volunteer efforts aimed at~~
27 ~~reducing crime and improving security in the NID.~~

28 ~~(12) Designate a district advisory committee, referred~~
29 ~~to as the DAC, for each NID established within the~~
30 ~~municipality. Each DAC shall consist of an odd number of~~

1 ~~members, between five and nine, who shall be representative~~
2 ~~of the neighborhood's character, including, but not limited~~
3 ~~to, age, sex and cultural diversity.~~

4 ~~(b) Assessments.—~~

5 ~~(1) The NIDMA shall, upon approval by the governing body~~
6 ~~of the municipality, have the power to assess property owners~~
7 ~~within the NID a special property assessment fee. Revenues~~
8 ~~from the fee shall be accounted for and used by the NIDMA to~~
9 ~~make improvements and provide programs and services within~~
10 ~~the NID as authorized by this act. Where the district~~
11 ~~established is a BID, the NIDMA shall have the authority to~~
12 ~~exempt residential property owners from any special~~
13 ~~assessment fees levied.~~

14 ~~(2) All assessments authorized under this section shall~~
15 ~~be calculated using January 1 as the first day of the fiscal~~
16 ~~year.~~

17 ~~(3) All special property assessment fees shall be based~~
18 ~~upon the estimated cost of the programs, improvements or~~
19 ~~services to be provided in such NID as stated in the final~~
20 ~~plan under section 5(d). In no case shall the aggregate~~
21 ~~amount of all fees levied by the NIDMA during the year exceed~~
22 ~~the estimated cost of proposed programs, improvements and~~
23 ~~services for the year.~~

24 ~~(4) In the case of an NID which contains a combination~~
25 ~~of business, residential, industrial and/or institutional~~
26 ~~areas and uses, a weighted assessment may be instituted. In~~
27 ~~such case, the fee levied on property owners generally may be~~
28 ~~weighted higher for business, industrial or institutional~~
29 ~~properties than that levied on residential property owners,~~
30 ~~provided the basis for the calculation of the fee meets the~~

1 ~~rational nexus test.~~

2 ~~(5) The total costs of improvements, programs and~~
3 ~~administrative services provided by the NIDMA shall be~~
4 ~~assessed to all designated properties within the NID by one~~
5 ~~of the following methods:~~

6 ~~(i) An assessment determined by multiplying the~~
7 ~~total service and improvement costs by the ratio of the~~
8 ~~assessed value of the benefited property to the total~~
9 ~~assessed valuation of all designated benefited properties~~
10 ~~in the NID.~~

11 ~~(ii) An assessment upon the several properties in~~
12 ~~the NID in proportion to benefits as ascertained by~~
13 ~~viewers appointed in accordance with law.~~

14 ~~(iii) Any method that equitably apportions costs~~
15 ~~among benefiting properties.~~

16 ~~(iv) In the case of improvements benefiting~~
17 ~~properties abutting the NID by the front foot method,~~
18 ~~with equitable adjustments for corner properties and~~
19 ~~other cases provided for in the municipal ordinance. Any~~
20 ~~property which cannot be equitably assessed by the front~~
21 ~~foot method may be assessed by any of the above methods.~~

22 ~~(c) Payment. The governing body may by ordinance authorize~~
23 ~~the payment of the assessment in equal annual or more frequent~~
24 ~~installments, over such time and bearing interest at the rate~~
25 ~~specified in the municipal ordinance. If bonds have been issued~~
26 ~~and sold, or notes or guarantees have been given or issued, to~~
27 ~~provide for the cost of the services and improvements, the~~
28 ~~assessment in equal installments shall not be payable beyond the~~
29 ~~term for which the bonds, notes or guarantees are payable.~~

30 ~~(d) Liens.~~

1 ~~(1) Notwithstanding the filing of the claims, all~~
2 ~~assessments which are made payable in installments shall~~
3 ~~constitute liens and encumbrances upon the respective~~
4 ~~benefited properties at the beginning of each calendar year,~~
5 ~~except as provided in subsection (c), and only in an amount~~
6 ~~equal to the sum of:~~

7 ~~(i) the annual or other installments becoming~~
8 ~~payable in such year, with interest and penalties, if~~
9 ~~any, thereon; and~~

10 ~~(ii) the total of all installments, with interest~~
11 ~~and penalties thereon, which became due during prior~~
12 ~~years and which remain due and unpaid at the beginning of~~
13 ~~the current year.~~

14 ~~(2) In the case of default in the payment of any~~
15 ~~installment and interest for a period of 90 days after the~~
16 ~~payment becomes due, the assessment ordinance may provide~~
17 ~~either for the entire assessment, with accrued interest and~~
18 ~~penalties to become due and become a lien from the due date~~
19 ~~of the installment, or may provide solely for the enforcement~~
20 ~~of the claim as to the overdue installment, with interest and~~
21 ~~penalties, in which case the ordinance shall further provide~~
22 ~~that, if any installment or portion thereof remains due and~~
23 ~~unpaid for one year after it has become due and payable, then~~
24 ~~the entire assessment with accrued interest and penalties~~
25 ~~shall become due and become a lien from the due date of the~~
26 ~~installment.~~

27 ~~(3) No action taken to enforce a claim for any~~
28 ~~installment or installments shall affect the status of any~~
29 ~~subsequent installment of the same assessment, each of which~~
30 ~~shall continue to become a lien upon the property annually~~

1 ~~pursuant to paragraph (1).~~

2 ~~(4) The ordinance may contain any other provision~~
3 ~~relating to installment assessments which is not inconsistent~~
4 ~~with applicable law.~~

5 ~~(5) Any owner of property against whom an assessment has~~
6 ~~been made may pay the assessment in full at any time, with~~
7 ~~accrued interest and costs thereon, and such a payment shall~~
8 ~~discharge the lien of the assessment, or installments then~~
9 ~~constituting a lien, and shall also release the claim to any~~
10 ~~later installments.~~

11 ~~(6) Claims to secure the assessments shall be entered in~~
12 ~~the prothonotary's office of the county at the same time, and~~
13 ~~in the same form, and collected in the same manner, as~~
14 ~~municipal tax claims are filed and collected, notwithstanding~~
15 ~~the provisions of this section as to installment payments.~~

16 ~~Section 8. Dissolution of neighborhood improvement district~~
17 ~~management association and neighborhood~~
18 ~~improvement district.~~

19 ~~(a) Conveying projects. When any NIDMA shall have finally~~
20 ~~paid and discharged all bonds which, together with the interest~~
21 ~~due thereon, shall have been secured by a pledge of any of the~~
22 ~~revenues or receipts of a project, it may, subject to any~~
23 ~~agreements concerning the operation or disposition of such~~
24 ~~project and the NIDMA bylaws, convey such project or projects to~~
25 ~~the municipal corporation which established or had established~~
26 ~~the NIDMA.~~

27 ~~(b) Request for termination. Any request for the~~
28 ~~termination of the NID and NIDMA approved by 51% 40% of the~~
29 ~~assessed property owners, in numbers, located in the NID, shall~~
30 ~~be submitted to the governing body of the municipality in~~

1 ~~writing. The governing body shall hold a hearing on the merits~~
2 ~~of same, pursuant to section 5(b)(2) as it relates to the~~
3 ~~required procedure of holding a hearing. Such written request~~
4 ~~shall be considered by the governing body of the municipality.~~
5 ~~If the request is approved by the governing body of the~~
6 ~~municipality, then a resolution to that effect shall be filed~~
7 ~~with the Secretary of the Commonwealth, and the secretary shall~~
8 ~~note the termination of the existence on the record of~~
9 ~~incorporation and return the resolution with his or her approval~~
10 ~~shown on the resolution to the municipal corporation. Then, the~~
11 ~~property of the NIDMA shall pass to the municipal corporation,~~
12 ~~as the case may be, and the NIDMA and NID shall cease to exist.~~
13 ~~Any request for the termination of the NID and NIDMA by the~~
14 ~~governing body of the municipality in which the NID is located~~
15 ~~shall result in a hearing on the merits of same, pursuant to~~
16 ~~section 5(b)(2) as it relates to the required procedure for~~
17 ~~holding a hearing. Before the decision to terminate an NID and~~
18 ~~NIDMA is made, such termination must be approved by 51% 40% of~~
19 ~~the assessed property owners, in numbers, located in the NID,~~
20 ~~and shall be submitted to the governing body of the municipality~~
21 ~~in writing. Such written request shall be considered by the~~
22 ~~governing body of the municipality. If the request is approved~~
23 ~~by the governing body of the municipality, then a resolution to~~
24 ~~that effect shall be filed with the Secretary of the~~
25 ~~Commonwealth, and the secretary shall note the termination of~~
26 ~~the existence on the record of incorporation and return the~~
27 ~~resolution with his or her approval shown to the municipal~~
28 ~~corporation. The property of the NIDMA shall pass to the~~
29 ~~municipal corporation, as the case may be, and the NIDMA and NID~~
30 ~~shall cease to exist.~~

1 ~~Section 9. Annual audit; report.~~

2 ~~The NIDMA shall annually:~~

3 ~~(1) submit an audit of all income and expenditures to~~
4 ~~the Department of Community and Economic Development and the~~
5 ~~governing body of the municipality in which the NID is~~
6 ~~located within 120 days after the end of each fiscal year;~~
7 ~~and~~

8 ~~(2) submit a report, including financial and~~
9 ~~programmatic information, including a summary of audit~~
10 ~~findings, to the governing body of the municipality in which~~
11 ~~the NID is located and to all assessed property owners~~
12 ~~located in the NID.~~

13 ~~Section 10. Applicability.~~

14 ~~(a) Existing districts. Except as provided for in~~
15 ~~subsection (d), any existing business improvement district or~~
16 ~~downtown improvement district established prior to the effective~~
17 ~~date of this act shall remain in existence and shall be governed~~
18 ~~by the Municipality Authorities Act of 1945, insofar as it~~
19 ~~relates to business improvement districts or 53 Pa.C.S. Ch. 54~~
20 ~~(relating to business improvement districts).~~

21 ~~(b) Districts created subsequently. Any NID established~~
22 ~~subsequent to the effective date of this act shall be governed~~
23 ~~by the provisions of this act.~~

24 ~~(c) Previously terminated districts. Any business~~
25 ~~improvement district or downtown improvement district in~~
26 ~~existence prior to the effective date of this act which is~~
27 ~~terminated shall, upon its reestablishment, be governed by the~~
28 ~~provisions of this act. This shall include any termination~~
29 ~~resulting from a sunset provision in any municipal agreement or~~
30 ~~ordinance.~~

1 ~~(d) Additional requirements. Any business improvement~~
2 ~~district or downtown improvement district in existence on the~~
3 ~~effective date of this act shall:~~

4 ~~(1) be required to carry out any duty or responsibility~~
5 ~~imposed on NIDs under this act; and~~

6 ~~(2) possess any additional power given to NIDs under~~
7 ~~this act without having to restructure or reorganize under~~
8 ~~this act.~~

9 ~~Section 11. Effective date.~~

10 ~~This act shall take effect in 60 days.~~

11 SECTION 1. THE TITLE OF THE ACT OF DECEMBER 21, 1998
12 (P.L.1307, NO.174), KNOWN AS THE COMMUNITY AND ECONOMIC
13 IMPROVEMENT ACT, IS AMENDED TO READ:

<—

14 AN ACT

15 [RELATING TO CITIES OF THE FIRST CLASS, ESTABLISHING]

16 ESTABLISHING NEIGHBORHOOD IMPROVEMENT DISTRICTS; CONFERRING
17 POWERS AND DUTIES ON MUNICIPAL CORPORATIONS AND NEIGHBORHOOD
18 IMPROVEMENT DISTRICTS; AND PROVIDING FOR ANNUAL AUDITS AND
19 FOR TOURISM AND MARKETING.

20 SECTION 2. THE ACT IS AMENDED BY ADDING A CHAPTER TO READ:

21 CHAPTER 1

22 PRELIMINARY PROVISIONS

23 SECTION 101. SHORT TITLE.

24 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE COMMUNITY AND
25 ECONOMIC IMPROVEMENT ACT.

26 SECTION 3. SECTION 1 OF THE ACT IS AMENDED TO READ:

27 [SECTION 1. SHORT TITLE.

28 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE COMMUNITY AND
29 ECONOMIC IMPROVEMENT ACT.]

30 CHAPTER 3

1 CITIES OF THE FIRST CLASS

2 SECTION 301. SCOPE.

3 THE PROVISIONS OF THIS CHAPTER SHALL ONLY APPLY TO CITIES OF
4 THE FIRST CLASS.

5 SECTION 4. SECTION 2 HEADING OF THE ACT IS RENUMBERED TO
6 READ:

7 SECTION [2] 302. LEGISLATIVE FINDINGS.

8 * * *

9 SECTION 5. SECTIONS 3, 4 HEADING, (2) AND (4), 5 HEADING,
10 (A), (B)(1), (C)(2)(X), (F)(2) AND (G)(1), 6 HEADING, (A), (B)
11 (1) AND (C), 7 HEADING, (B)(1) AND (3) AND 8 HEADING AND (B) OF
12 THE ACT ARE AMENDED TO READ:

13 SECTION [3] 303. DEFINITIONS.

14 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS [ACT]
15 CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION
16 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

17 "AUTHORITY." A BODY POLITIC AND CORPORATE, CREATED PURSUANT
18 TO THE ACT OF MAY 2, 1945 (P.L.382, NO.164), KNOWN AS THE
19 MUNICIPALITY AUTHORITIES ACT OF 1945.

20 "BENEFITED PROPERTY." THOSE PROPERTIES LOCATED WITHIN A
21 NEIGHBORHOOD IMPROVEMENT DISTRICT WHICH PROFIT FROM DISTRICT
22 IMPROVEMENTS BASED ON A RATIONAL NEXUS TEST. PROPERTIES NEED NOT
23 PROFIT EQUALLY TO BE CONSIDERED TO HAVE BENEFITED.

24 "BONDS." THE TERM SHALL INCLUDE THE NOTES, BONDS AND OTHER
25 EVIDENCE OF INDEBTEDNESS OR OBLIGATIONS WHICH EACH MUNICIPAL
26 CORPORATION IS AUTHORIZED TO ISSUE UNDER SECTION [4(7)] 307(7).

27 "BUSINESS IMPROVEMENT." IN THE CASE OF NEIGHBORHOOD
28 IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATIONS CREATED FOR THE
29 PURPOSE OF MAKING IMPROVEMENTS OR PROVIDING ADMINISTRATIVE
30 SERVICES WITHIN A NEIGHBORHOOD IMPROVEMENT DISTRICT, THE TERM

1 SHALL MEAN THOSE IMPROVEMENTS NEEDED IN SPECIFIC AREAS OR TO
2 INDIVIDUAL PROPERTIES, INCLUDING, BUT NOT LIMITED TO, SIDEWALKS,
3 RETAINING WALLS, STREET PAVING, PARKS, RECREATIONAL EQUIPMENT
4 AND FACILITIES, OPEN SPACE, STREET LIGHTING, PARKING LOTS,
5 PARKING GARAGES, TREES AND SHRUBBERY, PEDESTRIAN WALKS, SEWERS,
6 WATER LINES, REST AREAS AND THE ACQUISITION AND REHABILITATION
7 OR DEMOLITION OF BLIGHTED BUILDINGS OR STRUCTURES.

8 "BUSINESS IMPROVEMENT DISTRICT." A BUSINESS IMPROVEMENT
9 DISTRICT (BID), CREATED PRIOR TO [THE EFFECTIVE DATE OF THIS
10 ACT] FEBRUARY 19, 1999, GOVERNED BY THE ACT OF MAY 2, 1945
11 (P.L.382, NO.164), KNOWN AS THE MUNICIPALITY AUTHORITIES ACT OF
12 1945, INsofar AS IT RELATES TO BUSINESS IMPROVEMENT DISTRICTS OR
13 53 PA.C.S. CH. 54 (RELATING TO BUSINESS IMPROVEMENT DISTRICTS).
14 [ON OR AFTER THE EFFECTIVE DATE OF THIS ACT] AFTER FEBRUARY 18,
15 1999, THE TERM SHALL MEAN A LIMITED GEOGRAPHICAL AREA COMPRISED
16 OF REAL PROPERTY WHICH IS USED FOR ANY FOR-PROFIT ACTIVITY
17 INVOLVING TRADE AND TRAFFIC OR COMMERCE IN GENERAL.

18 "COMMERCIAL." RELATING TO OR ASSOCIATED WITH ANY FOR-PROFIT
19 ACTIVITY INVOLVING TRADE AND TRAFFIC OR COMMERCE IN GENERAL.

20 "CONSTRUCTION EXPENDITURES." PROPERTY AND RIGHT-OF-WAY
21 ACQUISITION COSTS WHERE APPLICABLE.

22 "COSTS OF IMPROVEMENTS." THE TERM INCLUDES ARCHITECTURAL
23 FEES, ENGINEERING FEES, ATTORNEY FEES, CONSULTING FEES,
24 PROFESSIONAL FEES, PRELIMINARY PLANNING EXPENDITURES,
25 FEASIBILITY STUDY EXPENDITURES, FINANCING COSTS AND ANY OTHER
26 EXPENDITURES NECESSARY AND INCIDENTAL TO THE DEVELOPMENT,
27 CONSTRUCTION OR COMPLETION OF THE IMPROVEMENT.

28 "DISTRICT ADVISORY COUNCIL." A COMMITTEE COMPRISED OF
29 PROPERTY OWNERS FROM A NEIGHBORHOOD IMPROVEMENT DISTRICT
30 ESTABLISHED UNDER SECTION [7(A)] 307(A) FOR THE PURPOSE OF

1 PROVIDING GUIDANCE AND DIRECTION TO THE NEIGHBORHOOD IMPROVEMENT
2 DISTRICT MANAGEMENT ASSOCIATION CONCERNING ASSOCIATION
3 ACTIVITIES WITHIN THE DISTRICT.

4 "INDUSTRIAL DISTRICT." A LIMITED GEOGRAPHICAL AREA COMPRISED
5 OF REAL PROPERTY WHICH IS USED PREDOMINANTLY FOR MANUFACTURING,
6 COMMERCIAL OR ANY OTHER ACTIVITY RELATED TO THE DISTRIBUTION OF
7 GOODS AND SERVICES AND INTERMEDIATE AND FINAL PRODUCTS,
8 INCLUDING, BUT NOT LIMITED TO, WAREHOUSING, SHIPPING,
9 TRANSPORTATION, REMANUFACTURING, STOCKPILING OF RAW MATERIALS,
10 REPAIR AND MAINTENANCE OF MACHINERY AND EQUIPMENT, STORAGE,
11 ADMINISTRATION OR BUSINESS ACTIVITIES AND RESEARCH AND
12 DEVELOPMENT.

13 "INSTITUTION." THE TERM INCLUDES, BUT IS NOT LIMITED TO,
14 COLLEGES, UNIVERSITIES, SCHOOLS, HOSPITALS, MUSEUMS, THEATERS,
15 CHURCHES, SYNAGOGUES, ART CENTERS OR SIMILAR FACILITIES.

16 "INSTITUTIONAL DISTRICT." A LIMITED GEOGRAPHICAL AREA
17 COMPRISED PREDOMINANTLY OF REAL PROPERTY ON WHICH EDUCATIONAL,
18 HEALTH-RELATED OR CULTURAL ACTIVITIES OCCUR WITHIN BUILDINGS AND
19 STRUCTURES, INCLUDING, BUT NOT LIMITED TO, COLLEGES,
20 UNIVERSITIES, SCHOOLS, HOSPITALS, MUSEUMS, THEATERS, CHURCHES,
21 SYNAGOGUES AND ART CENTERS.

22 "MIXED-USE DISTRICT." A LIMITED GEOGRAPHICAL AREA COMPRISED
23 OF REAL PROPERTY USED FOR ANY OR ALL PURPOSES CONTAINED WITHIN A
24 BUSINESS, RESIDENTIAL, INDUSTRIAL OR INSTITUTIONAL DISTRICT.

25 "MUNICIPAL CORPORATION." THE BODY OR BOARD AUTHORIZED BY LAW
26 TO ENACT ORDINANCES OR ADOPT RESOLUTIONS FOR A CITY OF THE FIRST
27 CLASS.

28 "MUNICIPALITY." ANY CITY OF THE FIRST CLASS LOCATED WITHIN
29 THIS COMMONWEALTH.

30 "NEIGHBORHOOD." A LIMITED GEOGRAPHIC AREA WITHIN A

1 MUNICIPALITY ESTABLISHING A NEIGHBORHOOD IMPROVEMENT DISTRICT,
2 THE LIMITS OF WHICH FORM THE NEIGHBORHOOD IMPROVEMENT DISTRICT
3 BOUNDARY.

4 "NEIGHBORHOOD IMPROVEMENT." IMPROVEMENTS NEEDED IN SPECIFIC
5 GEOGRAPHIC AREAS OR TO INDIVIDUAL PROPERTIES WITHIN THOSE AREAS,
6 INCLUDING, BUT NOT LIMITED TO, SIDEWALKS, RETAINING WALLS,
7 STREET PAVING, PARKS, RECREATIONAL EQUIPMENT AND FACILITIES,
8 OPEN SPACE, STREET LIGHTING, PARKING LOTS, TREES AND SHRUBBERY,
9 SEWERS, WATER LINES, REST AREAS AND THE ACQUISITION AND
10 REHABILITATION OR DEMOLITION OF DETERIORATED BUILDINGS OR
11 STRUCTURES.

12 "NEIGHBORHOOD IMPROVEMENT DISTRICT." A LIMITED GEOGRAPHIC
13 AREA WITHIN A MUNICIPALITY, IN WHICH A SPECIAL ASSESSMENT IS
14 LEVIED ON ALL DESIGNATED PROPERTY, OTHER THAN TAX-EXEMPT
15 PROPERTY, FOR THE PURPOSE OF PROMOTING THE ECONOMIC AND GENERAL
16 WELFARE OF THE DISTRICT AND THE MUNICIPALITY, HEREINAFTER
17 REFERRED TO AS NID. SUCH DISTRICTS SHALL BE REFERRED TO
18 GENERALLY AS NEIGHBORHOOD IMPROVEMENT DISTRICT (NID) AND
19 SPECIFICALLY AS BUSINESS IMPROVEMENT DISTRICT (BID), RESIDENTIAL
20 IMPROVEMENT DISTRICT (RID), INDUSTRIAL IMPROVEMENT DISTRICT
21 (IID), INSTITUTIONAL IMPROVEMENT DISTRICT (INID) OR MIXED-USE
22 IMPROVEMENT DISTRICT (MID), DEPENDING ON THE TYPE DISTRICT
23 ESTABLISHED. A DESIGNATED PROPERTY MAY NOT BE INCLUDED IN MORE
24 THAN ONE NEIGHBORHOOD IMPROVEMENT DISTRICT.

25 "NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION."
26 THE GOVERNING BODY WHICH OVERSEES THE MANAGEMENT OF NEIGHBORHOOD
27 IMPROVEMENT DISTRICTS IN A MUNICIPALITY AS ESTABLISHED UNDER
28 SECTION [5] 305, WHICH HEREINAFTER SHALL BE REFERRED TO AS THE
29 NIDMA. SUCH BODY SHALL BE INCORPORATED AS A NONPROFIT
30 CORPORATION IN THIS COMMONWEALTH OR AN AUTHORITY AS ESTABLISHED

1 PURSUANT TO THE ACT OF MAY 2, 1945 (P.L.382, NO.164), KNOWN AS
2 THE MUNICIPALITY AUTHORITIES ACT OF 1945.

3 "NEIGHBORHOOD IMPROVEMENT DISTRICT PLAN." THE STRATEGIC PLAN
4 FOR NEIGHBORHOOD IMPROVEMENTS REQUIRED BY SECTION [5] 305,
5 HEREINAFTER REFERRED TO AS NIDP, AND ALL PROJECTS, PROGRAMS AND
6 SUPPLEMENTAL SERVICES TO BE PROVIDED WITHIN THE DISTRICT TO
7 IMPLEMENT THE PLAN BY THE NEIGHBORHOOD IMPROVEMENT DISTRICT
8 MANAGEMENT ASSOCIATION.

9 "NEIGHBORHOOD IMPROVEMENT DISTRICT SERVICES." IN THE CASE OF
10 NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATIONS
11 CREATED FOR THE PURPOSE OF MAKING IMPROVEMENTS OR PROVIDING
12 EXPANDED SERVICES WITHIN ANY NEIGHBORHOOD BUSINESS IMPROVEMENT
13 DISTRICTS ESTABLISHED, THE TERM SHALL INCLUDE, BUT NOT BE
14 LIMITED TO, THOSE SERVICES WHICH IMPROVE THE ABILITY OF THE
15 COMMERCIAL ESTABLISHMENTS WITHIN THE DISTRICT TO SERVE THE
16 CONSUMER, SUCH AS FREE OR REDUCED-FEE PARKING FOR CUSTOMERS,
17 TRANSPORTATION-RELATED EXPENSES, PUBLIC RELATIONS PROGRAMS,
18 GROUP ADVERTISING AND DISTRICT MAINTENANCE AND SECURITY
19 SERVICES. FOR SERVICES PROVIDED WITHIN ANY RESIDENTIAL,
20 INDUSTRIAL, INSTITUTIONAL OR MIXED-USE NEIGHBORHOOD IMPROVEMENT
21 DISTRICT, THE TERM SHALL INCLUDE, BUT NOT BE LIMITED TO, THOSE
22 SERVICES WHICH IMPROVE THE ABILITY OF PROPERTY OWNERS TO ENJOY A
23 SAFER AND MORE ATTRACTIVE NEIGHBORHOOD THROUGH THE PROVISION OF
24 INCREASED OR EXPANDED SERVICES, INCLUDING STREET LIGHTING,
25 STREET CLEANING, STREET MAINTENANCE, PARKS, RECREATIONAL
26 EQUIPMENT AND FACILITIES, OPEN SPACE AND/OR SECURITY SERVICES.

27 "NONPROFIT CORPORATION." A LEGAL ENTITY THAT IS INCORPORATED
28 WITHIN THIS COMMONWEALTH AND SPECIFIES IN ITS CHARTER OR BYLAWS
29 THAT NO PART OF THE NET EARNINGS MAY BENEFIT ANY PRIVATE
30 SHAREHOLDER OR INDIVIDUAL HOLDING INTEREST IN SUCH ENTITY.

1 "PRIVATE SECURITY OFFICER." ANY PERSON OR FIRM EMPLOYED BY
2 THE NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION FOR
3 THE PURPOSE OF PROVIDING INCREASED SECURITY OR PROTECTIVE PATROL
4 SERVICES WITHIN THE NEIGHBORHOOD IMPROVEMENT DISTRICT. THE TERM
5 MAY INCLUDE OFF-DUTY POLICE OFFICERS PROVIDED THAT THE USE OF
6 SUCH OFFICERS FOR THIS PURPOSE IS APPROVED BY THE GOVERNING BODY
7 OF THE MUNICIPALITY IN WHICH THE NEIGHBORHOOD IMPROVEMENT
8 DISTRICT IS LOCATED OR THE MUNICIPALITY WHERE THE OFFICER IS
9 EMPLOYED IF DIFFERENT.

10 "PROJECT." THE ACQUISITION, DEVELOPMENT, CONSTRUCTION,
11 IMPROVEMENT, REHABILITATION, OPERATION AND/OR MAINTENANCE OF ANY
12 BUILDING, FACILITY, EQUIPMENT OR STRUCTURE, BY PURCHASE, LEASE
13 OR CONTRACT, BY A NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT
14 ASSOCIATION TO FACILITATE NEIGHBORHOOD AND BUSINESS IMPROVEMENTS
15 AS AUTHORIZED BY THIS [ACT] CHAPTER.

16 "RATIONAL NEXUS." THE LEGAL PRINCIPLE WHICH REQUIRES THAT
17 THERE IS A RATIONAL, DEFINABLE BENEFIT WHICH ACCRUES TO ANY
18 PROPERTY OWNER ASSESSED A FEE FOR SAID BENEFIT IN A NEIGHBORHOOD
19 IMPROVEMENT DISTRICT CREATED UNDER THIS [ACT] CHAPTER. ALL
20 PROPERTY OWNERS WITHIN A DESIGNATED NEIGHBORHOOD IMPROVEMENT
21 DISTRICT PAYING A SPECIAL ASSESSMENT FEE MUST BENEFIT DIRECTLY
22 OR INDIRECTLY FROM FACILITIES OR SERVICES PROVIDED BY A
23 NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION WITHIN
24 THE NEIGHBORHOOD IMPROVEMENT DISTRICT, PROVIDED, HOWEVER, THAT
25 PROPERTY OWNERS NEED NOT BENEFIT EQUALLY.

26 "REGIONAL ATTRACTIONS MARKETING AGENCY." THE AGENCY
27 DESIGNATED BY THE COUNCIL OF THE CITY IN WHICH THE CONVENTION
28 CENTER IS LOCATED TO SERVE AS THE REGIONAL MARKETING
29 ORGANIZATION FOR TOURISM AND RELATED MATTERS. IN CITIES OF THE
30 FIRST CLASS, THE GREATER PHILADELPHIA TOURISM MARKETING

1 CORPORATION SHALL SERVE AS THE REGIONAL ATTRACTIONS MARKETING
2 AGENCY.

3 "RESIDENTIAL DISTRICT." A LIMITED GEOGRAPHICAL AREA
4 COMPRISED OF REAL PROPERTY CONSISTING PREDOMINANTLY OF BUILDINGS
5 AND STRUCTURES FOR HOUSING INDIVIDUALS AND FAMILIES, INCLUDING,
6 BUT NOT LIMITED TO, SINGLE-FAMILY DETACHED HOMES, SINGLE-FAMILY
7 SEMIDETACHED HOMES, TOWNHOUSES, CONDOMINIUMS, APARTMENTS,
8 MANUFACTURED HOMES, MODULAR HOMES OR ANY COMBINATION OF SAME.

9 "SERVICE AREA." THE AREA WITHIN THE BOUNDARIES OF THE
10 NEIGHBORHOOD IMPROVEMENT DISTRICT ESTABLISHED BY A MUNICIPALITY
11 UNDER THIS [ACT] CHAPTER IN WHICH THE NEIGHBORHOOD IMPROVEMENT
12 DISTRICT MANAGEMENT ASSOCIATION PROVIDES PROGRAMS, SERVICES AND
13 IMPROVEMENTS. THE TERM MAY ALSO INCLUDE AN AREA OUTSIDE OF THE
14 NEIGHBORHOOD IMPROVEMENT DISTRICT WHERE SERVICES ARE BEING
15 PROVIDED BY THE NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT
16 ASSOCIATION UNDER CONTRACT.

17 "SPECIAL ASSESSMENT FEE." THE FEE ASSESSED ON PROPERTY
18 OWNERS WITHIN A NEIGHBORHOOD IMPROVEMENT DISTRICT, LEVIED BY THE
19 MUNICIPALITY ESTABLISHING A NEIGHBORHOOD IMPROVEMENT DISTRICT
20 UNDER SECTION [4(10)] 304(10), FOR THE PURPOSES OF PROVIDING
21 PROGRAMS, IMPROVEMENTS AND SERVICES UNDER SECTION [7] 307.

22 "SUNSET PROVISION." THE TERM MEANS A PROVISION IN THE
23 NEIGHBORHOOD IMPROVEMENT DISTRICT PLAN UNDER SECTION [5(C)]
24 305(C), ESTABLISHING A NEIGHBORHOOD IMPROVEMENT DISTRICT, WHICH
25 PROVIDES FOR THE AUTOMATIC TERMINATION OF THE NEIGHBORHOOD
26 IMPROVEMENT DISTRICT ON A DATE SPECIFIED IN THE NEIGHBORHOOD
27 IMPROVEMENT DISTRICT PLAN AND IN THE MUNICIPAL ORDINANCE
28 ESTABLISHING THE NEIGHBORHOOD IMPROVEMENT DISTRICT. THE
29 NEIGHBORHOOD IMPROVEMENT DISTRICT MAY BE CONTINUED BEYOND THAT
30 DATE, PROVIDED THE MUNICIPAL ENABLING ORDINANCE CREATING THE

1 ORIGINAL NEIGHBORHOOD IMPROVEMENT DISTRICT IS REENACTED,
2 FOLLOWING A REVIEW OF THE NEIGHBORHOOD IMPROVEMENT DISTRICT AND
3 THE NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION
4 PROGRAMS AND SERVICES PROVIDED WITHIN THE NEIGHBORHOOD
5 IMPROVEMENT DISTRICT BY THE MUNICIPALITY.

6 SECTION [4] 304. POWERS OF MUNICIPAL CORPORATION.

7 EVERY MUNICIPAL CORPORATION SHALL HAVE THE POWER:

8 * * *

9 (2) TO ESTABLISH AN AUTHORITY TO ADMINISTER THE NID OR
10 TO DESIGNATE AN EXISTING COMMUNITY DEVELOPMENT CORPORATION OR
11 OTHER EXISTING NONPROFIT CORPORATION TO ADMINISTER SAME OR TO
12 CREATE A COMMUNITY DEVELOPMENT CORPORATION OR OTHER NONPROFIT
13 CORPORATION TO ADMINISTER SAME UNDER SECTIONS [6] 306 AND [7]
14 307.

15 * * *

16 (4) TO ADVANCE FUNDS TO AN NIDMA AS MAY BE REQUIRED TO
17 CARRY OUT THE PURPOSES OF THIS [ACT] CHAPTER.

18 * * *

19 SECTION [5] 305. CREATION OF NEIGHBORHOOD IMPROVEMENT DISTRICT.

20 (A) ESTABLISHMENT.--

21 (1) THE GOVERNING BODY OF THE MUNICIPALITY OR ANY
22 MUNICIPAL BUSINESSES OR RESIDENTS OR COMBINATION THEREOF MAY
23 INITIATE ACTION TO ESTABLISH AN NID OR NIDS WITHIN THE
24 MUNICIPALITY UNDER THIS [ACT] CHAPTER.

25 (2) IN THE CASE OF BUSINESSES OR RESIDENTS OR BOTH
26 DESIRING TO ESTABLISH AN NID WHERE THE MUNICIPALITY HAS NOT
27 TAKEN ACTION TO DO SO, THE GOVERNING BODY OF THE MUNICIPALITY
28 MAY BE PETITIONED TO ESTABLISH AN NID UNDER THE PROCEDURES
29 PROVIDED FOR BY THIS [ACT] CHAPTER.

30 (3) IN NO CASE WHERE THE GOVERNING BODY OF A

1 MUNICIPALITY IS PETITIONED TO ESTABLISH AN NID UNDER
2 PARAGRAPH (2) SHALL THE MUNICIPALITY BE REQUIRED TO ESTABLISH
3 AN NID.

4 (B) SPECIFIC PROCEDURES.--

5 (1) A COPY OF EVERYTHING REQUIRED UNDER THIS SECTION, AS
6 WELL AS THE DATE, LOCATION AND TIME OF ANY PUBLIC HEARING
7 REQUIRED BY THIS [ACT] CHAPTER, SHALL BE PROVIDED BY THE
8 MUNICIPAL CORPORATION TO ALL PROPERTY OWNERS AND LESSEES OF
9 PROPERTY OWNERS LOCATED IN THE PROPOSED NID AT LEAST 30 DAYS
10 PRIOR TO THE FIRST PUBLIC HEARING REQUIRED BY THIS SECTION.

11 * * *

12 (C) CONTENTS OF PRELIMINARY PLAN.--THE PLAN SHALL INCLUDE
13 THE FOLLOWING:

14 * * *

15 (2) A WRITTEN REPORT FROM THE MUNICIPALITY CONTAINING:

16 * * *

17 (X) THE METHOD OF DETERMINING THE AMOUNT OF THE
18 ASSESSMENT FEE TO BE LEVIED ON PROPERTY OWNERS WITHIN THE
19 NID UNDER SECTION [7] 307.

20 * * *

21 (F) VETO OF FINAL PLAN FOR NID.--

22 * * *

23 (2) IF 51% OR MORE OF THE AFFECTED PROPERTY OWNERS OR
24 PROPERTY OWNERS WHOSE PROPERTY VALUATION AS ASSESSED FOR
25 TAXABLE PURPOSES AMOUNTS TO 51% OF THE TOTAL PROPERTY
26 VALUATION WITHIN THE PROPOSED NID FAIL TO REGISTER THEIR
27 DISAPPROVAL OF THE FINAL PLAN OR AMENDMENT TO THE FINAL PLAN
28 IN WRITING WITH THE CLERK OF THE GOVERNING BODY OF THE
29 MUNICIPALITY IN WHICH THE NID IS PROPOSED, THE GOVERNING BODY
30 OF THE MUNICIPALITY MAY, FOLLOWING THE 45-DAY PERIOD, ENACT A

1 MUNICIPAL ORDINANCE ESTABLISHING AN NID UNDER THIS [ACT]
2 CHAPTER OR, IN THE CASE OF AN AMENDMENT TO THE FINAL PLAN,
3 ADOPT ANY AMENDMENTS TO THE ORDINANCE.

4 (G) AMENDMENTS TO FINAL PLAN.--

5 (1) THE FINAL PLAN MAY BE AMENDED BY THE NIDMA ANY TIME
6 AFTER THE ESTABLISHMENT OF AN NID, PURSUANT TO THE PROVISIONS
7 OF THIS [ACT] CHAPTER, UPON THE RECOMMENDATION OF THE NIDMA
8 BOARD, PROVIDED THERE IS CONCURRENCE WITH THE OWNERS OF AT
9 LEAST 51% OF THE ASSESSED VALUATION OF ALL PROPERTY WITHIN
10 THE NID OR 51% OF THE PROPERTY OWNERS WITHIN THE NID.

11 * * *

12 SECTION [6] 306. CREATION OF NEIGHBORHOOD IMPROVEMENT DISTRICT
13 MANAGEMENT ASSOCIATION.

14 (A) ASSOCIATION DESIGNATED.--WHEN A MUNICIPALITY ESTABLISHES
15 AN NID UNDER THIS [ACT] CHAPTER, A NEIGHBORHOOD IMPROVEMENT
16 DISTRICT MANAGEMENT ASSOCIATION SHALL BE DESIGNATED BY THE
17 GOVERNING BODY OF THE MUNICIPALITY IN WHICH THE NID IS TO BE
18 LOCATED TO ADMINISTER PROGRAMS, IMPROVEMENTS AND SERVICES WITHIN
19 THE NID.

20 (B) ADMINISTRATION.--

21 (1) NIDS CREATED PURSUANT TO THIS [ACT] CHAPTER SHALL BE
22 ADMINISTERED BY AN NIDMA WHICH SHALL BE AN AUTHORITY CREATED
23 PURSUANT TO THE ACT OF MAY 2, 1945 (P.L.382, NO.164), KNOWN
24 AS THE MUNICIPALITY AUTHORITIES ACT OF 1945, AN EXISTING
25 NONPROFIT DEVELOPMENT CORPORATION, AN EXISTING NONPROFIT
26 CORPORATION OR A NONPROFIT DEVELOPMENT CORPORATION OR
27 NONPROFIT CORPORATION ESTABLISHED BY THE GOVERNING BODY OR
28 AUTHORIZED TO BE ESTABLISHED BY THE GOVERNING BODY OF THE
29 MUNICIPALITY IN WHICH THE NID IS TO BE LOCATED, TO ADMINISTER
30 THE NIDP.

1 * * *

2 (C) POWERS.--AN NIDMA CREATED UNDER THIS [ACT] CHAPTER SHALL
3 ASSUME ALL POWERS PROVIDED FOR IN SECTION [7] 307 IMMEDIATELY
4 UPON THE EFFECTIVE DATE OF THE MUNICIPAL ORDINANCE ENACTED UNDER
5 SECTION [4] 304 CREATING AN NID.

6 * * *

7 SECTION [7] 307. POWERS OF NEIGHBORHOOD IMPROVEMENT DISTRICT
8 MANAGEMENT ASSOCIATION.

9 * * *

10 (B) ASSESSMENTS.--

11 (1) THE NIDMA SHALL, UPON APPROVAL BY THE GOVERNING BODY
12 OF THE MUNICIPALITY, HAVE THE POWER TO ASSESS PROPERTY OWNERS
13 WITHIN THE NID A SPECIAL PROPERTY ASSESSMENT FEE. REVENUES
14 FROM THE FEE SHALL BE ACCOUNTED FOR AND USED BY THE NIDMA TO
15 MAKE IMPROVEMENTS AND PROVIDE PROGRAMS AND SERVICES WITHIN
16 THE NID AS AUTHORIZED BY THIS [ACT] CHAPTER. WHERE THE
17 DISTRICT ESTABLISHED IS A BID, THE NIDMA SHALL HAVE THE
18 AUTHORITY TO EXEMPT RESIDENTIAL PROPERTY OWNERS FROM ANY
19 SPECIAL ASSESSMENT FEES LEVIED.

20 * * *

21 (3) ALL SPECIAL PROPERTY ASSESSMENT FEES SHALL BE BASED
22 UPON THE ESTIMATED COST OF THE PROGRAMS, IMPROVEMENTS OR
23 SERVICES TO BE PROVIDED IN SUCH NID AS STATED IN THE FINAL
24 PLAN UNDER SECTION [5(D)] 305(D). IN NO CASE SHALL THE
25 AGGREGATE AMOUNT OF ALL FEES LEVIED BY THE NIDMA DURING THE
26 YEAR EXCEED THE ESTIMATED COST OF PROPOSED PROGRAMS,
27 IMPROVEMENTS AND SERVICES FOR THE YEAR.

28 * * *

29 SECTION [8] 308. DISSOLUTION OF NEIGHBORHOOD IMPROVEMENT
30 DISTRICT MANAGEMENT ASSOCIATION AND NEIGHBORHOOD

1 IMPROVEMENT DISTRICT.

2 * * *

3 (B) REQUEST FOR TERMINATION.--ANY REQUEST FOR THE
4 TERMINATION OF THE NID AND NIDMA APPROVED BY 51% OF THE ASSESSED
5 PROPERTY OWNERS, IN NUMBERS, LOCATED IN THE NID SHALL BE
6 SUBMITTED TO THE GOVERNING BODY OF THE MUNICIPALITY IN WRITING.
7 THE GOVERNING BODY SHALL HOLD A HEARING ON THE MERITS OF SAME
8 PURSUANT TO SECTION [5(B)(2)] 305(B)(2) AS IT RELATES TO THE
9 REQUIRED PROCEDURE OF HOLDING A HEARING. SUCH WRITTEN REQUEST
10 SHALL BE CONSIDERED BY THE GOVERNING BODY OF THE MUNICIPALITY.
11 IF THE REQUEST IS APPROVED BY THE GOVERNING BODY OF THE
12 MUNICIPALITY, THEN A RESOLUTION TO THAT EFFECT SHALL BE FILED
13 WITH THE SECRETARY OF THE COMMONWEALTH, AND THE SECRETARY SHALL
14 NOTE THE TERMINATION OF THE EXISTENCE ON THE RECORD OF
15 INCORPORATION AND RETURN THE RESOLUTION WITH HIS OR HER APPROVAL
16 SHOWN ON THE RESOLUTION TO THE MUNICIPAL CORPORATION. THEN THE
17 PROPERTY OF THE NIDMA SHALL PASS TO THE MUNICIPAL CORPORATION,
18 AS THE CASE MAY BE, AND THE NIDMA AND NID SHALL CEASE TO EXIST.
19 ANY REQUEST FOR THE TERMINATION OF THE NID AND NIDMA BY THE
20 GOVERNING BODY OF THE MUNICIPALITY IN WHICH THE NID IS LOCATED
21 SHALL RESULT IN A HEARING ON THE MERITS OF SAME PURSUANT TO
22 SECTION [5(B)(2)] 305(B)(2) AS IT RELATES TO THE REQUIRED
23 PROCEDURE FOR HOLDING A HEARING. BEFORE THE DECISION TO
24 TERMINATE AN NID AND NIDMA IS MADE, SUCH TERMINATION MUST BE
25 APPROVED BY 51% OF THE ASSESSED PROPERTY OWNERS, IN NUMBERS,
26 LOCATED IN THE NID AND SHALL BE SUBMITTED TO THE GOVERNING BODY
27 OF THE MUNICIPALITY IN WRITING. SUCH WRITTEN REQUEST SHALL BE
28 CONSIDERED BY THE GOVERNING BODY OF THE MUNICIPALITY. IF THE
29 REQUEST IS APPROVED BY THE GOVERNING BODY OF THE MUNICIPALITY,
30 THEN A RESOLUTION TO THAT EFFECT SHALL BE FILED WITH THE

1 SECRETARY OF THE COMMONWEALTH, AND THE SECRETARY SHALL NOTE THE
2 TERMINATION OF THE EXISTENCE ON THE RECORD OF INCORPORATION AND
3 RETURN THE RESOLUTION WITH HIS OR HER APPROVAL SHOWN TO THE
4 MUNICIPAL CORPORATION. THE PROPERTY OF THE NIDMA SHALL PASS TO
5 THE MUNICIPAL CORPORATION, AS THE CASE MAY BE, AND THE NIDMA AND
6 NID SHALL CEASE TO EXIST.

7 SECTION 6. SECTION 9 HEADING OF THE ACT IS RENUMBERED TO
8 READ:

9 SECTION [9] 309. ANNUAL AUDIT; REPORT.

10 * * *

11 SECTION 7. SECTIONS 10, 11 AND 12 OF THE ACT ARE AMENDED TO
12 READ:

13 SECTION [10] 310. TOURISM AND MARKETING TAX.

14 IN ADDITION TO THE HOTEL ROOM RENTAL TAX IMPOSED UNDER
15 SECTION 23 OF THE ACT OF JUNE 27, 1986 (P.L.267, NO.70), KNOWN
16 AS THE PENNSYLVANIA CONVENTION CENTER AUTHORITY ACT, AND UNDER
17 SECTION 202 OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS
18 THE TAX REFORM CODE OF 1971, THE COUNCIL OF THE CITY IN WHICH A
19 CONVENTION CENTER IS LOCATED IS HEREBY AUTHORIZED TO IMPOSE AN
20 EXCISE TAX ON THE CONSIDERATION RECEIVED BY EACH OPERATOR OF A
21 HOTEL WITHIN THE CITY FROM EACH TRANSACTION OF RENTING A ROOM OR
22 ROOMS TO ACCOMMODATE TRANSIENTS. THE TAX SHALL BE COLLECTED BY
23 THE OPERATOR FROM THE PATRON OF THE ROOM AND PAID OVER TO THE
24 CITY PURSUANT TO SECTION [11] 311 AND SHALL BE KNOWN AS THE
25 TOURISM AND MARKETING TAX. THE RATE OF TAX IMPOSED UNDER THIS
26 SECTION BY THE COUNCIL OF THE CITY IN WHICH THE CONVENTION
27 CENTER IS LOCATED SHALL NOT EXCEED 1%.

28 SECTION [11] 311. SPECIAL TOURISM AND MARKETING TAX FUND.

29 THERE SHALL BE DEPOSITED ANNUALLY IN A SPECIAL FUND
30 ESTABLISHED PURSUANT TO SECTION 23(E) OF THE ACT OF JUNE 27,

1 1986 (P.L.267, NO.70), KNOWN AS THE PENNSYLVANIA CONVENTION
2 CENTER AUTHORITY ACT, FOR THE USE OF THE REGIONAL ATTRACTIONS
3 MARKETING AGENCY, ALL REVENUES RECEIVED FROM THE TAX IMPOSED
4 UNDER SECTION [10] 310. ALL EXPENDITURES FROM THE SPECIAL FUND
5 ESTABLISHED UNDER SECTION 23(E) OF THE PENNSYLVANIA CONVENTION
6 CENTER AUTHORITY ACT SHALL BE USED BY THE REGIONAL ATTRACTIONS
7 MARKETING AGENCY FOR DIRECT ADVERTISING EFFORTS DIRECTED TOWARDS
8 ADVERTISING AND PUBLICIZING TOURIST ATTRACTIONS IN THE AREA
9 SERVED BY THE AGENCY, PROMOTING AND ATTRACTING TOURISM TO
10 FACILITIES IN THE AREA SERVED BY THE AGENCY AND PROMOTING AND
11 OTHERWISE ENCOURAGING THE USE OF THE FACILITIES IN THE AREA
12 SERVED BY THE AGENCY BY THE PUBLIC AS A WHOLE.

13 SECTION [12] 312. APPLICABILITY.

14 (A) EXISTING COMMERCIAL BUSINESS IMPROVEMENT DISTRICTS.--THE
15 PROVISIONS OF THIS [ACT] CHAPTER SHALL NOT APPLY TO A BUSINESS
16 IMPROVEMENT DISTRICT ESTABLISHED PURSUANT TO THE ACT OF MAY 2,
17 1945 (P.L.382, NO.164), KNOWN AS THE MUNICIPALITY AUTHORITIES
18 ACT OF 1945, IN EXISTENCE IN WHOLE OR IN PART IN A CITY OF THE
19 FIRST CLASS PRIOR TO [THE EFFECTIVE DATE OF THIS ACT] FEBRUARY
20 19, 1999.

21 (B) EXISTING DISTRICTS.--EXCEPT AS PROVIDED FOR IN
22 SUBSECTION (E), ANY EXISTING BUSINESS IMPROVEMENT DISTRICT OR
23 DOWNTOWN IMPROVEMENT DISTRICT ESTABLISHED PRIOR TO [THE
24 EFFECTIVE DATE OF THIS ACT] FEBRUARY 19, 1999 SHALL REMAIN IN
25 EXISTENCE AND SHALL BE GOVERNED BY THE MUNICIPALITY AUTHORITIES
26 ACT OF 1945 INSOFAR AS IT RELATES TO BUSINESS IMPROVEMENT
27 DISTRICTS OR 53 PA.C.S. CH. 54 (RELATING TO BUSINESS IMPROVEMENT
28 DISTRICTS).

29 (C) DISTRICTS CREATED SUBSEQUENTLY.--ANY NID ESTABLISHED
30 SUBSEQUENT TO [THE EFFECTIVE DATE OF THIS ACT] FEBRUARY 19, 1999

1 SHALL BE GOVERNED BY THE PROVISIONS OF THIS [ACT] CHAPTER.

2 (D) [PREVIOUSLY TERMINATED] TERMINATED DISTRICTS.--ANY
3 BUSINESS IMPROVEMENT DISTRICT OR DOWNTOWN IMPROVEMENT DISTRICT
4 IN EXISTENCE PRIOR TO [THE EFFECTIVE DATE OF THIS ACT] FEBRUARY
5 19, 1999 WHICH IS TERMINATED PURSUANT TO A SUNSET PROVISION
6 CONTAINED IN THE MUNICIPAL ORDINANCE WHICH ESTABLISHED THE
7 BUSINESS IMPROVEMENT DISTRICT OR DOWNTOWN IMPROVEMENT DISTRICT
8 SHALL, UPON ITS REESTABLISHMENT, PROVIDED IT OCCURS WITHIN 12
9 MONTHS OF THE TERMINATION DATE AS SET FORTH IN THE MUNICIPAL
10 ORDINANCE, BE GOVERNED BY THE PROVISIONS OF THIS [ACT. THIS
11 SHALL INCLUDE ANY TERMINATION RESULTING FROM A SUNSET PROVISION
12 IN ANY MUNICIPAL AGREEMENT OR ORDINANCE.] CHAPTER, WITH THE
13 EXCEPTION OF SECTIONS 305 AND 306.

14 (E) ADDITIONAL REQUIREMENTS.--ANY BUSINESS IMPROVEMENT
15 DISTRICT OR DOWNTOWN IMPROVEMENT DISTRICT IN EXISTENCE ON [THE
16 EFFECTIVE DATE OF THIS ACT] FEBRUARY 19, 1999 SHALL:

17 (1) BE REQUIRED TO CARRY OUT ANY DUTY OR RESPONSIBILITY
18 IMPOSED ON NIDS UNDER THIS [ACT] CHAPTER; AND

19 (2) POSSESS ANY ADDITIONAL POWER GIVEN TO NIDS UNDER
20 THIS [ACT] CHAPTER WITHOUT HAVING TO RESTRUCTURE OR
21 REORGANIZE UNDER THIS [ACT] CHAPTER.

22 SECTION 8. SECTION 13 OF THE ACT IS REPEALED.

23 SECTION 9. THE ACT IS AMENDED BY ADDING A CHAPTER TO READ:

24 CHAPTER 5

25 OTHER MUNICIPALITIES

26 SECTION 501. SCOPE OF CHAPTER.

27 THIS CHAPTER SHALL APPLY TO ALL MUNICIPALITIES OTHER THAN
28 CITIES OF THE FIRST CLASS.

29 SECTION 502. LEGISLATIVE FINDINGS.

30 THE GENERAL ASSEMBLY FINDS THAT:

1 (1) EXISTING TAX RATES IN MANY MUNICIPALITIES ARE AT OR
2 NEAR THEIR STATUTORY CAP.

3 (2) THE GENERAL FUND REVENUE DERIVED FROM THESE TAXES
4 MANY TIMES IS NOT SUFFICIENT TO PROVIDE ADEQUATE MUNICIPAL
5 SERVICES OR ADDITIONAL SERVICES NEEDED IN SPECIFIC GEOGRAPHIC
6 AREAS WITHIN THE MUNICIPALITY, INCLUDING, BUT NOT LIMITED TO,
7 DOWNTOWN COMMERCIAL DISTRICTS.

8 (3) AS A RESULT, MUNICIPALITIES SHOULD BE ENCOURAGED TO
9 CREATE, WHERE FEASIBLE AND DESIRED, ASSESSMENT-BASED
10 NEIGHBORHOOD IMPROVEMENT DISTRICTS WHICH WOULD INCLUDE, BUT
11 NOT BE LIMITED TO, DOWNTOWN COMMERCIAL DISTRICTS. DESIGNATED
12 DISTRICT MANAGEMENT ASSOCIATIONS WOULD INITIATE AND
13 ADMINISTER PROGRAMS TO PROMOTE AND ENHANCE MORE ATTRACTIVE
14 AND SAFER COMMERCIAL, INDUSTRIAL, RESIDENTIAL AND MIXED-USE
15 NEIGHBORHOODS; ECONOMIC GROWTH; INCREASED EMPLOYMENT
16 OPPORTUNITIES; AND IMPROVED COMMERCIAL, INDUSTRIAL, BUSINESS
17 DISTRICTS AND BUSINESS CLIMATES.

18 (4) MUNICIPALITIES SHOULD BE GIVEN THE BROADEST POSSIBLE
19 DISCRETION IN ESTABLISHING BY LOCAL ORDINANCE THE TYPE OF
20 ASSESSMENT-BASED PROGRAMS MOST CONSISTENT WITH NEIGHBORHOOD
21 NEEDS, GOALS AND OBJECTIVES, AS DETERMINED AND EXPRESSED BY
22 PROPERTY OWNERS IN THE DESIGNATED DISTRICT.

23 SECTION 503. DEFINITIONS.

24 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
25 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
26 CONTEXT CLEARLY INDICATES OTHERWISE:

27 "AUTHORITY." A BODY POLITIC AND CORPORATE, CREATED PURSUANT
28 TO THE ACT OF MAY 2, 1945 (P.L.382, NO.164), KNOWN AS THE
29 MUNICIPALITY AUTHORITIES ACT OF 1945.

30 "BENEFITED PROPERTY." THOSE PROPERTIES LOCATED WITHIN A

1 NEIGHBORHOOD IMPROVEMENT DISTRICT WHICH PROFIT FROM DISTRICT
2 IMPROVEMENTS BASED ON A RATIONAL NEXUS TEST. PROPERTIES NEED NOT
3 PROFIT EQUALLY TO BE CONSIDERED TO HAVE BENEFITED.

4 "BONDS." THE TERM SHALL INCLUDE THE NOTES, BONDS AND OTHER
5 EVIDENCE OF INDEBTEDNESS OR OBLIGATIONS WHICH EACH MUNICIPAL
6 CORPORATION IS AUTHORIZED TO ISSUE UNDER SECTION 504(7).

7 "BUSINESS IMPROVEMENT." IN THE CASE OF NEIGHBORHOOD
8 IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATIONS CREATED FOR THE
9 PURPOSE OF MAKING IMPROVEMENTS OR PROVIDING ADMINISTRATIVE
10 SERVICES WITHIN A NEIGHBORHOOD IMPROVEMENT DISTRICT, THE TERM
11 SHALL MEAN THOSE IMPROVEMENTS NEEDED IN SPECIFIC AREAS OR TO
12 INDIVIDUAL PROPERTIES, INCLUDING, BUT NOT LIMITED TO, SIDEWALKS,
13 RETAINING WALLS, STREET PAVING, PARKS, RECREATIONAL EQUIPMENT
14 AND FACILITIES, OPEN SPACE, STREET LIGHTING, PARKING LOTS,
15 PARKING GARAGES, TREES AND SHRUBBERY, PEDESTRIAN WALKS, SEWERS,
16 WATER LINES, REST AREAS AND THE ACQUISITION AND REHABILITATION
17 OR DEMOLITION OF BLIGHTED BUILDINGS OR STRUCTURES.

18 "BUSINESS IMPROVEMENT DISTRICT." A BUSINESS IMPROVEMENT
19 DISTRICT (BID) CREATED PRIOR TO THE EFFECTIVE DATE OF THIS
20 CHAPTER GOVERNED BY THE ACT OF MAY 2, 1945 (P.L.382, NO.164),
21 KNOWN AS THE MUNICIPALITY AUTHORITIES ACT OF 1945, INsofar AS IT
22 RELATES TO BUSINESS IMPROVEMENT DISTRICTS OR 53 PA.C.S. CH. 54
23 (RELATING TO BUSINESS IMPROVEMENT DISTRICTS). ON OR AFTER THE
24 EFFECTIVE DATE OF THIS CHAPTER, THE TERM SHALL MEAN A LIMITED,
25 GEOGRAPHICAL AREA COMPRISED OF REAL PROPERTY WHICH IS USED FOR
26 ANY FOR-PROFIT ACTIVITY INVOLVING TRADE AND TRAFFIC, OR COMMERCE
27 IN GENERAL.

28 "COMMERCIAL." RELATING TO OR ASSOCIATED WITH ANY FOR-PROFIT
29 ACTIVITY INVOLVING TRADE AND TRAFFIC, OR COMMERCE IN GENERAL.

30 "CONSTRUCTION EXPENDITURES." PROPERTY AND RIGHT-OF-WAY

1 ACQUISITION COSTS WHERE APPLICABLE.

2 "COSTS OF IMPROVEMENTS." THE TERM INCLUDES ARCHITECTURAL
3 FEES, ENGINEERING FEES, ATTORNEY FEES, CONSULTING FEES,
4 PROFESSIONAL FEES, PRELIMINARY PLANNING EXPENDITURES,
5 FEASIBILITY STUDY EXPENDITURES, FINANCING COSTS AND ANY OTHER
6 EXPENDITURES NECESSARY AND INCIDENTAL TO THE DEVELOPMENT,
7 CONSTRUCTION OR COMPLETION OF THE IMPROVEMENT.

8 "DISTRICT ADVISORY COUNCIL." A COMMITTEE COMPRISED OF
9 PROPERTY OWNERS FROM A NEIGHBORHOOD IMPROVEMENT DISTRICT
10 ESTABLISHED UNDER SECTION 507(A), FOR THE PURPOSE OF PROVIDING
11 GUIDANCE AND DIRECTION TO THE NEIGHBORHOOD IMPROVEMENT DISTRICT
12 MANAGEMENT ASSOCIATION CONCERNING ASSOCIATION ACTIVITIES WITHIN
13 THE DISTRICT.

14 "INDUSTRIAL DISTRICT." A LIMITED, GEOGRAPHICAL AREA
15 COMPRISED OF REAL PROPERTY WHICH IS USED PREDOMINANTLY FOR
16 MANUFACTURING, COMMERCIAL OR ANY OTHER ACTIVITY RELATED TO THE
17 DISTRIBUTION OF GOODS AND SERVICES AND INTERMEDIATE AND FINAL
18 PRODUCTS, INCLUDING, BUT NOT LIMITED TO, WAREHOUSING, SHIPPING,
19 TRANSPORTATION, REMANUFACTURING, STOCKPILING OF RAW MATERIALS,
20 REPAIR AND MAINTENANCE OF MACHINERY AND EQUIPMENT, STORAGE,
21 ADMINISTRATION OR BUSINESS ACTIVITIES, AND RESEARCH AND
22 DEVELOPMENT.

23 "INSTITUTION." THE TERM INCLUDES, BUT IS NOT LIMITED TO,
24 COLLEGES, UNIVERSITIES, SCHOOLS, HOSPITALS, MUSEUMS, THEATERS,
25 CHURCHES, SYNAGOGUES, ART CENTERS OR SIMILAR FACILITIES.

26 "INSTITUTIONAL DISTRICT." A LIMITED, GEOGRAPHICAL AREA
27 COMPRISED PREDOMINANTLY OF REAL PROPERTY ON WHICH EDUCATIONAL,
28 HEALTH-RELATED OR CULTURAL ACTIVITIES OCCUR WITHIN BUILDINGS AND
29 STRUCTURES, INCLUDING, BUT NOT LIMITED TO, COLLEGES,
30 UNIVERSITIES, SCHOOLS, HOSPITALS, MUSEUMS, THEATERS, CHURCHES,

1 SYNAGOGUES AND ART CENTERS.

2 "MIXED-USE DISTRICT." A LIMITED, GEOGRAPHICAL AREA COMPRISED
3 OF REAL PROPERTY USED FOR ANY OR ALL PURPOSES CONTAINED WITHIN A
4 BUSINESS, RESIDENTIAL, INDUSTRIAL OR INSTITUTIONAL DISTRICT.

5 "MUNICIPAL CORPORATION." THE BODY OR BOARD AUTHORIZED BY LAW
6 TO ENACT ORDINANCES OR ADOPT RESOLUTIONS FOR THE PARTICULAR
7 MUNICIPALITY.

8 "MUNICIPALITY." ANY CITY, BOROUGH, INCORPORATED TOWN,
9 TOWNSHIP, HOME RULE, OPTIONAL PLAN OR OPTIONAL CHARTER
10 MUNICIPALITY OTHER THAN A CITY OF THE FIRST CLASS, LOCATED
11 WITHIN THIS COMMONWEALTH.

12 "NEIGHBORHOOD." A LIMITED GEOGRAPHIC AREA WITHIN A
13 MUNICIPALITY ESTABLISHING A NEIGHBORHOOD IMPROVEMENT DISTRICT,
14 THE LIMITS OF WHICH FORM THE NEIGHBORHOOD IMPROVEMENT DISTRICT
15 BOUNDARY.

16 "NEIGHBORHOOD IMPROVEMENT." IMPROVEMENTS NEEDED IN SPECIFIC
17 GEOGRAPHIC AREAS OR TO INDIVIDUAL PROPERTIES WITHIN THOSE AREAS,
18 INCLUDING, BUT NOT LIMITED TO, SIDEWALKS, RETAINING WALLS,
19 STREET PAVING, PARKS, RECREATIONAL EQUIPMENT AND FACILITIES,
20 OPEN SPACE, STREET LIGHTING, PARKING LOTS, TREES AND SHRUBBERY,
21 SEWERS, WATER LINES, REST AREAS AND THE ACQUISITION AND
22 REHABILITATION OR DEMOLITION OF DETERIORATED BUILDINGS OR
23 STRUCTURES.

24 "NEIGHBORHOOD IMPROVEMENT DISTRICT." A LIMITED GEOGRAPHIC
25 AREA WITHIN A MUNICIPALITY, IN WHICH A SPECIAL ASSESSMENT IS
26 LEVIED ON ALL DESIGNATED PROPERTY, OTHER THAN TAX-EXEMPT
27 PROPERTY, FOR THE PURPOSE OF PROMOTING THE ECONOMIC AND GENERAL
28 WELFARE OF THE DISTRICT AND THE MUNICIPALITY, HEREINAFTER
29 REFERRED TO AS NID. SUCH DISTRICTS SHALL BE REFERRED TO
30 GENERALLY AS NEIGHBORHOOD IMPROVEMENT DISTRICT (NID) AND

1 SPECIFICALLY AS: BUSINESS IMPROVEMENT DISTRICT (BID);
2 RESIDENTIAL IMPROVEMENT DISTRICT (RID); INDUSTRIAL IMPROVEMENT
3 DISTRICT (IID); INSTITUTIONAL IMPROVEMENT DISTRICT (INID); OR
4 MIXED-USE IMPROVEMENT DISTRICT (MID) DEPENDING ON THE TYPE
5 DISTRICT ESTABLISHED. A DESIGNATED PROPERTY MAY NOT BE INCLUDED
6 IN MORE THAN ONE NEIGHBORHOOD IMPROVEMENT DISTRICT.

7 "NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION."
8 THE GOVERNING BODY WHICH OVERSEES THE MANAGEMENT OF NEIGHBORHOOD
9 IMPROVEMENT DISTRICTS IN A MUNICIPALITY AS ESTABLISHED UNDER
10 SECTION 505 WHICH HEREINAFTER SHALL BE REFERRED TO AS THE NIDMA.
11 SUCH BODY SHALL BE INCORPORATED AS A NONPROFIT CORPORATION IN
12 THIS COMMONWEALTH OR AN AUTHORITY AS ESTABLISHED PURSUANT TO THE
13 ACT OF MAY 2, 1945 (P.L.382, NO.164), KNOWN AS THE MUNICIPALITY
14 AUTHORITIES ACT OF 1945.

15 "NEIGHBORHOOD IMPROVEMENT DISTRICT PLAN." THE STRATEGIC PLAN
16 FOR NEIGHBORHOOD IMPROVEMENTS REQUIRED BY SECTION 505,
17 HEREINAFTER REFERRED TO AS NIDP, AND ALL PROJECTS, PROGRAMS AND
18 SUPPLEMENTAL SERVICES TO BE PROVIDED WITHIN THE DISTRICT TO
19 IMPLEMENT THE PLAN BY THE NEIGHBORHOOD IMPROVEMENT DISTRICT
20 MANAGEMENT ASSOCIATION.

21 "NEIGHBORHOOD IMPROVEMENT DISTRICT SERVICES." IN THE CASE OF
22 NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATIONS
23 CREATED FOR THE PURPOSE OF MAKING IMPROVEMENTS OR PROVIDING
24 EXPANDED SERVICES WITHIN ANY NEIGHBORHOOD BUSINESS IMPROVEMENT
25 DISTRICTS ESTABLISHED, THE TERM SHALL INCLUDE, BUT NOT BE
26 LIMITED TO, THOSE SERVICES WHICH IMPROVE THE ABILITY OF THE
27 COMMERCIAL ESTABLISHMENTS WITHIN THE DISTRICT TO SERVE THE
28 CONSUMER, SUCH AS FREE OR REDUCED-FEE PARKING FOR CUSTOMERS,
29 TRANSPORTATION-RELATED EXPENSES, PUBLIC RELATIONS PROGRAMS,
30 GROUP ADVERTISING, AND DISTRICT MAINTENANCE AND SECURITY

1 SERVICES. FOR SERVICES PROVIDED WITHIN ANY RESIDENTIAL,
2 INDUSTRIAL, INSTITUTIONAL, OR MIXED-USE NEIGHBORHOOD IMPROVEMENT
3 DISTRICT, THE TERM SHALL INCLUDE, BUT NOT BE LIMITED TO, THOSE
4 SERVICES WHICH IMPROVE THE ABILITY OF PROPERTY OWNERS TO ENJOY A
5 SAFER AND MORE ATTRACTIVE NEIGHBORHOOD THROUGH THE PROVISION OF
6 INCREASED OR EXPANDED SERVICES, INCLUDING STREET LIGHTING,
7 STREET CLEANING, STREET MAINTENANCE, PARKS, RECREATIONAL
8 EQUIPMENT AND FACILITIES, OPEN SPACE AND/OR SECURITY SERVICES.

9 "NONPROFIT CORPORATION." A LEGAL ENTITY THAT IS INCORPORATED
10 WITHIN THIS COMMONWEALTH AND SPECIFIES IN ITS CHARTER OR BYLAWS
11 THAT NO PART OF THE NET EARNINGS MAY BENEFIT ANY PRIVATE
12 SHAREHOLDER OR INDIVIDUAL HOLDING INTEREST IN SUCH ENTITY.

13 "PRIVATE SECURITY OFFICER." ANY PERSON OR FIRM EMPLOYED BY
14 THE NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION FOR
15 THE PURPOSE OF PROVIDING INCREASED SECURITY OR PROTECTIVE PATROL
16 SERVICES WITHIN THE NEIGHBORHOOD IMPROVEMENT DISTRICT. THE TERM
17 MAY INCLUDE OFF-DUTY POLICE OFFICERS PROVIDED THAT THE USE OF
18 SUCH OFFICERS FOR THIS PURPOSE IS APPROVED BY THE GOVERNING BODY
19 OF THE MUNICIPALITY IN WHICH THE NEIGHBORHOOD IMPROVEMENT
20 DISTRICT IS LOCATED OR THE MUNICIPALITY WHERE THE OFFICER IS
21 EMPLOYED IF DIFFERENT.

22 "PROJECT." THE ACQUISITION, DEVELOPMENT, CONSTRUCTION,
23 IMPROVEMENT, REHABILITATION, OPERATION AND/OR MAINTENANCE OF ANY
24 BUILDING, FACILITY, EQUIPMENT OR STRUCTURE, BY PURCHASE, LEASE
25 OR CONTRACT, BY A NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT
26 ASSOCIATION TO FACILITATE NEIGHBORHOOD AND BUSINESS IMPROVEMENTS
27 AS AUTHORIZED BY THIS CHAPTER.

28 "RATIONAL NEXUS." THE LEGAL PRINCIPLE WHICH REQUIRES THAT
29 THERE IS A RATIONAL, DEFINABLE BENEFIT WHICH ACCRUES TO ANY
30 PROPERTY OWNER ASSESSED A FEE FOR SAID BENEFIT IN A NEIGHBORHOOD

1 IMPROVEMENT DISTRICT CREATED UNDER THIS CHAPTER. ALL PROPERTY
2 OWNERS WITHIN A DESIGNATED NEIGHBORHOOD IMPROVEMENT DISTRICT
3 PAYING A SPECIAL ASSESSMENT FEE MUST BENEFIT DIRECTLY OR
4 INDIRECTLY FROM FACILITIES OR SERVICES PROVIDED BY A
5 NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION WITHIN
6 THE NEIGHBORHOOD IMPROVEMENT DISTRICT, PROVIDED, HOWEVER, THAT
7 PROPERTY OWNERS NEED NOT BENEFIT EQUALLY.

8 "RESIDENTIAL DISTRICT." A LIMITED, GEOGRAPHICAL AREA
9 COMPRISED OF REAL PROPERTY CONSISTING PREDOMINANTLY OF BUILDINGS
10 AND STRUCTURES FOR HOUSING INDIVIDUALS AND FAMILIES, INCLUDING,
11 BUT NOT LIMITED TO, SINGLE FAMILY DETACHED HOMES, SINGLE FAMILY
12 SEMI-DETACHED HOMES, TOWNHOUSES, CONDOMINIUMS, APARTMENTS,
13 MANUFACTURED HOMES, MODULAR HOMES OR ANY COMBINATION OF SAME.

14 "SERVICE AREA." THE AREA WITHIN THE BOUNDARIES OF THE
15 NEIGHBORHOOD IMPROVEMENT DISTRICT ESTABLISHED BY A MUNICIPALITY
16 UNDER THIS CHAPTER, IN WHICH THE NEIGHBORHOOD IMPROVEMENT
17 DISTRICT MANAGEMENT ASSOCIATION PROVIDES PROGRAMS, SERVICES AND
18 IMPROVEMENTS. THE TERM MAY ALSO INCLUDE AN AREA OUTSIDE OF THE
19 NEIGHBORHOOD IMPROVEMENT DISTRICT WHERE SERVICES ARE BEING
20 PROVIDED BY THE NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT
21 ASSOCIATION UNDER CONTRACT.

22 "SPECIAL ASSESSMENT FEE." THE FEE ASSESSED ON PROPERTY
23 OWNERS WITHIN A NEIGHBORHOOD IMPROVEMENT DISTRICT, LEVIED BY THE
24 MUNICIPALITY ESTABLISHING A NEIGHBORHOOD IMPROVEMENT DISTRICT,
25 UNDER SECTION 504(10), FOR THE PURPOSES OF PROVIDING PROGRAMS,
26 IMPROVEMENTS AND SERVICES, UNDER SECTION 507.

27 "SUNSET PROVISION." THE TERM MEANS A PROVISION IN THE
28 NEIGHBORHOOD IMPROVEMENT DISTRICT PLAN, UNDER SECTION 505(C),
29 ESTABLISHING A NEIGHBORHOOD IMPROVEMENT DISTRICT, WHICH PROVIDES
30 FOR THE AUTOMATIC TERMINATION OF THE NEIGHBORHOOD IMPROVEMENT

1 DISTRICT ON A DATE SPECIFIED IN THE NEIGHBORHOOD IMPROVEMENT
2 DISTRICT PLAN AND IN THE MUNICIPAL ORDINANCE ESTABLISHING THE
3 NEIGHBORHOOD IMPROVEMENT DISTRICT. THE NEIGHBORHOOD IMPROVEMENT
4 DISTRICT MAY BE CONTINUED BEYOND THAT DATE, PROVIDED THE
5 MUNICIPAL ENABLING ORDINANCE CREATING THE ORIGINAL NEIGHBORHOOD
6 IMPROVEMENT DISTRICT IS REENACTED, FOLLOWING A REVIEW OF THE
7 NEIGHBORHOOD IMPROVEMENT DISTRICT AND THE NEIGHBORHOOD
8 IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION PROGRAMS AND
9 SERVICES PROVIDED WITHIN THE NEIGHBORHOOD IMPROVEMENT DISTRICT,
10 BY THE MUNICIPALITY.

11 SECTION 504. POWERS OF MUNICIPAL CORPORATION.

12 EVERY MUNICIPAL CORPORATION SHALL HAVE THE POWER:

13 (1) TO ESTABLISH WITHIN THE MUNICIPALITY AN AREA OR
14 AREAS DESIGNATED AS AN NID.

15 (2) TO ESTABLISH AN AUTHORITY TO ADMINISTER THE NID OR
16 TO DESIGNATE AN EXISTING COMMUNITY DEVELOPMENT CORPORATION OR
17 OTHER EXISTING NONPROFIT CORPORATION TO ADMINISTER SAME OR TO
18 CREATE A COMMUNITY DEVELOPMENT CORPORATION OR OTHER NONPROFIT
19 CORPORATION TO ADMINISTER SAME, UNDER SECTIONS 506 AND 507.

20 (3) TO APPROPRIATE AND EXPEND, IN ACCORDANCE WITH THE
21 SPECIFIC PROVISIONS OF THE MUNICIPAL ENABLING ORDINANCE,
22 MUNICIPAL FUNDS AS MAY BE REQUIRED TO:

23 (I) ACQUIRE BY PURCHASE OR LEASE REAL OR PERSONAL
24 PROPERTY DEEMED NECESSARY TO EFFECTUATE THE PURPOSES OF
25 THE NID.

26 (II) PREPARE OR HAVE PREPARED PRELIMINARY PLANNING
27 OR FEASIBILITY STUDIES TO DETERMINE NEEDED IMPROVEMENTS
28 IN AN NID, INCLUDING, BUT NOT LIMITED TO, CAPITAL
29 IMPROVEMENTS, TRADITIONAL STREETScape AND BUILDING
30 RENOVATIONS, RETAINING WALLS, STREET PAVING, STREET

1 LIGHTING, PARKING LOTS, PARKING GARAGES, TREES AND
2 SHRUBBERY, PEDESTRIAN WALKS, SEWERS, WATER LINES, REST
3 AREAS, ACQUISITION, REHABILITATION OR DEMOLITION OF
4 BLIGHTED BUILDINGS AND STRUCTURES, GRAFFITI REMOVAL,
5 SECURITY, MARKETING, PROMOTIONS, ADVERTISING, BUSINESS
6 RETENTION AND RECRUITMENT ACTIVITIES, MASTER LEASING AND
7 PROPERTY MANAGEMENT, JOINT ADVERTISING, RESEARCH AND
8 PLANNING, AS WELL AS THE PROVISION OF ADDITIONAL SERVICES
9 TO SUPPLEMENT, NOT REPLACE, EXISTING MUNICIPAL SERVICES
10 PROVIDED WITHIN THE NID.

11 (4) TO ADVANCE FUNDS TO A NIDMA AS MAY BE REQUIRED TO
12 CARRY OUT THE PURPOSES OF THIS CHAPTER.

13 (5) TO COLLECT SPECIAL PROPERTY ASSESSMENTS ON BEHALF OF
14 THE NIDMA LEVIED ON DESIGNATED PROPERTY OWNERS WITHIN THE
15 NID, AND TO EMPLOY ANY LEGAL METHODS TO INSURE COLLECTION OF
16 THE ASSESSMENTS.

17 (6) TO ACQUIRE BY GIFT, PURCHASE OR EMINENT DOMAIN,
18 LAND, REAL PROPERTY, OR RIGHTS-OF WAY, WHICH MAY BE NEEDED
19 FOR THE PURPOSES OF MAKING PHYSICAL IMPROVEMENTS WITHIN THE
20 NID.

21 (7) TO ISSUE BONDS, NOTES OR GUARANTEES, IN ACCORDANCE
22 WITH THE PROVISIONS OF GENERAL LAWS IN THE AMOUNTS AND FOR
23 THE PERIODS NECESSARY, TO FINANCE NEEDED IMPROVEMENTS WITHIN
24 ANY NID.

25 (8) TO REVIEW ALL PROPOSED EXPENDITURES OF FUNDS WITHIN
26 NIDS BY NIDMAS AND SUGGEST CHANGES TO SAME WHERE A NONPROFIT
27 CORPORATION IS THE NIDMA.

28 (9) TO INCLUDE A SUNSET PROVISION OF NO LESS THAN FIVE
29 YEARS IN THE MUNICIPAL ENABLING ORDINANCE CREATING THE NID
30 AND IN THE CONTRACT WITH THE NIDMA.

1 (10) TO LEVY AN ASSESSMENT FEE ON PROPERTY OWNERS
2 LOCATED WITHIN AN NID NEEDED TO FINANCE ADDITIONAL
3 SUPPLEMENTAL PROGRAMS, SERVICES AND IMPROVEMENTS TO BE
4 PROVIDED OR MADE BY THE NIDMA.

5 SECTION 505. CREATION OF NEIGHBORHOOD IMPROVEMENT DISTRICT.

6 (A) ESTABLISHMENT.--

7 (1) THE GOVERNING BODY OF THE MUNICIPALITY, OR ANY
8 MUNICIPAL BUSINESSES, OR RESIDENTS, OR COMBINATION THEREOF,
9 MAY INITIATE ACTION TO ESTABLISH AN NID OR NIDS WITHIN THE
10 MUNICIPALITY, UNDER THIS CHAPTER.

11 (2) IN THE CASE OF BUSINESSES, OR RESIDENTS, OR BOTH
12 DESIRING TO ESTABLISH AN NID, WHERE THE MUNICIPALITY HAS NOT
13 TAKEN ACTION TO DO SO, THE GOVERNING BODY OF THE MUNICIPALITY
14 MAY BE PETITIONED TO ESTABLISH AN NID, UNDER THE PROCEDURES
15 PROVIDED FOR BY THIS CHAPTER.

16 (3) IN NO CASE, WHERE THE GOVERNING BODY OF A
17 MUNICIPALITY IS PETITIONED TO ESTABLISH AN NID UNDER
18 PARAGRAPH (2), SHALL THE MUNICIPALITY BE REQUIRED TO
19 ESTABLISH AN NID.

20 (B) SPECIFIC PROCEDURES.--

21 (1) A COPY OF EVERYTHING REQUIRED UNDER THIS SECTION, AS
22 WELL AS THE DATE, LOCATION AND TIME OF ANY PUBLIC HEARING
23 REQUIRED BY THIS CHAPTER, SHALL BE PROVIDED BY THE MUNICIPAL
24 CORPORATION TO ALL PROPERTY OWNERS AND LESSEES OF PROPERTY
25 OWNERS LOCATED IN THE PROPOSED NID, AT LEAST 30 DAYS PRIOR TO
26 THE FIRST PUBLIC HEARING REQUIRED BY THIS SECTION.

27 (2) AT LEAST ONE PUBLIC HEARING, NO EARLIER THAN 15 DAYS
28 APART, FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT FROM
29 AFFECTED PROPERTY OWNERS WITHIN THE PROPOSED NID, ON THE
30 PROPOSED NIDP, SHALL BE HELD BY THE MUNICIPALITY BEFORE THE

1 ESTABLISHMENT OF AN NID. NOTICE OF THE HEARING SHALL BE
2 ADVERTISED AT LEAST TEN DAYS PRIOR THERETO IN A NEWSPAPER OF
3 GENERAL CIRCULATION IN THE MUNICIPALITY.

4 (3) ANY OBJECTIONS BY PROPERTY OWNERS WITHIN THE
5 PROPOSED NID MUST BE MADE IN WRITING, BY PERSONS REPRESENTING
6 THE OWNERSHIP OF 40%, IN NUMBERS, OF THE BENEFITED PROPERTIES
7 WITHIN THE NID. OBJECTIONS MUST BE SIGNED BY THE PROPERTY
8 OWNER AND FILED IN THE OFFICE OF THE CLERK FOR THE GOVERNING
9 BODY OF THE MUNICIPALITY IN WHICH THE NID IS PROPOSED.

10 (C) CONTENTS OF PRELIMINARY PLAN.--THE PLAN SHALL INCLUDE
11 THE FOLLOWING:

12 (1) A MAP INDICATING THE BOUNDARIES BY STREET OF THE
13 PROPOSED NID, HOWEVER, A DESIGNATED PROPERTY MAY NOT BE
14 INCLUDED IN MORE THAN ONE NID.

15 (2) A WRITTEN REPORT FROM THE MUNICIPALITY CONTAINING:

16 (I) THE NAME OF THE PROPOSED DISTRICT.

17 (II) A DETAILED DESCRIPTION OF THE SERVICE AREAS OF
18 THE PROPOSED DISTRICT.

19 (III) A LIST OF ALL PROPERTIES TO BE ASSESSED.

20 (IV) A LIST OF PROPOSED IMPROVEMENTS WITHIN THE NID,
21 AND THEIR ESTIMATED COST.

22 (V) A PROPOSED BUDGET FOR THE FIRST FISCAL YEAR,
23 INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING: PERSONNEL
24 AND ADMINISTRATION, PROGRAMS AND SERVICES, MAINTENANCE
25 AND OPERATION, AND CAPITAL EXPENDITURES.

26 (VI) THE PROPOSED REVENUE SOURCES FOR FINANCING ALL
27 PROPOSED IMPROVEMENTS, PROGRAMS AND SERVICES.

28 (VII) THE ESTIMATED TIME FOR IMPLEMENTATION AND
29 COMPLETION OF ALL PROPOSED IMPROVEMENTS, PROGRAMS AND
30 SERVICES.

1 (VIII) A STATEMENT IDENTIFYING THE ADMINISTRATIVE
2 BODY WHICH WILL GOVERN AND ADMINISTER THE NID.

3 (IX) ANY OTHER INFORMATION, INCLUDING THE STATUTORY
4 AUTHORITY, OR, IN THE CASE OF A NONPROFIT CORPORATION,
5 THE BYLAWS, WHICH DESCRIBE THE POWERS AND DUTIES OF AND
6 THE METHOD FOR MAKING DECISIONS BY THE NIDMA.

7 (X) THE METHOD OF DETERMINING THE AMOUNT OF THE
8 ASSESSMENT FEE TO BE LEVIED ON PROPERTY OWNERS WITHIN THE
9 NID UNDER SECTION 507.

10 (3) IN ADDITION, THE PLAN SHALL ALSO:

11 (I) IDENTIFY IN DETAIL THE SPECIFIC DUTIES AND
12 RESPONSIBILITIES OF BOTH THE NIDMA AND THE MUNICIPAL
13 CORPORATION WITH RESPECT TO THE NID.

14 (II) REQUIRE THAT A WRITTEN AGREEMENT BE SIGNED BY
15 THE MUNICIPAL CORPORATION AND THE NIDMA DESCRIBING IN
16 DETAIL THEIR RESPECTIVE DUTIES AND RESPONSIBILITIES.

17 (III) ALLOW FOR AND ENCOURAGE TAX-EXEMPT PROPERTY
18 OWNERS LOCATED WITHIN THE NID TO PROVIDE IN-KIND SERVICES
19 OR A FINANCIAL CONTRIBUTION TO THE NIDMA, IF NOT
20 ASSESSED, IN LIEU OF A PROPERTY ASSESSMENT FEE.

21 (IV) REQUIRE IN THE AGREEMENT BETWEEN THE MUNICIPAL
22 CORPORATION AND THE NIDMA THAT THE MUNICIPALITY MUST
23 MAINTAIN THE SAME LEVEL OF MUNICIPAL PROGRAMS AND
24 SERVICES PROVIDED WITHIN THE NID BEFORE NID DESIGNATION
25 AS AFTER NID DESIGNATION.

26 (V) ALLOW THE MUNICIPAL CORPORATION THE RIGHT TO
27 INCLUDE IN THE AGREEMENT WITH THE NIDMA AND IN THE
28 ENABLING ORDINANCE ESTABLISHING THE NID A SUNSET
29 PROVISION OF NO LESS THAN FIVE YEARS FOR RENEWAL OF THE
30 AGREEMENT.

1 (VI) REQUIRE IN THE AGREEMENT WITH THE NIDMA THAT
2 THE MUNICIPALITY ESTABLISHING AN NID SHALL BE RESPONSIBLE
3 FOR THE COLLECTION OF ALL PROPERTY ASSESSMENT FEES LEVIED
4 WITHIN THE NID, IF SO DESIRED BY THE NIDMA.

5 (VII) PROVIDE THAT A NEGATIVE VOTE OF AT LEAST 40%
6 OF THE PROPERTY OWNERS WITHIN THE NID, PROPOSED IN THE
7 FINAL PLAN, SHALL BE REQUIRED TO DEFEAT THE ESTABLISHMENT
8 OF THE PROPOSED NID BY FILING OBJECTIONS WITH THE CLERK
9 FOR THE GOVERNING BODY OF THE MUNICIPALITY WITHIN 45 DAYS
10 OF PRESENTATION OF THE FINAL PLAN, WHERE THE GOVERNING
11 BODY OF MUNICIPALITY IS INCLINED TO ESTABLISH THE NID.

12 (D) FINAL PLAN.--PRIOR TO THE ESTABLISHMENT OF AN NID, THE
13 MUNICIPALITY SHALL SUBMIT A REVISED FINAL PLAN TO PROPERTY
14 OWNERS LOCATED WITHIN THE PROPOSED NID, WHICH INCORPORATES
15 CHANGES MADE TO THE PLAN, BASED ON COMMENTS FROM AFFECTED
16 PROPERTY OWNERS WITHIN THE NID, PROVIDED AT THE PUBLIC HEARINGS
17 OR AT SOME OTHER TIME. CHANGES TO THE FINAL PLAN, WHICH DIFFER
18 FROM THE PRELIMINARY PLAN, SHALL ALSO BE SO INDICATED IN AN
19 EASILY DISCERNIBLE METHOD FOR THE READER, INCLUDING, BUT NOT
20 LIMITED TO, CHANGES BEING IN BOLDFACED OR ITALICIZED TYPE.

21 (E) PUBLIC HEARING.--AT LEAST ONE PUBLIC HEARING FOR THE
22 PURPOSE OF RECEIVING PUBLIC COMMENT ON ANY REVISIONS TO THE
23 PRELIMINARY PLAN MADE FOLLOWING SUGGESTIONS BY AFFECTED PROPERTY
24 OWNERS WITHIN THE PROPOSED NID AND REFLECTED IN THE FINAL NIDP
25 SHALL BE HELD BY THE MUNICIPAL CORPORATION BEFORE ENACTING AN
26 ORDINANCE ESTABLISHING AN NID. NOTICE OF THE HEARING SHALL BE
27 ADVERTISED AT LEAST TEN DAYS PRIOR THERETO IN A NEWSPAPER OF
28 GENERAL CIRCULATION IN THE MUNICIPALITY.

29 (F) VETO OF FINAL PLAN FOR NID.--

30 (1) FOLLOWING THE LAST PUBLIC HEARING REQUIRED UNDER

1 SUBSECTION (E) OR UNDER SUBSECTION (G), IF AN AMENDMENT TO
2 THE FINAL PLAN, AFFECTED PROPERTY OWNERS LOCATED WITHIN A
3 PROPOSED NID SHALL HAVE 45 DAYS FROM THE DATE OF THE HEARING
4 TO OBJECT TO AND DISAPPROVE THE FINAL PLAN OR ANY AMENDMENT
5 TO THE FINAL PLAN UNDER THE REQUIREMENTS OF SUBSECTION
6 (B)(3).

7 (2) IF 40% OR MORE OF THE AFFECTED PROPERTY OWNERS
8 WITHIN THE PROPOSED NID FAIL TO REGISTER THEIR DISAPPROVAL OF
9 THE FINAL PLAN OR AMENDMENT TO THE FINAL PLAN IN WRITING WITH
10 THE CLERK OF THE GOVERNING BODY OF THE MUNICIPALITY IN WHICH
11 THE NID IS PROPOSED, THE GOVERNING BODY OF THE MUNICIPALITY
12 MAY, FOLLOWING THE 45-DAY PERIOD, ENACT A MUNICIPAL ORDINANCE
13 ESTABLISHING AN NID UNDER THIS CHAPTER, OR IN THE CASE OF AN
14 AMENDMENT TO THE FINAL PLAN, ADOPT ANY AMENDMENTS TO THE
15 ORDINANCE.

16 (G) AMENDMENTS TO FINAL PLAN.--

17 (1) THE FINAL PLAN MAY BE AMENDED BY THE NIDMA ANY TIME
18 AFTER THE ESTABLISHMENT OF AN NID, PURSUANT TO THE PROVISIONS
19 OF THIS CHAPTER, UPON THE RECOMMENDATION OF THE NIDMA BOARD,
20 PROVIDED THERE IS CONCURRENCE WITH 60% OF THE PROPERTY OWNERS
21 WITHIN THE NID.

22 (2) AMENDMENTS TO THE FINAL PLAN WHICH ALSO REQUIRE THE
23 APPROVAL OF THE GOVERNING BODY OF THE MUNICIPALITY
24 ESTABLISHING THE NID, INCLUDE:

25 (I) SUBSTANTIALLY CHANGED OR ADDED PROGRAMS,
26 IMPROVEMENTS AND/OR SERVICES TO BE PROVIDED IN THE NID.

27 (II) INCREASED EXPENDITURES AFFECTING MORE THAN 25%
28 OF THE TOTAL NIDMA BUDGET FOR THE FISCAL YEAR.

29 (III) INCURRING INCREASED INDEBTEDNESS.

30 (IV) CHANGING THE ASSESSMENT FEE STRUCTURE LEVIED ON

1 MANAGEMENT ASSOCIATION SHALL BE DESIGNATED BY THE GOVERNING BODY
2 OF THE MUNICIPALITY IN WHICH THE NID IS TO BE LOCATED TO
3 ADMINISTER PROGRAMS, IMPROVEMENTS AND SERVICES WITHIN THE NID.

4 (B) ADMINISTRATION.--

5 (1) NIDS CREATED PURSUANT TO THIS CHAPTER SHALL BE
6 ADMINISTERED BY AN NIDMA WHICH SHALL BE AN AUTHORITY CREATED
7 PURSUANT TO THE ACT OF MAY 2, 1945 (P.L.382, NO.164), KNOWN
8 AS THE MUNICIPALITY AUTHORITIES ACT OF 1945, AN EXISTING
9 NONPROFIT DEVELOPMENT CORPORATION, AN EXISTING NONPROFIT
10 CORPORATION OR A NONPROFIT DEVELOPMENT CORPORATION OR
11 NONPROFIT CORPORATION ESTABLISHED BY THE GOVERNING BODY OR
12 AUTHORIZED TO BE ESTABLISHED BY THE GOVERNING BODY OF THE
13 MUNICIPALITY IN WHICH THE NID IS TO BE LOCATED, TO ADMINISTER
14 THE NIDP.

15 (2) IF AN ACTIVE NONPROFIT DEVELOPMENT CORPORATION
16 ALREADY EXISTS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE NID
17 AND FORMALLY INDICATES ITS INTEREST TO THE GOVERNING BODY OF
18 THE MUNICIPALITY TO BECOME THE DESIGNATED NIDMA, THE
19 GOVERNING BODY OF THE MUNICIPALITY SHALL GRANT THAT REQUEST
20 UNLESS 40% OR MORE OF THE AFFECTED PROPERTY OWNERS WITHIN THE
21 PROPOSED NID REGISTER THEIR DISAPPROVAL OF THIS DESIGNATION
22 IN WRITING WITH THE CLERK OF THE GOVERNING BODY WITHIN A 45-
23 DAY PERIOD FOLLOWING THE FORMAL WRITTEN REQUEST FOR
24 DESIGNATION BY THE NONPROFIT DEVELOPMENT CORPORATION TO
25 BECOME THE NIDMA.

26 (C) POWERS.--AN NIDMA CREATED UNDER THIS CHAPTER SHALL
27 ASSUME ALL POWERS PROVIDED FOR IN SECTION 507 IMMEDIATELY UPON
28 THE EFFECTIVE DATE OF THE MUNICIPAL ORDINANCE ENACTED UNDER
29 SECTION 504 CREATING AN NID.

30 (D) BOARD.--EVERY NIDMA SHALL HAVE AN ADMINISTRATIVE BOARD.

1 (1) WHERE AN AUTHORITY CREATED PURSUANT TO THE
2 MUNICIPALITY AUTHORITIES ACT OF 1945 SERVES AS THE NIDMA, THE
3 BOARD SHALL BE APPOINTED PURSUANT TO THE MUNICIPALITY
4 AUTHORITIES ACT OF 1945.

5 (2) WHERE AN EXISTING NONPROFIT DEVELOPMENT CORPORATION
6 OR OTHER NONPROFIT CORPORATION IS TO SERVE AS THE NIDMA, THE
7 BOARD SHALL BE APPOINTED ACCORDING TO THE BYLAWS OF THE NIDMA
8 FILED WITH THE DEPARTMENT OF STATE.

9 (3) WHERE A NONPROFIT DEVELOPMENT CORPORATION OR OTHER
10 NONPROFIT CORPORATION IS ESTABLISHED TO SERVE AS THE NIDMA
11 FOR AN NID, THE BOARD SHALL BE COMPRISED OF AN ODD NUMBER OF
12 MEMBERS, BETWEEN FIVE AND NINE, WITH AT LEAST ONE MEMBER
13 REPRESENTING THE MUNICIPAL CORPORATION IN WHICH THE NID IS
14 LOCATED.

15 (4) IN ALL CASES, NIDMA BOARDS SHALL INCLUDE A
16 REPRESENTATIVE OF PROPERTY OWNERS LOCATED IN THE NID,
17 BUSINESS OWNERS LOCATED IN THE NID AND ANY INSTITUTIONS
18 LOCATED IN THE NID. INSTITUTIONAL MEMBERS MAY APPOINT A
19 DESIGNEE TO REPRESENT THEM. ALL BOARD MEMBERS NEED NOT BE
20 RESIDENTS OF THE NID.

21 SECTION 507. POWERS OF NEIGHBORHOOD IMPROVEMENT DISTRICT
22 MANAGEMENT ASSOCIATION.

23 (A) GENERAL POWERS.--A NIDMA SHALL HAVE, IN ADDITION TO ANY
24 OTHER POWERS PROVIDED PURSUANT TO THE ACT OF MAY 2, 1945
25 (P.L.382, NO.164), KNOWN AS THE MUNICIPALITY AUTHORITIES ACT OF
26 1945, WHERE THE NIDMA IS AN AUTHORITY, OR IN ADDITION TO ANY
27 OTHER POWERS PROVIDED PURSUANT TO THE CHARTER ESTABLISHING A
28 NONPROFIT DEVELOPMENT CORPORATION OR OTHER NONPROFIT
29 CORPORATION, WHERE THE NIDMA IS A NONPROFIT DEVELOPMENT
30 CORPORATION OR OTHER NONPROFIT CORPORATION, THE POWER TO:

1 (1) SUE OR BE SUED, IMPEAD OR BE IMPEADED, COMPLAIN
2 AND DEFEND IN ALL COURTS.

3 (2) EMPLOY AN EXECUTIVE DIRECTOR OR ADMINISTRATOR AND
4 ANY NECESSARY SUPPORTING STAFF OR CONTRACT FOR THE PROVISION
5 OF SAME.

6 (3) PREPARE PLANNING OR FEASIBILITY STUDIES OR CONTRACT
7 FOR THE PREPARATION OF SAME, TO DETERMINE NEEDED CAPITAL
8 IMPROVEMENTS OR ADMINISTRATIVE PROGRAMS AND SERVICES WITHIN
9 THE NID.

10 (4) MAKE CAPITAL IMPROVEMENTS OR PROVIDE ADMINISTRATIVE
11 PROGRAMS AND SERVICES WITHIN AN NID.

12 (5) PURCHASE, OWN, CONSTRUCT, RENOVATE, DEVELOP,
13 OPERATE, REHABILITATE, MANAGE, SELL AND/OR DISPOSE OF REAL
14 PROPERTY.

15 (6) CONTRACT WITH EXISTING BUSINESSES WITHIN THE NID.

16 (7) CONTRACT FOR THE PROVISION OF PRODUCTS OR SERVICES
17 BY THE NIDMA TO CLIENTS LOCATED INSIDE AND OUTSIDE OF THE
18 NID, INCLUDING BILLING AND COLLECTION OF ASSESSMENT FEES BY
19 ANOTHER NIDMA.

20 (8) APPROPRIATE AND EXPEND NID FUNDS WHICH WOULD INCLUDE
21 ANY FEDERAL, STATE OR MUNICIPAL FUNDS RECEIVED BY THE NIDMA.
22 THE FUNDS SHALL BE EXPENDED IN ACCORDANCE WITH ANY SPECIFIC
23 PROVISIONS CONTAINED IN THE MUNICIPAL ENABLING ORDINANCE
24 ESTABLISHING THE NID AND MAY BE USED:

25 (I) TO ACQUIRE BY PURCHASE OR LEASE REAL OR PERSONAL
26 PROPERTY TO EFFECTUATE THE PURPOSES OF THIS CHAPTER,
27 INCLUDING MAKING COMMON IMPROVEMENTS WITHIN THE NID,
28 INCLUDING, BUT NOT LIMITED TO, SIDEWALKS, RETAINING
29 WALLS, STREET PAVING, PARKS, RECREATIONAL EQUIPMENT AND
30 FACILITIES, OPEN SPACE, STREET LIGHTING, PARKING LOTS,

1 PARKING GARAGES, TREES AND SHRUBBERY, PEDESTRIAN WALKS,
2 SEWERS, WATER LINES, REST AREAS AND THE ACQUISITION,
3 REHABILITATION OR DEMOLITION OF BLIGHTED BUILDINGS OR
4 COMPARABLE STRUCTURES.

5 (II) TO PROVIDE FREE OR REDUCED-FEE PARKING FOR
6 CUSTOMERS OF BUSINESSES WITHIN THE NID; TRANSPORTATION-
7 RELATED EXPENDITURES, PUBLIC RELATIONS PROGRAMS, GROUP
8 ADVERTISING AND NID MAINTENANCE AND SECURITY SERVICES.

9 (III) TO IMPOSE SPECIAL ASSESSMENT FEES.

10 (9) SOLICIT IN-KIND SERVICES OR FINANCIAL CONTRIBUTIONS
11 FROM TAX-EXEMPT PROPERTY OWNERS WITHIN THE NID IN LIEU OF
12 PROPERTY ASSESSMENT FEES. THIS MAY INCLUDE ENTERING INTO
13 VOLUNTARY MULTIYEAR AGREEMENTS (VMAS) BETWEEN THE NIDMA AND
14 TAX-EXEMPT PROPERTY OWNERS LOCATED WITHIN AN NID, FOR THE
15 PROVISION OF SAME.

16 (10) IMPOSE LIENS ON PROPERTY FOR THE NONPAYMENT OF
17 PROPERTY ASSESSMENTS. NIDS ADMINISTERED BY NONPROFIT
18 CORPORATIONS WOULD HAVE ANY SUCH LIENS FILED BY THE MUNICIPAL
19 CORPORATION.

20 (11) HIRE ADDITIONAL OFF-DUTY POLICE OFFICERS OR PRIVATE
21 SECURITY OFFICERS, WHOSE PATROL AREA RESPONSIBILITIES WOULD
22 BE LIMITED TO THE GEOGRAPHICAL AREA INCORPORATED WITHIN THE
23 DESIGNATED NID SERVICE AREA AND WHOSE RESPONSIBILITY WOULD BE
24 TO SUPPORT EXISTING MUNICIPAL AND VOLUNTEER EFFORTS AIMED AT
25 REDUCING CRIME AND IMPROVING SECURITY IN THE NID.

26 (12) DESIGNATE A DISTRICT ADVISORY COMMITTEE, REFERRED
27 TO AS THE DAC, FOR EACH NID ESTABLISHED WITHIN THE
28 MUNICIPALITY. EACH DAC SHALL CONSIST OF AN ODD NUMBER OF
29 MEMBERS, BETWEEN FIVE AND NINE, WHO SHALL BE REPRESENTATIVE
30 OF THE NEIGHBORHOOD'S CHARACTER, INCLUDING, BUT NOT LIMITED

1 TO, AGE, SEX AND CULTURAL DIVERSITY.

2 (B) ASSESSMENTS.--

3 (1) THE NIDMA SHALL, UPON APPROVAL BY THE GOVERNING BODY
4 OF THE MUNICIPALITY, HAVE THE POWER TO ASSESS PROPERTY OWNERS
5 WITHIN THE NID A SPECIAL PROPERTY ASSESSMENT FEE. REVENUES
6 FROM THE FEE SHALL BE ACCOUNTED FOR AND USED BY THE NIDMA TO
7 MAKE IMPROVEMENTS AND PROVIDE PROGRAMS AND SERVICES WITHIN
8 THE NID AS AUTHORIZED BY THIS CHAPTER. WHERE THE DISTRICT
9 ESTABLISHED IS A BID, THE NIDMA SHALL HAVE THE AUTHORITY TO
10 EXEMPT RESIDENTIAL PROPERTY OWNERS FROM ANY SPECIAL
11 ASSESSMENT FEES LEVIED.

12 (2) ALL ASSESSMENTS AUTHORIZED UNDER THIS SECTION SHALL
13 BE CALCULATED USING JANUARY 1 AS THE FIRST DAY OF THE FISCAL
14 YEAR.

15 (3) ALL SPECIAL PROPERTY ASSESSMENT FEES SHALL BE BASED
16 UPON THE ESTIMATED COST OF THE PROGRAMS, IMPROVEMENTS OR
17 SERVICES TO BE PROVIDED IN SUCH NID AS STATED IN THE FINAL
18 PLAN UNDER SECTION 505(D). IN NO CASE SHALL THE AGGREGATE
19 AMOUNT OF ALL FEES LEVIED BY THE NIDMA DURING THE YEAR EXCEED
20 THE ESTIMATED COST OF PROPOSED PROGRAMS, IMPROVEMENTS AND
21 SERVICES FOR THE YEAR.

22 (4) IN THE CASE OF AN NID WHICH CONTAINS A COMBINATION
23 OF BUSINESS, RESIDENTIAL, INDUSTRIAL AND/OR INSTITUTIONAL
24 AREAS AND USES, A WEIGHTED ASSESSMENT MAY BE INSTITUTED. IN
25 SUCH CASE, THE FEE LEVIED ON PROPERTY OWNERS GENERALLY MAY BE
26 WEIGHTED HIGHER FOR BUSINESS, INDUSTRIAL OR INSTITUTIONAL
27 PROPERTIES THAN THAT LEVIED ON RESIDENTIAL PROPERTY OWNERS,
28 PROVIDED THE BASIS FOR THE CALCULATION OF THE FEE MEETS THE
29 RATIONAL NEXUS TEST.

30 (5) THE TOTAL COSTS OF IMPROVEMENTS, PROGRAMS AND

1 ADMINISTRATIVE SERVICES PROVIDED BY THE NIDMA SHALL BE
2 ASSESSED TO ALL DESIGNATED PROPERTIES WITHIN THE NID BY ONE
3 OF THE FOLLOWING METHODS:

4 (I) AN ASSESSMENT DETERMINED BY MULTIPLYING THE
5 TOTAL SERVICE AND IMPROVEMENT COSTS BY THE RATIO OF THE
6 ASSESSED VALUE OF THE BENEFITED PROPERTY TO THE TOTAL
7 ASSESSED VALUATION OF ALL DESIGNATED BENEFITED PROPERTIES
8 IN THE NID.

9 (II) AN ASSESSMENT UPON THE SEVERAL PROPERTIES IN
10 THE NID IN PROPORTION TO BENEFITS AS ASCERTAINED BY
11 VIEWERS APPOINTED IN ACCORDANCE WITH LAW.

12 (III) ANY METHOD THAT EQUITABLY APPORTIONS COSTS
13 AMONG BENEFITING PROPERTIES.

14 (IV) IN THE CASE OF IMPROVEMENTS BENEFITING
15 PROPERTIES ABUTTING THE NID BY THE FRONT-FOOT METHOD,
16 WITH EQUITABLE ADJUSTMENTS FOR CORNER PROPERTIES AND
17 OTHER CASES PROVIDED FOR IN THE MUNICIPAL ORDINANCE. ANY
18 PROPERTY WHICH CANNOT BE EQUITABLY ASSESSED BY THE FRONT-
19 FOOT METHOD MAY BE ASSESSED BY ANY OF THE ABOVE METHODS.

20 (C) PAYMENT.--THE GOVERNING BODY MAY BY ORDINANCE AUTHORIZE
21 THE PAYMENT OF THE ASSESSMENT IN EQUAL ANNUAL OR MORE FREQUENT
22 INSTALLMENTS, OVER SUCH TIME AND BEARING INTEREST AT THE RATE
23 SPECIFIED IN THE MUNICIPAL ORDINANCE. IF BONDS HAVE BEEN ISSUED
24 AND SOLD, OR NOTES OR GUARANTEES HAVE BEEN GIVEN OR ISSUED, TO
25 PROVIDE FOR THE COST OF THE SERVICES AND IMPROVEMENTS, THE
26 ASSESSMENT IN EQUAL INSTALLMENTS SHALL NOT BE PAYABLE BEYOND THE
27 TERM FOR WHICH THE BONDS, NOTES OR GUARANTEES ARE PAYABLE.

28 (D) LIENS.--

29 (1) NOTWITHSTANDING THE FILING OF THE CLAIMS, ALL
30 ASSESMENTS WHICH ARE MADE PAYABLE IN INSTALLMENTS SHALL

1 CONSTITUTE LIENS AND ENCUMBRANCES UPON THE RESPECTIVE
2 BENEFITED PROPERTIES AT THE BEGINNING OF EACH CALENDAR YEAR,
3 EXCEPT AS PROVIDED IN SUBSECTION (C), AND ONLY IN AN AMOUNT
4 EQUAL TO THE SUM OF:

5 (I) THE ANNUAL OR OTHER INSTALLMENTS BECOMING
6 PAYABLE IN SUCH YEAR, WITH INTEREST AND PENALTIES, IF
7 ANY, THEREON; AND

8 (II) THE TOTAL OF ALL INSTALLMENTS, WITH INTEREST
9 AND PENALTIES THEREON, WHICH BECAME DUE DURING PRIOR
10 YEARS AND WHICH REMAIN DUE AND UNPAID AT THE BEGINNING OF
11 THE CURRENT YEAR.

12 (2) IN THE CASE OF DEFAULT IN THE PAYMENT OF ANY
13 INSTALLMENT AND INTEREST FOR A PERIOD OF 90 DAYS AFTER THE
14 PAYMENT BECOMES DUE, THE ASSESSMENT ORDINANCE MAY PROVIDE
15 EITHER FOR THE ENTIRE ASSESSMENT, WITH ACCRUED INTEREST AND
16 PENALTIES TO BECOME DUE AND BECOME A LIEN FROM THE DUE DATE
17 OF THE INSTALLMENT, OR MAY PROVIDE SOLELY FOR THE ENFORCEMENT
18 OF THE CLAIM AS TO THE OVERDUE INSTALLMENT, WITH INTEREST AND
19 PENALTIES, IN WHICH CASE THE ORDINANCE SHALL FURTHER PROVIDE
20 THAT, IF ANY INSTALLMENT OR PORTION THEREOF REMAINS DUE AND
21 UNPAID FOR ONE YEAR AFTER IT HAS BECOME DUE AND PAYABLE, THEN
22 THE ENTIRE ASSESSMENT WITH ACCRUED INTEREST AND PENALTIES
23 SHALL BECOME DUE AND BECOME A LIEN FROM THE DUE DATE OF THE
24 INSTALLMENT.

25 (3) NO ACTION TAKEN TO ENFORCE A CLAIM FOR ANY
26 INSTALLMENT OR INSTALLMENTS SHALL AFFECT THE STATUS OF ANY
27 SUBSEQUENT INSTALLMENT OF THE SAME ASSESSMENT, EACH OF WHICH
28 SHALL CONTINUE TO BECOME A LIEN UPON THE PROPERTY ANNUALLY
29 PURSUANT TO PARAGRAPH (1).

30 (4) THE ORDINANCE MAY CONTAIN ANY OTHER PROVISION

1 RELATING TO INSTALLMENT ASSESSMENTS WHICH IS NOT INCONSISTENT
2 WITH APPLICABLE LAW.

3 (5) ANY OWNER OF PROPERTY AGAINST WHOM AN ASSESSMENT HAS
4 BEEN MADE MAY PAY THE ASSESSMENT IN FULL AT ANY TIME, WITH
5 ACCRUED INTEREST AND COSTS THEREON, AND SUCH A PAYMENT SHALL
6 DISCHARGE THE LIEN OF THE ASSESSMENT, OR INSTALLMENTS THEN
7 CONSTITUTING A LIEN, AND SHALL ALSO RELEASE THE CLAIM TO ANY
8 LATER INSTALLMENTS.

9 (6) CLAIMS TO SECURE THE ASSESSMENTS SHALL BE ENTERED IN
10 THE PROTHONOTARY'S OFFICE OF THE COUNTY AT THE SAME TIME, AND
11 IN THE SAME FORM, AND COLLECTED IN THE SAME MANNER, AS
12 MUNICIPAL TAX CLAIMS ARE FILED AND COLLECTED, NOTWITHSTANDING
13 THE PROVISIONS OF THIS SECTION AS TO INSTALLMENT PAYMENTS.

14 SECTION 508. DISSOLUTION OF NEIGHBORHOOD IMPROVEMENT DISTRICT
15 MANAGEMENT ASSOCIATION AND NEIGHBORHOOD
16 IMPROVEMENT DISTRICT.

17 (A) CONVEYING PROJECTS.--WHEN ANY NIDMA SHALL HAVE FINALLY
18 PAID AND DISCHARGED ALL BONDS WHICH, TOGETHER WITH THE INTEREST
19 DUE THEREON, SHALL HAVE BEEN SECURED BY A PLEDGE OF ANY OF THE
20 REVENUES OR RECEIPTS OF A PROJECT, IT MAY, SUBJECT TO ANY
21 AGREEMENTS CONCERNING THE OPERATION OR DISPOSITION OF SUCH
22 PROJECT AND THE NIDMA BYLAWS, CONVEY SUCH PROJECT OR PROJECTS TO
23 THE MUNICIPAL CORPORATION WHICH ESTABLISHED OR HAD ESTABLISHED
24 THE NIDMA.

25 (B) REQUEST FOR TERMINATION.--ANY REQUEST FOR THE
26 TERMINATION OF THE NID AND NIDMA APPROVED BY 40% OF THE ASSESSED
27 PROPERTY OWNERS, IN NUMBERS, LOCATED IN THE NID, SHALL BE
28 SUBMITTED TO THE GOVERNING BODY OF THE MUNICIPALITY IN WRITING.
29 THE GOVERNING BODY SHALL HOLD A HEARING ON THE MERITS OF SAME,
30 PURSUANT TO SECTION 505(B)(2) AS IT RELATES TO THE REQUIRED

1 PROCEDURE OF HOLDING A HEARING. SUCH WRITTEN REQUEST SHALL BE
2 CONSIDERED BY THE GOVERNING BODY OF THE MUNICIPALITY. IF THE
3 REQUEST IS APPROVED BY THE GOVERNING BODY OF THE MUNICIPALITY,
4 THEN A RESOLUTION TO THAT EFFECT SHALL BE FILED WITH THE
5 SECRETARY OF THE COMMONWEALTH, AND THE SECRETARY SHALL NOTE THE
6 TERMINATION OF THE EXISTENCE ON THE RECORD OF INCORPORATION AND
7 RETURN THE RESOLUTION WITH HIS OR HER APPROVAL SHOWN ON THE
8 RESOLUTION TO THE MUNICIPAL CORPORATION. THEN, THE PROPERTY OF
9 THE NIDMA SHALL PASS TO THE MUNICIPAL CORPORATION, AS THE CASE
10 MAY BE, AND THE NIDMA AND NID SHALL CEASE TO EXIST. ANY REQUEST
11 FOR THE TERMINATION OF THE NID AND NIDMA BY THE GOVERNING BODY
12 OF THE MUNICIPALITY IN WHICH THE NID IS LOCATED SHALL RESULT IN
13 A HEARING ON THE MERITS OF SAME, PURSUANT TO SECTION 505(B)(2)
14 AS IT RELATES TO THE REQUIRED PROCEDURE FOR HOLDING A HEARING.
15 BEFORE THE DECISION TO TERMINATE AN NID AND NIDMA IS MADE, SUCH
16 TERMINATION MUST BE APPROVED BY 40% OF THE ASSESSED PROPERTY
17 OWNERS, IN NUMBERS, LOCATED IN THE NID, AND SHALL BE SUBMITTED
18 TO THE GOVERNING BODY OF THE MUNICIPALITY IN WRITING. SUCH
19 WRITTEN REQUEST SHALL BE CONSIDERED BY THE GOVERNING BODY OF THE
20 MUNICIPALITY. IF THE REQUEST IS APPROVED BY THE GOVERNING BODY
21 OF THE MUNICIPALITY, THEN A RESOLUTION TO THAT EFFECT SHALL BE
22 FILED WITH THE SECRETARY OF THE COMMONWEALTH, AND THE SECRETARY
23 SHALL NOTE THE TERMINATION OF THE EXISTENCE ON THE RECORD OF
24 INCORPORATION AND RETURN THE RESOLUTION WITH HIS OR HER APPROVAL
25 SHOWN TO THE MUNICIPAL CORPORATION. THE PROPERTY OF THE NIDMA
26 SHALL PASS TO THE MUNICIPAL CORPORATION, AS THE CASE MAY BE, AND
27 THE NIDMA AND NID SHALL CEASE TO EXIST.

28 SECTION 509. ANNUAL AUDIT; REPORT.

29 THE NIDMA SHALL ANNUALLY:

30 (1) SUBMIT AN AUDIT OF ALL INCOME AND EXPENDITURES TO

1 THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT AND THE
2 GOVERNING BODY OF THE MUNICIPALITY IN WHICH THE NID IS
3 LOCATED WITHIN 120 DAYS AFTER THE END OF EACH FISCAL YEAR;
4 AND

5 (2) SUBMIT A REPORT, INCLUDING FINANCIAL AND
6 PROGRAMMATIC INFORMATION, INCLUDING A SUMMARY OF AUDIT
7 FINDINGS, TO THE GOVERNING BODY OF THE MUNICIPALITY IN WHICH
8 THE NID IS LOCATED AND TO ALL ASSESSED PROPERTY OWNERS
9 LOCATED IN THE NID.

10 SECTION 510. APPLICABILITY.

11 (A) EXISTING DISTRICTS.--EXCEPT AS PROVIDED FOR IN
12 SUBSECTION (D), ANY EXISTING BUSINESS IMPROVEMENT DISTRICT OR
13 DOWNTOWN IMPROVEMENT DISTRICT ESTABLISHED PRIOR TO THE EFFECTIVE
14 DATE OF THIS CHAPTER, INCLUDING ANY SUCH DISTRICT LOCATED IN
15 PART IN A CITY OF THE FIRST CLASS AND IN PART IN A CONTIGUOUS
16 MUNICIPALITY, SHALL REMAIN IN EXISTENCE AND SHALL BE GOVERNED BY
17 THE MUNICIPALITY AUTHORITIES ACT OF 1945, INsofar AS IT RELATES
18 TO BUSINESS IMPROVEMENT DISTRICTS OR 53 PA.C.S. CH. 54 (RELATING
19 TO BUSINESS IMPROVEMENT DISTRICTS).

20 (B) DISTRICTS CREATED SUBSEQUENTLY.--ANY NID ESTABLISHED
21 SUBSEQUENT TO THE EFFECTIVE DATE OF THIS CHAPTER SHALL BE
22 GOVERNED BY THE PROVISIONS OF THIS CHAPTER.

23 (C) TERMINATED DISTRICTS.--ANY BUSINESS IMPROVEMENT DISTRICT
24 OR DOWNTOWN IMPROVEMENT DISTRICT IN EXISTENCE PRIOR TO THE
25 EFFECTIVE DATE OF THIS CHAPTER WHICH IS TERMINATED PURSUANT TO A
26 SUNSET PROVISION CONTAINED IN THE MUNICIPAL ORDINANCE WHICH
27 ESTABLISHED THE BUSINESS IMPROVEMENT DISTRICT OR DOWNTOWN
28 IMPROVEMENT DISTRICT SHALL, UPON ITS REESTABLISHMENT, PROVIDED
29 IT OCCURS WITHIN 12 MONTHS OF THE TERMINATION DATE AS SET FORTH
30 IN THE MUNICIPAL ORDINANCE, BE GOVERNED BY THE PROVISIONS OF

1 THIS CHAPTER, WITH THE EXCEPTIONS OF SECTIONS 505 AND 506.

2 (D) ADDITIONAL REQUIREMENTS.--ANY BUSINESS IMPROVEMENT
3 DISTRICT OR DOWNTOWN IMPROVEMENT DISTRICT IN EXISTENCE ON THE
4 EFFECTIVE DATE OF THIS CHAPTER SHALL:

5 (1) BE REQUIRED TO CARRY OUT ANY DUTY OR RESPONSIBILITY
6 IMPOSED ON NIDS UNDER THIS CHAPTER; AND

7 (2) POSSESS ANY ADDITIONAL POWER GIVEN TO NIDS UNDER
8 THIS CHAPTER WITHOUT HAVING TO RESTRUCTURE OR REORGANIZE
9 UNDER THIS CHAPTER.

10 SECTION 10. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.