

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 91

Session of  
2001

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WANSACZ, KREBS, B. SMITH AND DALLY, JANUARY 23, 2001

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 23, 2001

AN ACT

1 Limiting building permit requirements and property tax  
2 reassessment for the rehabilitation of historic homesites;  
3 and conferring powers and duties on the Pennsylvania  
4 Historical and Museum Commission.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Historic  
9 Homesite Local Regulation and Tax Assessment Act.

10 Section 2. Definitions.

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

1 "Commission." The Pennsylvania Historical and Museum  
2 Commission.

3 "Historic homesite." A building which complies with all of  
4 the following:

5 (1) The building has been in existence for at least 50  
6 years.

7 (2) The building is divided into no more than four  
8 units, one of which is used as the owner's principal  
9 residence. The requirements of this paragraph shall be  
10 satisfied if the purchaser of a building has entered into a  
11 covenant with the Pennsylvania Historical and Museum  
12 Commission to divide the building into no more than four  
13 units, one of which will be used as the purchaser's principal  
14 residence beginning no later than four months after the date  
15 of the transfer of title to the real property.

16 (3) The building:

17 (i) has been designated by Federal or State  
18 government as a historic property;

19 (ii) is located in an area designated by Federal or  
20 State government as a historic district;

21 (iii) is located in an area designated as a historic  
22 district under the act of June 13, 1961 (P.L.282,  
23 No.167), entitled, "An act authorizing counties, cities,  
24 boroughs, incorporated towns and townships to create  
25 historic districts within their geographic boundaries;  
26 providing for the appointment of Boards of Historical  
27 Architectural Review; empowering governing bodies of  
28 political subdivisions to protect the distinctive  
29 historical character of these districts and to regulate  
30 the erection, reconstruction, alteration, restoration,

demolition or razing of buildings within the historic districts";

(iv) has been designated as a historic property or is located in an area designated as a historic district under the Historic Preservation Ordinance, Section 14-2007 of the Philadelphia City Code; or

(v) has been designated as a historic property or is located in an area designated as a historic district under Title 11 of the Pittsburgh City Code, Chapter 1 Section 3, as amended by city council on July 22, 1997.

(4) The owner or purchaser of the building has entered into a covenant with the Pennsylvania Historical and Museum Commission providing that:

(i) rehabilitation or restoration work, having a total cost of rehabilitation or restoration valued in excess of \$1,000, will be completed to the satisfaction of the Pennsylvania Historical and Museum Commission in accordance with 36 CFR 67.7 (relating to standards for rehabilitation) within five years of the date of covenant; and

(ii) the building:

(A) has been or will be occupied as the principal residence of the owner or successor in interest for at least five consecutive years, including the date the covenant was entered into with the Pennsylvania Historical and Museum Commission; or

(B) will be occupied as the principal residence of the purchaser or successor in interest for at least five consecutive years, beginning no later than four months after the date of transfer of title to

1           the real property.

2       "Owner." A person who owns a historic homesite.

3   Section 3. Building permits.

4       A municipality may waive the fee for a permit for  
5 construction or zoning variance or exception for rehabilitation  
6 work on a historic homesite. If the individual breaches the  
7 terms of the covenant, the individual shall pay as liquidated  
8 damages the cost of the waived permits, plus interest under  
9 section 202 of the act of January 30, 1974 (P.L.13, No.6),  
10 referred to as the Loan Interest and Protection Law.

11 Section 4. Tax assessment limitation.

12       (a) Ban.--A political subdivision is not required to  
13 reassess, for tax purposes, a historic homesite for two years  
14 after completion of the rehabilitation.

15       (b) Tax reassessment.--If the owner breaches the covenant  
16 with the Pennsylvania Historical and Museum Commission, the  
17 following shall apply:

18           (1) The historic homesite is subject to reassessment.

19           (2) The taxing authority is entitled to interest on lost  
20 taxation at the rate under section 202 of the act of January  
21 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and  
22 Protection Law.

23 Section 5. Repeal.

24       All acts and parts of acts are repealed insofar as they are  
25 inconsistent with this act.

26 Section 6. Applicability.

27       This act shall apply to covenants with the Pennsylvania  
28 Historical and Museum Commission entered into after June 30,  
29 2001.

30 Section 7. Effective date.

1        This act shall take effect in 60 days.