

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 875 Session of
2003

INTRODUCED BY RAFFERTY, RHOADES, CORMAN, ERICKSON, C. WILLIAMS,
LEMMOND AND KITCHEN, JULY 15, 2003

REFERRED TO LOCAL GOVERNMENT, JULY 15, 2003

AN ACT

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

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

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

1 ARTICLE V-B

2 Educational Impact Fee and Assessment

3 Section 501-B. Legislative findings and purpose.

4 The General Assembly hereby finds that:

5 (1) Development of new homes and housing tracts can have
6 a substantial impact on school district operations, affecting
7 the need for school personnel and supplies, transportation
8 systems and district facilities.

9 (2) Districts, which are confronted with large new
10 development, often have little time and few resources to
11 allow them to address the consequences of that development.

12 (3) Allowing districts the ability to assess the impact
13 of new development and impose fees that will allow that
14 district to make the requisite adjustments to address the
15 increase in student population will inevitably allow them to
16 adequately plan.

17 (4) The purpose of this article is to provide a means to
18 enable a school district to adjust its resources to the
19 influx of student population caused by new development and to
20 impose a fee to allow that district to cover the incremental
21 costs associated with increased enrollment.

22 Section 502-B. Definitions.

23 The following words and phrases when used in this article
24 shall have the meanings given to them in this section unless the
25 context clearly indicates otherwise:

26 "Affordable housing." Housing for low-income and moderate-
27 income families and individuals whose rents or mortgage payments
28 are subsidized or are capped.

29 "Educational impact assessment." A report required of all
30 applicants for subdivision plan approvals and building permits

1 which report includes an assessment of the impact the plan
2 approval or building permit would have on the school district in
3 which the subdivision or building is located.

4 "Educational impact fee." A charge or fee imposed by a
5 school district against new residential development in order to
6 enable that school district to develop such programs and
7 facilities as may be necessary to accommodate increased student
8 enrollment.

9 "Pupil cost." The actual instruction expense per weighted
10 average daily membership determined under Article XXV of the act
11 of March 10, 1949 (P.L.30, No.14), known as the "Public School
12 Code of 1949," for the district in which a subdivision approval
13 is being sought or building construction will occur.

14 "School board." The board of directors of the school
15 district in which a subdivision is proposed or a building permit
16 is being sought.

17 Section 503-B. Educational impact fee.

18 (a) Authority to levy fee.--

19 (1) The board of directors of a school district may levy
20 an educational impact fee on each subdivision plan and
21 building permit issued for the construction of new
22 residential units located within its geographic boundaries in
23 accordance with this section. Prior to the adoption of an
24 educational impact fee, the school board shall give public
25 notice of its intention to adopt such fee and entertain
26 public comments. The educational impact fees shall be
27 collected by the school district.

28 (2) No subdivision plan approval or building permit may
29 be issued without the applicant providing proof that the
30 educational impact fee has been paid in full.

1 (b) Amount of fee for subdivision plans.--The amount of this
2 educational impact fee levied on each proposed subdivision plan
3 may be a fixed fee or a fee based on the pupil cost for that
4 district. A fixed fee may not exceed \$500 for each residential
5 dwelling in a proposed subdivision plan. A fee based on pupil
6 cost may not exceed 15% of that pupil cost.

7 (c) Amount of fee for building permits.--The amount of the
8 educational impact fee levied on each building permit for new
9 residential construction may be a fixed fee or a fee based on
10 the pupil cost for that district. A fixed fee may not exceed
11 \$2,500 for each building permit. A fee based on pupil costs may
12 not exceed 30% of that pupil cost.

13 (d) Discretionary reduction or elimination of fee.--

14 (1) The school district may reduce or eliminate the
15 educational impact fee on affordable housing units for low-
16 income and moderate-income individuals.

17 (2) The educational impact fee shall be waived for
18 building permits issued for the replacement of existing
19 dwelling units, even if the permits are nonconcurrent.

20 Section 504-B. Educational Impact Assessment.

21 A subdivision plan shall include an educational impact
22 assessment, a copy of which must be filed with the school
23 district in which the subdivision is proposed. No subdivision
24 plan may be accepted which does not include an educational
25 impact assessment. The assessment must include the following
26 information:

27 (1) The name and location of the proposed subdivision.

28 (2) The number and type of dwelling units proposed for
29 the subdivision, including the target population that will be
30 residing in the dwelling units.

1 (3) The approximate sales cost of each type of dwelling
2 unit.

3 (4) The primary access roads to the proposed
4 subdivision.

5 (5) The time frame for construction of the dwelling
6 units.

7 (6) An estimate of the number of school-age children who
8 can reasonably be expected to be residing in the dwelling
9 units based on the demographic characteristics of similar
10 housing located within the school district.

11 Section 2. This act shall take effect in 90 days.