

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 848**      Session of  
2007

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INTRODUCED BY HALUSKA, ARGALL, CLYMER, CREIGHTON, FABRIZIO,  
HERSHEY, HORNAMAN, W. KELLER, KIRKLAND, MYERS, NAILOR,  
YOUNGBLOOD, KORTZ, FREEMAN, GEIST, COSTA AND THOMAS,  
MARCH 19, 2007

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AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 25, 2007

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## AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," further providing for the sale of  
6 unused and unnecessary lands and buildings.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 707 of the act of March 10, 1949 (P.L.30,  
10 No.14), known as the Public School Code of 1949, is amended by  
11 adding a clause to read:

12 Section 707. Sale of Unused and Unnecessary Lands and  
13 Buildings.--The board of school directors of any district is  
14 hereby vested with the necessary power and authority to sell  
15 unused and unnecessary lands and buildings, by any of the  
16 following methods and subject to the following provisions:

17 \* \* \*

18 (4.1) Notwithstanding the foregoing provision of this

1 section, no unused and unnecessary school building, nor any  
2 unused and unnecessary land upon which such a building is  
3 located, may be sold for less than EIGHTY (80) PER CENTUM OF the ←  
4 fair market value of the building, or of the land and building,  
5 as the case may be, except that the building, or land and  
6 building, may be donated to a political subdivision of this  
7 Commonwealth or to a nonprofit corporation that qualifies as an  
8 institution of purely public charity under section 5 of the act  
9 of November 26, 1997 (P.L.508, No.55), known as the  
10 "Institutions of Purely Public Charity Act." The fair market  
11 value, as used in this clause, shall be determined by a State-  
12 certified real estate appraiser who is certified under the act  
13 of July 10, 1990 (P.L.404, No.98), known as the "Real Estate  
14 Appraisers Certification Act," or by taking the mean average of  
15 the fair market values as determined by two or three such State-  
16 certified real estate appraisers. For the purpose of this  
17 clause, no appraisal may be utilized that was made more than one  
18 year prior to the date of sale. Any unused and unnecessary  
19 school building that cannot be sold for AT LEAST EIGHTY (80) PER ←  
20 CENTUM OF THE fair market value and is not donated to a  
21 political subdivision or a nonprofit corporation pursuant to  
22 this section shall be demolished by the school district within  
23 ten years of its becoming unused. A SCHOOL DISTRICT SHALL NOT BE ←  
24 REQUIRED TO DEMOLISH ANY SCHOOL BUILDING IF:

25 (I) THE BOARD OF SCHOOL DIRECTORS HAS DETERMINED BY  
26 RESOLUTION THE BUILDING IS NECESSARY FOR FUTURE USE BY THE  
27 SCHOOL DISTRICT;

28 (II) THE SCHOOL BUILDING IS MAINTAINED IN ACCORDANCE WITH  
29 LOCAL BUILDING OR HEALTH AND SAFETY ORDINANCES; OR

30 (III) THE SCHOOL BUILDING IS LOCATED ON SCHOOL PROPERTY WITH

1 AT LEAST ONE OTHER SCHOOL BUILDING THAT IS USED FOR THE  
2 INSTRUCTION OF STUDENTS.

3 \* \* \*

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