

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1620 Session of 2007

INTRODUCED BY M. O'BRIEN, McGEEHAN, J. TAYLOR, WALKO, CLYMER, DePASQUALE, JAMES, KIRKLAND, MAHONEY, PARKER, WHEATLEY, JOSEPHS, TANGRETTI, HENNESSEY, THOMAS AND SWANGER, JUNE 25, 2007

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 18, 2008

AN ACT

1 Amending the act of December 20, 2000 (P.L.949, No.130),
2 entitled "An act establishing Neighborhood Improvement
3 Districts; conferring powers and duties on municipal
4 corporations and neighborhood improvement districts;
5 providing for annual audits; and making repeals," further
6 providing for creation of neighborhood improvement district
7 management associations; ESTABLISHING CASINO NEIGHBORHOOD
8 IMPROVEMENT DISTRICTS AND CASINO NEIGHBORHOOD IMPROVEMENT
9 DISTRICT MANAGEMENT ASSOCIATIONS; CONFERRING POWERS AND
10 DUTIES ON MUNICIPAL CORPORATIONS AND CASINO NEIGHBORHOOD
11 IMPROVEMENT DISTRICTS; IMPOSING A SPECIAL PROPERTY ASSESSMENT
12 FEE; PROVIDING FOR TOURISM AND MARKETING AND FOR ANNUAL
13 AUDITS; AND MAKING REPEALS.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 ~~Section 1. Section 6(d) of the act of December 20, 2000~~
17 ~~(P.L.949, No.130), known as the Neighborhood Improvement~~
18 ~~District Act, is amended to read:~~

19 ~~Section 6. Creation of neighborhood improvement district~~
20 ~~management association.~~

21 \* \* \*

22 SECTION 1. THE TITLE OF THE ACT OF DECEMBER 20, 2000

1 (P.L.949, NO.130), KNOWN AS THE NEIGHBORHOOD IMPROVEMENT  
2 DISTRICT ACT, IS AMENDED TO READ:

3 AN ACT  
4 ESTABLISHING NEIGHBORHOOD IMPROVEMENT DISTRICTS; CONFERRING  
5 POWERS AND DUTIES ON MUNICIPAL CORPORATIONS AND NEIGHBORHOOD  
6 IMPROVEMENT DISTRICTS; ESTABLISHING CASINO NEIGHBORHOOD  
7 IMPROVEMENT DISTRICTS AND CASINO NEIGHBORHOOD IMPROVEMENT  
8 DISTRICT MANAGEMENT ASSOCIATIONS; CONFERRING POWERS AND  
9 DUTIES ON MUNICIPAL CORPORATIONS AND CASINO NEIGHBORHOOD  
10 IMPROVEMENT DISTRICTS; IMPOSING A SPECIAL PROPERTY ASSESSMENT  
11 FEE; AND PROVIDING FOR TOURISM AND MARKETING AND FOR ANNUAL  
12 AUDITS[; AND MAKING REPEALS].

13 SECTION 2. THE ACT IS AMENDED BY ADDING A CHAPTER HEADING TO  
14 READ:

15 CHAPTER 1  
16 PRELIMINARY PROVISIONS

17 SECTION 3. SECTION 1 OF THE ACT IS AMENDED TO READ:  
18 SECTION [1] 101. SHORT TITLE.

19 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE NEIGHBORHOOD  
20 IMPROVEMENT DISTRICT ACT.

21 SECTION 4. THE ACT IS AMENDED BY ADDING A CHAPTER HEADING TO  
22 READ:

23 CHAPTER 3  
24 NEIGHBORHOOD IMPROVEMENT DISTRICTS

25 SECTION 5. THE ACT IS AMENDED BY ADDING A SECTION TO READ:  
26 SECTION 301. SCOPE OF CHAPTER.

27 THIS CHAPTER RELATES TO THE NEIGHBORHOOD IMPROVEMENT  
28 DISTRICTS.

29 SECTION 6. SECTIONS 2, 3, 4, 5, 6, 7, 8, 9 AND 10 OF THE ACT  
30 ARE AMENDED TO READ:

1 SECTION [2] 302. LEGISLATIVE FINDINGS.

2 THE GENERAL ASSEMBLY FINDS THAT:

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

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

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

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

25 SECTION [3] 303. DEFINITIONS.

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

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

1 MUNICIPALITY AUTHORITIES ACT OF 1945.

2 "BENEFITED PROPERTY." THOSE PROPERTIES LOCATED WITHIN A  
3 NEIGHBORHOOD IMPROVEMENT DISTRICT WHICH PROFIT FROM DISTRICT  
4 IMPROVEMENTS BASED ON A RATIONAL NEXUS TEST. PROPERTIES NEED NOT  
5 PROFIT EQUALLY TO BE CONSIDERED TO HAVE BENEFITED.

6 "BONDS." THE TERM SHALL INCLUDE THE NOTES, BONDS AND OTHER  
7 EVIDENCE OF INDEBTEDNESS OR OBLIGATIONS WHICH EACH MUNICIPAL  
8 CORPORATION IS AUTHORIZED TO ISSUE UNDER SECTION [4(7)] 304(7).

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

20 "BUSINESS IMPROVEMENT [DISTRICT.] DISTRICT" OR "BID." A  
21 BUSINESS IMPROVEMENT DISTRICT (BID) CREATED PRIOR TO [THE  
22 EFFECTIVE DATE OF THIS ACT] FEBRUARY 19, 2001, GOVERNED BY THE  
23 ACT OF MAY 2, 1945 (P.L.382, NO.164), KNOWN AS THE MUNICIPALITY  
24 AUTHORITIES ACT OF 1945, INsofar AS IT RELATES TO BUSINESS  
25 IMPROVEMENT DISTRICTS OR 53 PA.C.S. CH. 54 (RELATING TO BUSINESS  
26 IMPROVEMENT DISTRICTS). ON OR AFTER [THE EFFECTIVE DATE OF THIS  
27 ACT] FEBRUARY 19, 2001, THE TERM SHALL MEAN A LIMITED  
28 GEOGRAPHICAL AREA COMPRISED OF REAL PROPERTY WHICH IS USED FOR  
29 ANY FOR-PROFIT ACTIVITY INVOLVING TRADE AND TRAFFIC, OR COMMERCE  
30 IN GENERAL.

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

3 "CONSTRUCTION EXPENDITURES." PROPERTY AND RIGHT-OF-WAY  
4 ACQUISITION COSTS WHERE APPLICABLE.

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

11 "DISTRICT ADVISORY COUNCIL." A COMMITTEE COMPRISED OF  
12 PROPERTY OWNERS FROM A NEIGHBORHOOD IMPROVEMENT DISTRICT  
13 ESTABLISHED UNDER SECTION [7(A)] 307(A) FOR THE PURPOSE OF  
14 PROVIDING GUIDANCE AND DIRECTION TO THE NEIGHBORHOOD IMPROVEMENT  
15 DISTRICT MANAGEMENT ASSOCIATION CONCERNING ASSOCIATION  
16 ACTIVITIES WITHIN THE DISTRICT.

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

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

29 "INSTITUTIONAL DISTRICT." A LIMITED GEOGRAPHICAL AREA  
30 COMPRISED PREDOMINANTLY OF REAL PROPERTY ON WHICH EDUCATIONAL,

1 HEALTH-RELATED OR CULTURAL ACTIVITIES OCCUR WITHIN BUILDINGS AND  
2 STRUCTURES, INCLUDING, BUT NOT LIMITED TO, COLLEGES,  
3 UNIVERSITIES, SCHOOLS, HOSPITALS, MUSEUMS, THEATERS, CHURCHES,  
4 SYNAGOGUES AND ART CENTERS.

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

8 "MUNICIPAL CORPORATION." THE BODY OR BOARD AUTHORIZED BY LAW  
9 TO ENACT ORDINANCES OR ADOPT RESOLUTIONS FOR THE PARTICULAR  
10 MUNICIPALITY.

11 "MUNICIPALITY." WITH THE EXCEPTION OF [CITIES] A CITY OF THE  
12 FIRST CLASS, ANY CITY, BOROUGH, INCORPORATED TOWN, TOWNSHIP,  
13 HOME RULE, OPTIONAL PLAN OR OPTIONAL CHARTER MUNICIPALITY  
14 LOCATED WITHIN THIS COMMONWEALTH.

15 "MUNICIPALITY AUTHORITIES ACT." THE FORMER ACT OF MAY 2,  
16 1945 (P.L.382, NO.164), KNOWN AS THE MUNICIPALITY AUTHORITIES  
17 ACT OR 53 PA.C.S. CH. 56 (RELATING TO MUNICIPAL AUTHORITIES).

18 "NEIGHBORHOOD." A LIMITED GEOGRAPHIC AREA WITHIN A  
19 MUNICIPALITY ESTABLISHING A NEIGHBORHOOD IMPROVEMENT DISTRICT,  
20 THE LIMITS OF WHICH FORM THE NEIGHBORHOOD IMPROVEMENT DISTRICT  
21 BOUNDARY.

22 "NEIGHBORHOOD IMPROVEMENT." [IMPROVEMENTS] AN IMPROVEMENT  
23 NEEDED IN SPECIFIC GEOGRAPHIC AREAS OR TO INDIVIDUAL PROPERTIES  
24 WITHIN THOSE AREAS, INCLUDING, BUT NOT LIMITED TO, SIDEWALKS,  
25 RETAINING WALLS, STREET PAVING, PARKS, RECREATIONAL EQUIPMENT  
26 AND FACILITIES, OPEN SPACE, STREET LIGHTING, PARKING LOTS, TREES  
27 AND SHRUBBERY, SEWERS, WATER LINES, REST AREAS AND THE  
28 ACQUISITION AND REHABILITATION OR DEMOLITION OF DETERIORATED  
29 BUILDINGS OR STRUCTURES.

30 "NEIGHBORHOOD IMPROVEMENT [DISTRICT.]" DISTRICT" OR "NID." A

1 LIMITED GEOGRAPHIC AREA WITHIN A MUNICIPALITY, IN WHICH A  
2 SPECIAL ASSESSMENT IS LEVIED ON ALL DESIGNATED PROPERTY, OTHER  
3 THAN TAX-EXEMPT PROPERTY, FOR THE PURPOSE OF PROMOTING THE  
4 ECONOMIC AND GENERAL WELFARE OF THE DISTRICT AND THE  
5 MUNICIPALITY[, HEREINAFTER REFERRED TO AS NID]. SUCH DISTRICTS  
6 SHALL BE REFERRED TO GENERALLY AS NEIGHBORHOOD IMPROVEMENT  
7 DISTRICT (NID) AND SPECIFICALLY AS BUSINESS IMPROVEMENT DISTRICT  
8 (BID), RESIDENTIAL IMPROVEMENT DISTRICT (RID), INDUSTRIAL  
9 IMPROVEMENT DISTRICT (IID), INSTITUTIONAL IMPROVEMENT DISTRICT  
10 (INID) OR MIXED-USE IMPROVEMENT DISTRICT (MID), DEPENDING ON THE  
11 TYPE DISTRICT ESTABLISHED. A DESIGNATED PROPERTY MAY NOT BE  
12 INCLUDED IN MORE THAN ONE NEIGHBORHOOD IMPROVEMENT DISTRICT.

13 "NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT [ASSOCIATION." ]  
14 ASSOCIATION" OR "NIDMA." THE GOVERNING BODY WHICH OVERSEES THE  
15 MANAGEMENT OF NEIGHBORHOOD IMPROVEMENT DISTRICTS IN A  
16 MUNICIPALITY AS ESTABLISHED UNDER SECTION [5, WHICH HEREINAFTER  
17 SHALL BE REFERRED TO AS THE NIDMA] 305. SUCH BODY SHALL BE  
18 INCORPORATED AS A NONPROFIT CORPORATION IN THIS COMMONWEALTH OR  
19 AN AUTHORITY AS ESTABLISHED PURSUANT TO THE [ACT OF MAY 2, 1945  
20 (P.L.382, NO.164), KNOWN AS THE] MUNICIPALITY AUTHORITIES ACT  
21 [OF 1945].

22 "NEIGHBORHOOD IMPROVEMENT DISTRICT [PLAN." ] PLAN" OR "NIDP."  
23 THE STRATEGIC PLAN FOR NEIGHBORHOOD IMPROVEMENTS REQUIRED BY  
24 SECTION [5, HEREINAFTER REFERRED TO AS NIDP] 305, AND ALL  
25 PROJECTS, PROGRAMS AND SUPPLEMENTAL SERVICES TO BE PROVIDED  
26 WITHIN THE DISTRICT TO IMPLEMENT THE PLAN BY THE NEIGHBORHOOD  
27 IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION.

28 "NEIGHBORHOOD IMPROVEMENT DISTRICT SERVICES." IN THE CASE OF  
29 NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATIONS  
30 CREATED FOR THE PURPOSE OF MAKING IMPROVEMENTS OR PROVIDING

1 EXPANDED SERVICES WITHIN ANY NEIGHBORHOOD BUSINESS IMPROVEMENT  
2 DISTRICTS ESTABLISHED, THE TERM SHALL INCLUDE, BUT NOT BE  
3 LIMITED TO, THOSE SERVICES WHICH IMPROVE THE ABILITY OF THE  
4 COMMERCIAL ESTABLISHMENTS WITHIN THE DISTRICT TO SERVE THE  
5 CONSUMER, SUCH AS FREE OR REDUCED-FEE PARKING FOR CUSTOMERS,  
6 TRANSPORTATION-RELATED EXPENSES, PUBLIC RELATIONS PROGRAMS,  
7 GROUP ADVERTISING AND DISTRICT MAINTENANCE AND SECURITY  
8 SERVICES. FOR SERVICES PROVIDED WITHIN ANY RESIDENTIAL,  
9 INDUSTRIAL, INSTITUTIONAL OR MIXED-USE NEIGHBORHOOD IMPROVEMENT  
10 DISTRICT, THE TERM SHALL INCLUDE, BUT NOT BE LIMITED TO, THOSE  
11 SERVICES WHICH IMPROVE THE ABILITY OF PROPERTY OWNERS TO ENJOY A  
12 SAFER AND MORE ATTRACTIVE NEIGHBORHOOD THROUGH THE PROVISION OF  
13 INCREASED OR EXPANDED SERVICES, INCLUDING STREET LIGHTING,  
14 STREET CLEANING, STREET MAINTENANCE, PARKS, RECREATIONAL  
15 EQUIPMENT AND FACILITIES, OPEN SPACE AND/OR SECURITY SERVICES.

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

20 "PRIVATE SECURITY OFFICER." ANY PERSON OR FIRM EMPLOYED BY  
21 THE NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION FOR  
22 THE PURPOSE OF PROVIDING INCREASED SECURITY OR PROTECTIVE PATROL  
23 SERVICES WITHIN THE NEIGHBORHOOD IMPROVEMENT DISTRICT. THE TERM  
24 MAY INCLUDE OFF-DUTY POLICE OFFICERS PROVIDED THAT THE USE OF  
25 SUCH OFFICERS FOR THIS PURPOSE IS APPROVED BY THE GOVERNING BODY  
26 OF THE MUNICIPALITY IN WHICH THE NEIGHBORHOOD IMPROVEMENT  
27 DISTRICT IS LOCATED OR THE MUNICIPALITY WHERE THE OFFICER IS  
28 EMPLOYED IF DIFFERENT.

29 "PROJECT." THE ACQUISITION, DEVELOPMENT, CONSTRUCTION,  
30 IMPROVEMENT, REHABILITATION, OPERATION AND/OR MAINTENANCE OF ANY

1 BUILDING, FACILITY, EQUIPMENT OR STRUCTURE, BY PURCHASE, LEASE  
2 OR CONTRACT, BY A NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT  
3 ASSOCIATION TO FACILITATE NEIGHBORHOOD AND BUSINESS IMPROVEMENTS  
4 AS AUTHORIZED BY THIS [ACT] CHAPTER.

5 "RATIONAL NEXUS." THE LEGAL PRINCIPLE WHICH REQUIRES THAT  
6 THERE IS A RATIONAL, DEFINABLE BENEFIT WHICH ACCRUES TO ANY  
7 PROPERTY OWNER ASSESSED A FEE FOR SAID BENEFIT IN A NEIGHBORHOOD  
8 IMPROVEMENT DISTRICT CREATED UNDER THIS [ACT] CHAPTER. ALL  
9 PROPERTY OWNERS WITHIN A DESIGNATED NEIGHBORHOOD IMPROVEMENT  
10 DISTRICT PAYING A SPECIAL ASSESSMENT FEE MUST BENEFIT DIRECTLY  
11 OR INDIRECTLY FROM FACILITIES OR SERVICES PROVIDED BY A  
12 NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION WITHIN  
13 THE NEIGHBORHOOD IMPROVEMENT DISTRICT, PROVIDED, HOWEVER, THAT  
14 PROPERTY OWNERS NEED NOT BENEFIT EQUALLY.

15 "RESIDENTIAL DISTRICT." A LIMITED GEOGRAPHICAL AREA  
16 COMPRISED OF REAL PROPERTY CONSISTING PREDOMINANTLY OF BUILDINGS  
17 AND STRUCTURES FOR HOUSING INDIVIDUALS AND FAMILIES, INCLUDING,  
18 BUT NOT LIMITED TO, SINGLE-FAMILY DETACHED HOMES, SINGLE-FAMILY  
19 SEMIDETACHED HOMES, TOWNHOUSES, CONDOMINIUMS, APARTMENTS,  
20 MANUFACTURED HOMES, MODULAR HOMES OR ANY COMBINATION OF SAME.

21 "SERVICE AREA." THE AREA WITHIN THE BOUNDARIES OF THE  
22 NEIGHBORHOOD IMPROVEMENT DISTRICT ESTABLISHED BY A MUNICIPALITY  
23 UNDER THIS [ACT] CHAPTER IN WHICH THE NEIGHBORHOOD IMPROVEMENT  
24 DISTRICT MANAGEMENT ASSOCIATION PROVIDES PROGRAMS, SERVICES AND  
25 IMPROVEMENTS. THE TERM MAY ALSO INCLUDE AN AREA OUTSIDE OF THE  
26 NEIGHBORHOOD IMPROVEMENT DISTRICT WHERE SERVICES ARE BEING  
27 PROVIDED BY THE NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT  
28 ASSOCIATION UNDER CONTRACT.

29 "SPECIAL ASSESSMENT FEE." THE FEE ASSESSED ON PROPERTY  
30 OWNERS WITHIN A NEIGHBORHOOD IMPROVEMENT DISTRICT LEVIED BY THE

1 MUNICIPALITY ESTABLISHING A NEIGHBORHOOD IMPROVEMENT DISTRICT  
2 UNDER SECTION [4(10)] 304(10) FOR THE PURPOSES OF PROVIDING  
3 PROGRAMS, IMPROVEMENTS AND SERVICES UNDER SECTION [7] 307.

4 "SUNSET PROVISION." THE TERM MEANS A PROVISION IN THE  
5 NEIGHBORHOOD IMPROVEMENT DISTRICT PLAN UNDER SECTION [5(C)]  
6 305(C), ESTABLISHING A NEIGHBORHOOD IMPROVEMENT DISTRICT, WHICH  
7 PROVIDES FOR THE AUTOMATIC TERMINATION OF THE NEIGHBORHOOD  
8 IMPROVEMENT DISTRICT ON A DATE SPECIFIED IN THE NEIGHBORHOOD  
9 IMPROVEMENT DISTRICT PLAN AND IN THE MUNICIPAL ORDINANCE  
10 ESTABLISHING THE NEIGHBORHOOD IMPROVEMENT DISTRICT. THE  
11 NEIGHBORHOOD IMPROVEMENT DISTRICT MAY BE CONTINUED BEYOND THAT  
12 DATE, PROVIDED THE MUNICIPAL ENABLING ORDINANCE CREATING THE  
13 ORIGINAL NEIGHBORHOOD IMPROVEMENT DISTRICT IS REENACTED,  
14 FOLLOWING A REVIEW OF THE NEIGHBORHOOD IMPROVEMENT DISTRICT AND  
15 THE NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION  
16 PROGRAMS AND SERVICES PROVIDED WITHIN THE NEIGHBORHOOD  
17 IMPROVEMENT DISTRICT, BY THE MUNICIPALITY.

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

19 EVERY MUNICIPAL CORPORATION SHALL HAVE THE POWER:

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

22 (2) TO ESTABLISH AN AUTHORITY TO ADMINISTER THE NID OR  
23 TO DESIGNATE AN EXISTING COMMUNITY DEVELOPMENT CORPORATION OR  
24 OTHER EXISTING NONPROFIT CORPORATION TO ADMINISTER SAME OR TO  
25 CREATE A COMMUNITY DEVELOPMENT CORPORATION OR OTHER NONPROFIT  
26 CORPORATION TO ADMINISTER SAME UNDER SECTIONS [6 AND 7] 306  
27 AND 307.

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

1 (I) ACQUIRE BY PURCHASE OR LEASE REAL OR PERSONAL  
2 PROPERTY DEEMED NECESSARY TO EFFECTUATE THE PURPOSES OF  
3 THE NID.

4 (II) PREPARE OR HAVE PREPARED PRELIMINARY PLANNING  
5 OR FEASIBILITY STUDIES TO DETERMINE NEEDED IMPROVEMENTS  
6 IN AN NID, INCLUDING, BUT NOT LIMITED TO, CAPITAL  
7 IMPROVEMENTS, TRADITIONAL STREETScape AND BUILDING  
8 RENOVATIONS, RETAINING WALLS, STREET PAVING, STREET  
9 LIGHTING, PARKING LOTS, PARKING GARAGES, TREES AND  
10 SHRUBBERY, PEDESTRIAN WALKS, SEWERS, WATER LINES, REST  
11 AREAS, ACQUISITION, REHABILITATION OR DEMOLITION OF  
12 BLIGHTED BUILDINGS AND STRUCTURES, GRAFFITI REMOVAL,  
13 SECURITY, MARKETING, PROMOTIONS, ADVERTISING, BUSINESS  
14 RETENTION AND RECRUITMENT ACTIVITIES, MASTER LEASING AND  
15 PROPERTY MANAGEMENT, JOINT ADVERTISING, RESEARCH AND  
16 PLANNING AS WELL AS THE PROVISION OF ADDITIONAL SERVICES  
17 TO SUPPLEMENT, NOT REPLACE, EXISTING MUNICIPAL SERVICES  
18 PROVIDED WITHIN THE NID.

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

21 (5) TO COLLECT SPECIAL PROPERTY ASSESSMENTS ON BEHALF OF  
22 THE NIDMA LEVIED ON DESIGNATED PROPERTY OWNERS WITHIN THE NID  
23 AND TO EMPLOY ANY LEGAL METHODS TO INSURE COLLECTION OF THE  
24 ASSESSMENTS.

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

28 (7) TO ISSUE BONDS, NOTES OR GUARANTEES, IN ACCORDANCE  
29 WITH THE PROVISIONS OF GENERAL LAWS IN THE AMOUNTS AND FOR  
30 THE PERIODS NECESSARY, TO FINANCE NEEDED IMPROVEMENTS WITHIN

1 ANY NID.

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

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

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

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

13 (A) ESTABLISHMENT.--

14 (1) THE GOVERNING BODY OF THE MUNICIPALITY OR ANY  
15 MUNICIPAL BUSINESSES OR RESIDENTS OR COMBINATION THEREOF MAY  
16 INITIATE ACTION TO ESTABLISH AN NID OR NIDS WITHIN THE  
17 MUNICIPALITY UNDER THIS [ACT] CHAPTER.

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

23 (3) IN NO CASE WHERE THE GOVERNING BODY OF A  
24 MUNICIPALITY IS PETITIONED TO ESTABLISH AN NID UNDER  
25 PARAGRAPH (2) SHALL THE MUNICIPALITY BE REQUIRED TO ESTABLISH  
26 AN NID.

27 (B) SPECIFIC PROCEDURES.--

28 (1) A COPY OF EVERYTHING REQUIRED UNDER THIS SECTION, AS  
29 WELL AS THE DATE, LOCATION AND TIME OF ANY PUBLIC HEARING  
30 REQUIRED BY THIS [ACT] CHAPTER, SHALL BE PROVIDED BY THE

1 MUNICIPAL CORPORATION TO ALL PROPERTY OWNERS AND LESSEES OF  
2 PROPERTY OWNERS LOCATED IN THE PROPOSED NID AT LEAST 30 DAYS  
3 PRIOR TO THE FIRST PUBLIC HEARING REQUIRED BY THIS SECTION.

4 (2) AT LEAST ONE PUBLIC HEARING, NO EARLIER THAN 15 DAYS  
5 APART, FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT FROM  
6 AFFECTED PROPERTY OWNERS WITHIN THE PROPOSED NID, ON THE  
7 PROPOSED NIDP, SHALL BE HELD BY THE MUNICIPALITY BEFORE THE  
8 ESTABLISHMENT OF AN NID. NOTICE OF THE HEARING SHALL BE  
9 ADVERTISED AT LEAST TEN DAYS PRIOR THERETO IN A NEWSPAPER OF  
10 GENERAL CIRCULATION IN THE MUNICIPALITY.

11 (3) ANY OBJECTIONS BY PROPERTY OWNERS WITHIN THE  
12 PROPOSED NID MUST BE MADE IN WRITING BY PERSONS REPRESENTING  
13 THE OWNERSHIP OF 40%, IN NUMBERS, OF THE BENEFITED PROPERTIES  
14 WITHIN THE NID. OBJECTIONS MUST BE SIGNED BY THE PROPERTY  
15 OWNER AND FILED IN THE OFFICE OF THE CLERK FOR THE GOVERNING  
16 BODY OF THE MUNICIPALITY IN WHICH THE NID IS PROPOSED.

17 (C) CONTENTS OF PRELIMINARY PLAN.--THE PLAN SHALL INCLUDE  
18 THE FOLLOWING:

19 (1) A MAP INDICATING THE BOUNDARIES, BY STREET, OF THE  
20 PROPOSED NID; HOWEVER, A DESIGNATED PROPERTY MAY NOT BE  
21 INCLUDED IN MORE THAN ONE NID.

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

23 (I) THE NAME OF THE PROPOSED DISTRICT.

24 (II) A DETAILED DESCRIPTION OF THE SERVICE AREAS OF  
25 THE PROPOSED DISTRICT.

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

27 (IV) A LIST OF PROPOSED IMPROVEMENTS WITHIN THE NID  
28 AND THEIR ESTIMATED COST.

29 (V) A PROPOSED BUDGET FOR THE FIRST FISCAL YEAR,  
30 INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING: PERSONNEL

1 AND ADMINISTRATION, PROGRAMS AND SERVICES, MAINTENANCE  
2 AND OPERATION, AND CAPITAL EXPENDITURES.

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

5 (VII) THE ESTIMATED TIME FOR IMPLEMENTATION AND  
6 COMPLETION OF ALL PROPOSED IMPROVEMENTS, PROGRAMS AND  
7 SERVICES.

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

10 (IX) ANY OTHER INFORMATION, INCLUDING THE STATUTORY  
11 AUTHORITY OR, IN THE CASE OF A NONPROFIT CORPORATION, THE  
12 BYLAWS, WHICH DESCRIBE THE POWERS AND DUTIES OF AND THE  
13 METHOD FOR MAKING DECISIONS BY THE NIDMA.

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

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

18 (I) IDENTIFY IN DETAIL THE SPECIFIC DUTIES AND  
19 RESPONSIBILITIES OF BOTH THE NIDMA AND THE MUNICIPAL  
20 CORPORATION WITH RESPECT TO THE NID.

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

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

28 (IV) REQUIRE IN THE AGREEMENT BETWEEN THE MUNICIPAL  
29 CORPORATION AND THE NIDMA THAT THE MUNICIPALITY MUST  
30 MAINTAIN THE SAME LEVEL OF MUNICIPAL PROGRAMS AND

1 SERVICES PROVIDED WITHIN THE NID BEFORE NID DESIGNATION  
2 AS AFTER NID DESIGNATION.

3 (V) ALLOW THE MUNICIPAL CORPORATION THE RIGHT TO  
4 INCLUDE IN THE AGREEMENT WITH THE NIDMA AND IN THE  
5 ENABLING ORDINANCE ESTABLISHING THE NID A SUNSET  
6 PROVISION OF NO LESS THAN FIVE YEARS FOR RENEWAL OF THE  
7 AGREEMENT.

8 (VI) REQUIRE IN THE AGREEMENT WITH THE NIDMA THAT  
9 THE MUNICIPALITY ESTABLISHING AN NID SHALL BE RESPONSIBLE  
10 FOR THE COLLECTION OF ALL PROPERTY ASSESSMENT FEES LEVIED  
11 WITHIN THE NID IF SO DESIRED BY THE NIDMA.

12 (VII) PROVIDE THAT A NEGATIVE VOTE OF AT LEAST 40%  
13 OF THE PROPERTY OWNERS WITHIN THE NID PROPOSED IN THE  
14 FINAL PLAN SHALL BE REQUIRED TO DEFEAT THE ESTABLISHMENT  
15 OF THE PROPOSED NID BY FILING OBJECTIONS WITH THE CLERK  
16 FOR THE GOVERNING BODY OF THE MUNICIPALITY WITHIN 45 DAYS  
17 OF PRESENTATION OF THE FINAL PLAN WHERE THE GOVERNING  
18 BODY OF MUNICIPALITY IS INCLINED TO ESTABLISH THE NID.

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

28 (E) PUBLIC HEARING.--AT LEAST ONE PUBLIC HEARING FOR THE  
29 PURPOSE OF RECEIVING PUBLIC COMMENT ON ANY REVISIONS TO THE  
30 PRELIMINARY PLAN MADE FOLLOWING SUGGESTIONS BY AFFECTED PROPERTY

1 OWNERS WITHIN THE PROPOSED NID AND REFLECTED IN THE FINAL NIDP  
2 SHALL BE HELD BY THE MUNICIPAL CORPORATION BEFORE ENACTING AN  
3 ORDINANCE ESTABLISHING AN NID. NOTICE OF THE HEARING SHALL BE  
4 ADVERTISED AT LEAST TEN DAYS PRIOR THERETO IN A NEWSPAPER OF  
5 GENERAL CIRCULATION IN THE MUNICIPALITY.

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

7 (1) FOLLOWING THE LAST PUBLIC HEARING REQUIRED UNDER  
8 SUBSECTION (E) OR UNDER SUBSECTION (G) IF AN AMENDMENT TO THE  
9 FINAL PLAN, AFFECTED PROPERTY OWNERS LOCATED WITHIN A  
10 PROPOSED NID SHALL HAVE 45 DAYS FROM THE DATE OF THE HEARING  
11 TO OBJECT TO AND DISAPPROVE THE FINAL PLAN OR ANY AMENDMENT  
12 TO THE FINAL PLAN UNDER THE REQUIREMENTS OF SUBSECTION  
13 (B)(3).

14 (2) IF 40% OR MORE OF THE AFFECTED PROPERTY OWNERS  
15 WITHIN THE PROPOSED NID FAIL TO REGISTER THEIR DISAPPROVAL OF  
16 THE FINAL PLAN OR AMENDMENT TO THE FINAL PLAN IN WRITING WITH  
17 THE CLERK OF THE GOVERNING BODY OF THE MUNICIPALITY IN WHICH  
18 THE NID IS PROPOSED, THE GOVERNING BODY OF THE MUNICIPALITY  
19 MAY, FOLLOWING THE 45-DAY PERIOD, ENACT A MUNICIPAL ORDINANCE  
20 ESTABLISHING AN NID UNDER THIS [ACT] CHAPTER OR, IN THE CASE  
21 OF AN AMENDMENT TO THE FINAL PLAN, ADOPT ANY AMENDMENTS TO  
22 THE ORDINANCE.

23 (G) AMENDMENTS TO FINAL PLAN.--

24 (1) THE FINAL PLAN MAY BE AMENDED BY THE NIDMA ANY TIME  
25 AFTER THE ESTABLISHMENT OF AN NID, PURSUANT TO THE PROVISIONS  
26 OF THIS [ACT] CHAPTER, UPON THE RECOMMENDATION OF THE NIDMA  
27 BOARD, PROVIDED THERE IS CONCURRENCE WITH 60% OF THE PROPERTY  
28 OWNERS WITHIN THE NID.

29 (2) AMENDMENTS TO THE FINAL PLAN WHICH ALSO REQUIRE THE  
30 APPROVAL OF THE GOVERNING BODY OF THE MUNICIPALITY

1 ESTABLISHING THE NID INCLUDE:

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

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

6 (III) INCURRING INCREASED INDEBTEDNESS.

7 (IV) CHANGING THE ASSESSMENT FEE STRUCTURE LEVIED ON  
8 PROPERTY OWNERS IN THE NID.

9 (V) CHANGING THE LEGAL ENTITY (NIDMA) WHICH PROVIDES  
10 PROGRAMS, IMPROVEMENTS AND SERVICES WITHIN THE NID.

11 (VI) CHANGING THE NID SERVICE AREA BOUNDARY.

12 PRIOR TO THE GOVERNING BODY OF THE MUNICIPALITY APPROVING ANY  
13 OF THE CHANGES IN THIS PARAGRAPH, THE GOVERNING BODY SHALL  
14 HOLD AT LEAST ONE PUBLIC HEARING TO DETERMINE THAT SUCH  
15 CHANGES ARE IN THE PUBLIC INTEREST AS IT RELATES TO AFFECTED  
16 PROPERTY OWNERS WITHIN THE NID.

17 (3) THE MUNICIPALITY SHALL PROVIDE PUBLIC NOTICE OF THE  
18 HEARING FOR ANY AMENDMENTS BY PUBLICATION OF A NOTICE IN AT  
19 LEAST ONE NEWSPAPER HAVING A GENERAL CIRCULATION IN THE NID  
20 SPECIFYING THE TIME AND THE PLACE OF SUCH HEARING AND THE  
21 AMENDMENTS TO BE CONSIDERED. THIS NOTICE SHALL BE PUBLISHED  
22 ONCE AT LEAST 10 DAYS PRIOR TO THE DATE OF THE HEARING.

23 (4) THE GOVERNING BODY OF THE MUNICIPALITY MAY WITHIN 30  
24 DAYS FOLLOWING THE PUBLIC HEARING AND AT ITS SOLE DISCRETION  
25 APPROVE OR DISAPPROVE OF ANY AMENDMENTS TO THE PLAN. IF  
26 APPROVED, SUCH AMENDMENTS SHALL BE EFFECTIVE UPON THE DATE OF  
27 SUCH APPROVAL.

28 (5) PRIOR TO THE ADOPTION OF ANY AMENDMENT TO THE NID  
29 BOUNDARY WHICH INCREASES THE SIZE OF THE NID, ANY OWNER OF  
30 PROPERTY TO BE ADDED TO THE NID SHALL BE NOTIFIED OF THE

1 DATE, TIME AND LOCATION OF THE PUBLIC HEARING ON THE PROPOSED  
2 AMENDMENT TO THE FINAL PLAN AND PROVIDED ALL INFORMATION  
3 REQUIRED BY SUBSECTION (C).

4 SECTION [6] 306. CREATION OF NEIGHBORHOOD IMPROVEMENT DISTRICT  
5 MANAGEMENT ASSOCIATION.

6 (A) ASSOCIATION DESIGNATED.--WHEN A MUNICIPALITY ESTABLISHES  
7 AN NID UNDER THIS [ACT] CHAPTER, A NEIGHBORHOOD IMPROVEMENT  
8 DISTRICT MANAGEMENT ASSOCIATION SHALL BE DESIGNATED BY THE  
9 GOVERNING BODY OF THE MUNICIPALITY IN WHICH THE NID IS TO BE  
10 LOCATED TO ADMINISTER PROGRAMS, IMPROVEMENTS AND SERVICES WITHIN  
11 THE NID.

12 (B) ADMINISTRATION.--

13 (1) NIDS CREATED PURSUANT TO THIS [ACT] CHAPTER SHALL BE  
14 ADMINISTERED BY AN NIDMA WHICH SHALL BE AN AUTHORITY CREATED  
15 PURSUANT TO THE [ACT OF MAY 2, 1945 (P.L.382, NO.164), KNOWN  
16 AS THE] MUNICIPALITY AUTHORITIES ACT [OF 1945], AN EXISTING  
17 NONPROFIT DEVELOPMENT CORPORATION, AN EXISTING NONPROFIT  
18 CORPORATION OR A NONPROFIT DEVELOPMENT CORPORATION OR  
19 NONPROFIT CORPORATION ESTABLISHED BY THE GOVERNING BODY OR  
20 AUTHORIZED TO BE ESTABLISHED BY THE GOVERNING BODY OF THE  
21 MUNICIPALITY IN WHICH THE NID IS TO BE LOCATED, TO ADMINISTER  
22 THE NIDP.

23 (2) IF AN ACTIVE NONPROFIT DEVELOPMENT CORPORATION  
24 ALREADY EXISTS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE NID  
25 AND FORMALLY INDICATES ITS INTEREST TO THE GOVERNING BODY OF  
26 THE MUNICIPALITY TO BECOME THE DESIGNATED NIDMA, THE  
27 GOVERNING BODY OF THE MUNICIPALITY SHALL GRANT THAT REQUEST  
28 UNLESS 40% OR MORE OF THE AFFECTED PROPERTY OWNERS WITHIN THE  
29 PROPOSED NID REGISTER THEIR DISAPPROVAL OF THIS DESIGNATION  
30 IN WRITING WITH THE CLERK OF THE GOVERNING BODY WITHIN A 45-

1 DAY PERIOD FOLLOWING THE FORMAL WRITTEN REQUEST FOR  
2 DESIGNATION BY THE NONPROFIT DEVELOPMENT CORPORATION TO  
3 BECOME THE NIDMA.

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

8 (d) Board.--Every NIDMA shall have an administrative  
9 board[.] as follows:

10 (1) Where an authority created pursuant to the  
11 Municipality Authorities Act [of 1945] serves as the NIDMA, <—  
12 the board shall be appointed pursuant to the Municipality  
13 Authorities Act [of 1945]. <—

14 (2) Where an existing nonprofit development corporation  
15 or other nonprofit corporation is to serve as the NIDMA, the  
16 board shall be appointed according to the bylaws of the NIDMA  
17 filed with the Department of State.

18 (3) Where a nonprofit development corporation or other  
19 nonprofit corporation is established to serve as the NIDMA  
20 for an NID, the board shall be comprised of an odd number of  
21 members, between five and nine, with:

22 (i) at least one member representing the municipal  
23 corporation in which the NID is located[.]; and

24 (ii) when a licensed gaming facility is located  
25 within the boundaries of the NID, the State senator and  
26 State representative of the district in which the  
27 facility is located and four members of local recognized  
28 civic associations.

29 (4) In all cases, NIDMA boards shall include a  
30 representative of property owners located in the NID,

1 business owners located in the NID and any institutions  
2 located in the NID. Institutional members may appoint a  
3 designee to represent them. All board members need not be  
4 residents of the NID.

5 SECTION [7] 307. POWERS OF NEIGHBORHOOD IMPROVEMENT DISTRICT  
6 MANAGEMENT ASSOCIATION. <—

7 (A) GENERAL POWERS.--AN NIDMA SHALL HAVE, IN ADDITION TO ANY  
8 OTHER POWERS PROVIDED PURSUANT TO THE [ACT OF MAY 2, 1945  
9 (P.L.382, NO.164), KNOWN AS THE] MUNICIPALITY AUTHORITIES ACT  
10 [OF 1945], WHERE THE NIDMA IS AN AUTHORITY, OR IN ADDITION TO  
11 ANY OTHER POWERS PROVIDED PURSUANT TO THE CHARTER ESTABLISHING A  
12 NONPROFIT DEVELOPMENT CORPORATION OR OTHER NONPROFIT  
13 CORPORATION, WHERE THE NIDMA IS A NONPROFIT DEVELOPMENT  
14 CORPORATION OR OTHER NONPROFIT CORPORATION, THE POWER TO:

15 (1) SUE OR BE SUED, IMPLEAD OR BE IMPLEADED, COMPLAIN  
16 AND DEFEND IN ALL COURTS.

17 (2) EMPLOY AN EXECUTIVE DIRECTOR OR ADMINISTRATOR AND  
18 ANY NECESSARY SUPPORTING STAFF OR CONTRACT FOR THE PROVISION  
19 OF SAME.

20 (3) PREPARE PLANNING OR FEASIBILITY STUDIES OR CONTRACT  
21 FOR THE PREPARATION OF SAME TO DETERMINE NEEDED CAPITAL  
22 IMPROVEMENTS OR ADMINISTRATIVE PROGRAMS AND SERVICES WITHIN  
23 THE NID.

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

26 (5) PURCHASE, OWN, CONSTRUCT, RENOVATE, DEVELOP,  
27 OPERATE, REHABILITATE, MANAGE, SELL AND/OR DISPOSE OF REAL  
28 PROPERTY.

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

30 (7) CONTRACT FOR THE PROVISION OF PRODUCTS OR SERVICES

1 BY THE NIDMA TO CLIENTS LOCATED INSIDE AND OUTSIDE OF THE  
2 NID, INCLUDING BILLING AND COLLECTION OF ASSESSMENT FEES BY  
3 ANOTHER NIDMA.

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

9 (I) TO ACQUIRE BY PURCHASE OR LEASE REAL OR PERSONAL  
10 PROPERTY TO EFFECTUATE THE PURPOSES OF THIS [ACT]  
11 CHAPTER, INCLUDING MAKING COMMON IMPROVEMENTS WITHIN THE  
12 NID, INCLUDING, BUT NOT LIMITED TO, SIDEWALKS, RETAINING  
13 WALLS, STREET PAVING, PARKS, RECREATIONAL EQUIPMENT AND  
14 FACILITIES, OPEN SPACE, STREET LIGHTING, PARKING LOTS,  
15 PARKING GARAGES, TREES AND SHRUBBERY, PEDESTRIAN WALKS,  
16 SEWERS, WATER LINES, REST AREAS AND THE ACQUISITION,  
17 REHABILITATION OR DEMOLITION OF BLIGHTED BUILDINGS OR  
18 COMPARABLE STRUCTURES.

19 (II) TO PROVIDE FREE OR REDUCED-FEE PARKING FOR  
20 CUSTOMERS OF BUSINESSES WITHIN THE NID, TRANSPORTATION-  
21 RELATED EXPENDITURES, PUBLIC RELATIONS PROGRAMS, GROUP  
22 ADVERTISING AND NID MAINTENANCE AND SECURITY SERVICES.

23 (III) TO IMPOSE SPECIAL ASSESSMENT FEES.

24 (9) SOLICIT IN-KIND SERVICES OR FINANCIAL CONTRIBUTIONS  
25 FROM TAX-EXEMPT PROPERTY OWNERS WITHIN THE NID IN LIEU OF  
26 PROPERTY ASSESSMENT FEES. THIS MAY INCLUDE ENTERING INTO  
27 VOLUNTARY MULTIYEAR AGREEMENTS (VMAS) BETWEEN THE NIDMA AND  
28 TAX-EXEMPT PROPERTY OWNERS LOCATED WITHIN AN NID FOR THE  
29 PROVISION OF SAME.

30 (10) IMPOSE LIENS ON PROPERTY FOR THE NONPAYMENT OF

1 PROPERTY ASSESSMENTS. NIDS ADMINISTERED BY NONPROFIT  
2 CORPORATIONS WOULD HAVE ANY SUCH LIENS FILED BY THE MUNICIPAL  
3 CORPORATION.

4 (11) HIRE ADDITIONAL OFF-DUTY POLICE OFFICERS OR PRIVATE  
5 SECURITY OFFICERS WHOSE PATROL AREA RESPONSIBILITIES WOULD BE  
6 LIMITED TO THE GEOGRAPHICAL AREA INCORPORATED WITHIN THE  
7 DESIGNATED NID SERVICE AREA AND WHOSE RESPONSIBILITY WOULD BE  
8 TO SUPPORT EXISTING MUNICIPAL AND VOLUNTEER EFFORTS AIMED AT  
9 REDUCING CRIME AND IMPROVING SECURITY IN THE NID.

10 (12) DESIGNATE A DISTRICT ADVISORY COMMITTEE, REFERRED  
11 TO AS THE DAC, FOR EACH NID ESTABLISHED WITHIN THE  
12 MUNICIPALITY. EACH DAC SHALL CONSIST OF AN ODD NUMBER OF  
13 MEMBERS, BETWEEN FIVE AND NINE, WHO SHALL BE REPRESENTATIVE  
14 OF THE NEIGHBORHOOD'S CHARACTER, INCLUDING, BUT NOT LIMITED  
15 TO, AGE, SEX AND CULTURAL DIVERSITY.

16 (B) ASSESSMENTS.--

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

26 (2) ALL ASSESSMENTS AUTHORIZED UNDER THIS SECTION SHALL  
27 BE CALCULATED USING JANUARY 1 AS THE FIRST DAY OF THE FISCAL  
28 YEAR.

29 (3) ALL SPECIAL PROPERTY ASSESSMENT FEES SHALL BE BASED  
30 UPON THE ESTIMATED COST OF THE PROGRAMS, IMPROVEMENTS OR

1 SERVICES TO BE PROVIDED IN SUCH NID AS STATED IN THE FINAL  
2 PLAN UNDER SECTION [5(D)] 305(D). IN NO CASE SHALL THE  
3 AGGREGATE AMOUNT OF ALL FEES LEVIED BY THE NIDMA DURING THE  
4 YEAR EXCEED THE ESTIMATED COST OF PROPOSED PROGRAMS,  
5 IMPROVEMENTS AND SERVICES FOR THE YEAR.

6 (4) IN THE CASE OF AN NID WHICH CONTAINS A COMBINATION  
7 OF BUSINESS, RESIDENTIAL, INDUSTRIAL AND/OR INSTITUTIONAL  
8 AREAS AND USES, A WEIGHTED ASSESSMENT MAY BE INSTITUTED. IN  
9 SUCH CASE, THE FEE LEVIED ON PROPERTY OWNERS GENERALLY MAY BE  
10 WEIGHTED HIGHER FOR BUSINESS, INDUSTRIAL OR INSTITUTIONAL  
11 PROPERTIES THAN THAT LEVIED ON RESIDENTIAL PROPERTY OWNERS,  
12 PROVIDED THE BASIS FOR THE CALCULATION OF THE FEE MEETS THE  
13 RATIONAL NEXUS TEST.

14 (5) THE TOTAL COSTS OF IMPROVEMENTS, PROGRAMS AND  
15 ADMINISTRATIVE SERVICES PROVIDED BY THE NIDMA SHALL BE  
16 ASSESSED TO ALL DESIGNATED PROPERTIES WITHIN THE NID BY ONE  
17 OF THE FOLLOWING METHODS:

18 (I) AN ASSESSMENT DETERMINED BY MULTIPLYING THE  
19 TOTAL SERVICE AND IMPROVEMENT COSTS BY THE RATIO OF THE  
20 ASSESSED VALUE OF THE BENEFITED PROPERTY TO THE TOTAL  
21 ASSESSED VALUATION OF ALL DESIGNATED BENEFITED PROPERTIES  
22 IN THE NID.

23 (II) AN ASSESSMENT UPON THE SEVERAL PROPERTIES IN  
24 THE NID IN PROPORTION TO BENEFITS AS ASCERTAINED BY  
25 VIEWERS APPOINTED IN ACCORDANCE WITH LAW.

26 (III) ANY METHOD THAT EQUITABLY APPORTIONS COSTS  
27 AMONG BENEFITING PROPERTIES.

28 (IV) IN THE CASE OF IMPROVEMENTS BENEFITING  
29 PROPERTIES ABUTTING THE NID BY THE FRONT-FOOT METHOD,  
30 WITH EQUITABLE ADJUSTMENTS FOR CORNER PROPERTIES AND

1 OTHER CASES PROVIDED FOR IN THE MUNICIPAL ORDINANCE. ANY  
2 PROPERTY WHICH CANNOT BE EQUITABLY ASSESSED BY THE FRONT-  
3 FOOT METHOD MAY BE ASSESSED BY ANY OF THE ABOVE METHODS.

4 (C) PAYMENT.--THE GOVERNING BODY MAY BY ORDINANCE AUTHORIZE  
5 THE PAYMENT OF THE ASSESSMENT IN EQUAL ANNUAL OR MORE FREQUENT  
6 INSTALLMENTS OVER SUCH TIME AND BEARING INTEREST AT THE RATE  
7 SPECIFIED IN THE MUNICIPAL ORDINANCE. IF BONDS HAVE BEEN ISSUED  
8 AND SOLD OR NOTES OR GUARANTEES HAVE BEEN GIVEN OR ISSUED TO  
9 PROVIDE FOR THE COST OF THE SERVICES AND IMPROVEMENTS, THE  
10 ASSESSMENT IN EQUAL INSTALLMENTS SHALL NOT BE PAYABLE BEYOND THE  
11 TERM FOR WHICH THE BONDS, NOTES OR GUARANTEES ARE PAYABLE.

12 (D) LIENS.--

13 (1) NOTWITHSTANDING THE FILING OF THE CLAIMS, ALL  
14 ASSESSMENTS WHICH ARE MADE PAYABLE IN INSTALLMENTS SHALL  
15 CONSTITUTE LIENS AND ENCUMBRANCES UPON THE RESPECTIVE  
16 BENEFITED PROPERTIES AT THE BEGINNING OF EACH CALENDAR YEAR,  
17 EXCEPT AS PROVIDED IN SUBSECTION (C), AND ONLY IN AN AMOUNT  
18 EQUAL TO THE SUM OF:

19 (I) THE ANNUAL OR OTHER INSTALLMENTS BECOMING  
20 PAYABLE IN SUCH YEAR, WITH INTEREST AND PENALTIES, IF  
21 ANY, THEREON; AND

22 (II) THE TOTAL OF ALL INSTALLMENTS, WITH INTEREST  
23 AND PENALTIES THEREON, WHICH BECAME DUE DURING PRIOR  
24 YEARS AND WHICH REMAIN DUE AND UNPAID AT THE BEGINNING OF  
25 THE CURRENT YEAR.

26 (2) IN THE CASE OF DEFAULT IN THE PAYMENT OF ANY  
27 INSTALLMENT AND INTEREST FOR A PERIOD OF 90 DAYS AFTER THE  
28 PAYMENT BECOMES DUE, THE ASSESSMENT ORDINANCE MAY PROVIDE  
29 EITHER FOR THE ENTIRE ASSESSMENT, WITH ACCRUED INTEREST AND  
30 PENALTIES, TO BECOME DUE AND BECOME A LIEN FROM THE DUE DATE

1 OF THE INSTALLMENT OR MAY PROVIDE SOLELY FOR THE ENFORCEMENT  
2 OF THE CLAIM AS TO THE OVERDUE INSTALLMENT, WITH INTEREST AND  
3 PENALTIES, IN WHICH CASE THE ORDINANCE SHALL FURTHER PROVIDE  
4 THAT IF ANY INSTALLMENT OR PORTION THEREOF REMAINS DUE AND  
5 UNPAID FOR ONE YEAR AFTER IT HAS BECOME DUE AND PAYABLE, THEN  
6 THE ENTIRE ASSESSMENT WITH ACCRUED INTEREST AND PENALTIES  
7 SHALL BECOME DUE AND BECOME A LIEN FROM THE DUE DATE OF THE  
8 INSTALLMENT.

9 (3) NO ACTION TAKEN TO ENFORCE A CLAIM FOR ANY  
10 INSTALLMENT OR INSTALLMENTS SHALL AFFECT THE STATUS OF ANY  
11 SUBSEQUENT INSTALLMENT OF THE SAME ASSESSMENT, EACH OF WHICH  
12 SHALL CONTINUE TO BECOME A LIEN UPON THE PROPERTY ANNUALLY  
13 PURSUANT TO PARAGRAPH (1).

14 (4) THE ORDINANCE MAY CONTAIN ANY OTHER PROVISION  
15 RELATING TO INSTALLMENT ASSESSMENTS WHICH IS NOT INCONSISTENT  
16 WITH APPLICABLE LAW.

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

23 (6) CLAIMS TO SECURE THE ASSESSMENTS SHALL BE ENTERED IN  
24 THE PROTHONOTARY'S OFFICE OF THE COUNTY AT THE SAME TIME AND  
25 IN THE SAME FORM AND COLLECTED IN THE SAME MANNER AS  
26 MUNICIPAL TAX CLAIMS ARE FILED AND COLLECTED, NOTWITHSTANDING  
27 THE PROVISIONS OF THIS SECTION AS TO INSTALLMENT PAYMENTS.

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

1 (A) CONVEYING PROJECTS.--WHEN ANY NIDMA SHALL HAVE FINALLY  
2 PAID AND DISCHARGED ALL BONDS WHICH TOGETHER WITH THE INTEREST  
3 DUE THEREON SHALL HAVE BEEN SECURED BY A PLEDGE OF ANY OF THE  
4 REVENUES OR RECEIPTS OF A PROJECT, IT MAY, SUBJECT TO ANY  
5 AGREEMENTS CONCERNING THE OPERATION OR DISPOSITION OF SUCH  
6 PROJECT AND THE NIDMA BYLAWS, CONVEY SUCH PROJECT OR PROJECTS TO  
7 THE MUNICIPAL CORPORATION WHICH ESTABLISHED OR HAD ESTABLISHED  
8 THE NIDMA.

9 (B) REQUEST FOR TERMINATION.--

10 (1) ANY REQUEST FOR THE TERMINATION OF THE NID AND NIDMA  
11 APPROVED BY 40% OF THE ASSESSED PROPERTY OWNERS, IN NUMBERS,  
12 LOCATED IN THE NID SHALL BE SUBMITTED TO THE GOVERNING BODY  
13 OF THE MUNICIPALITY IN WRITING.

14 (2) THE GOVERNING BODY SHALL HOLD A HEARING ON THE  
15 MERITS OF SAME, PURSUANT TO SECTION [5(B)(2)] 305(B)(2) AS IT  
16 RELATES TO THE REQUIRED PROCEDURE OF HOLDING A HEARING. SUCH  
17 WRITTEN REQUEST SHALL BE CONSIDERED BY THE GOVERNING BODY OF  
18 THE MUNICIPALITY.

19 (3) IF THE REQUEST IS APPROVED BY THE GOVERNING BODY OF  
20 THE MUNICIPALITY, THEN A RESOLUTION TO THAT EFFECT SHALL BE  
21 FILED WITH THE SECRETARY OF THE COMMONWEALTH, AND THE  
22 SECRETARY SHALL NOTE THE TERMINATION OF THE EXISTENCE ON THE  
23 RECORD OF INCORPORATION AND RETURN THE RESOLUTION WITH HIS OR  
24 HER APPROVAL SHOWN ON THE RESOLUTION TO THE MUNICIPAL  
25 CORPORATION. THEN THE PROPERTY OF THE NIDMA SHALL PASS TO THE  
26 MUNICIPAL CORPORATION, AS THE CASE MAY BE, AND THE NIDMA AND  
27 NID SHALL CEASE TO EXIST.

28 (4) ANY REQUEST FOR THE TERMINATION OF THE NID AND NIDMA  
29 BY THE GOVERNING BODY OF THE MUNICIPALITY IN WHICH THE NID IS  
30 LOCATED SHALL RESULT IN A HEARING ON THE MERITS OF SAME,

1 PURSUANT TO SECTION [5(B)(2)] 305(B)(2) AS IT RELATES TO THE  
2 REQUIRED PROCEDURE FOR HOLDING A HEARING.

3 (5) BEFORE THE DECISION TO TERMINATE AN NID AND NIDMA IS  
4 MADE, SUCH TERMINATION MUST BE APPROVED BY 40% OF THE  
5 ASSESSED PROPERTY OWNERS, IN NUMBERS, LOCATED IN THE NID AND  
6 SHALL BE SUBMITTED TO THE GOVERNING BODY OF THE MUNICIPALITY  
7 IN WRITING. SUCH WRITTEN REQUEST SHALL BE CONSIDERED BY THE  
8 GOVERNING BODY OF THE MUNICIPALITY.

9 (6) IF THE REQUEST IS APPROVED BY THE GOVERNING BODY OF  
10 THE MUNICIPALITY, THEN A RESOLUTION TO THAT EFFECT SHALL BE  
11 FILED WITH THE SECRETARY OF THE COMMONWEALTH, AND THE  
12 SECRETARY SHALL NOTE THE TERMINATION OF THE EXISTENCE ON THE  
13 RECORD OF INCORPORATION AND RETURN THE RESOLUTION WITH HIS OR  
14 HER APPROVAL SHOWN TO THE MUNICIPAL CORPORATION.

15 (7) THE PROPERTY OF THE NIDMA SHALL PASS TO THE  
16 MUNICIPAL CORPORATION, AS THE CASE MAY BE, AND THE NIDMA AND  
17 NID SHALL CEASE TO EXIST.

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

19 THE NIDMA SHALL ANNUALLY:

20 (1) SUBMIT AN AUDIT OF ALL INCOME AND EXPENDITURES TO  
21 THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT AND THE  
22 GOVERNING BODY OF THE MUNICIPALITY IN WHICH THE NID IS  
23 LOCATED WITHIN 120 DAYS AFTER THE END OF EACH FISCAL YEAR;  
24 AND

25 (2) SUBMIT A REPORT, INCLUDING FINANCIAL AND  
26 PROGRAMMATIC INFORMATION, INCLUDING A SUMMARY OF AUDIT  
27 FINDINGS, TO THE GOVERNING BODY OF THE MUNICIPALITY IN WHICH  
28 THE NID IS LOCATED AND TO ALL ASSESSED PROPERTY OWNERS  
29 LOCATED IN THE NID.

30 SECTION [10] 310. APPLICABILITY.

1 (A) EXISTING DISTRICTS.--EXCEPT AS PROVIDED FOR IN  
2 SUBSECTION (D), ANY EXISTING BUSINESS IMPROVEMENT DISTRICT OR  
3 DOWNTOWN IMPROVEMENT DISTRICT ESTABLISHED PRIOR TO [THE  
4 EFFECTIVE DATE OF THIS ACT] FEBRUARY 19, 2001, SHALL REMAIN IN  
5 EXISTENCE AND SHALL BE GOVERNED BY THE [ACT OF MAY 2, 1945  
6 (P.L.382, NO.164), KNOWN AS THE] MUNICIPALITY AUTHORITIES ACT  
7 [OF 1945], INSOFAR AS IT RELATES TO BUSINESS IMPROVEMENT  
8 DISTRICTS OR 53 PA.C.S. CH. 54 (RELATING TO BUSINESS IMPROVEMENT  
9 DISTRICTS).

10 (B) DISTRICTS CREATED SUBSEQUENTLY.--ANY NID ESTABLISHED  
11 SUBSEQUENT TO [THE EFFECTIVE DATE OF THIS ACT] FEBRUARY 19,  
12 2001, SHALL BE GOVERNED BY THE PROVISIONS OF THIS [ACT] CHAPTER.

13 (C) PREVIOUSLY TERMINATED DISTRICTS.--ANY BUSINESS  
14 IMPROVEMENT DISTRICT OR DOWNTOWN IMPROVEMENT DISTRICT IN  
15 EXISTENCE PRIOR TO [THE EFFECTIVE DATE OF THIS ACT] FEBRUARY 19,  
16 2001, WHICH IS TERMINATED SHALL, UPON ITS REESTABLISHMENT, BE  
17 GOVERNED BY THE PROVISIONS OF THIS [ACT] CHAPTER. THIS SHALL  
18 INCLUDE ANY TERMINATION RESULTING FROM A SUNSET PROVISION IN ANY  
19 MUNICIPAL AGREEMENT OR ORDINANCE.

20 (D) ADDITIONAL REQUIREMENTS.--ANY BUSINESS IMPROVEMENT  
21 DISTRICT OR DOWNTOWN IMPROVEMENT DISTRICT IN EXISTENCE ON [THE  
22 EFFECTIVE DATE OF THIS ACT] FEBRUARY 19, 2001, SHALL:

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

25 (2) POSSESS ANY ADDITIONAL POWER GIVEN TO NIDS UNDER  
26 THIS [ACT] CHAPTER WITHOUT HAVING TO RESTRUCTURE OR  
27 REORGANIZE UNDER THIS [ACT] CHAPTER.

28 SECTION 7. THE ACT IS AMENDED BY ADDING A CHAPTER TO READ:

29 CHAPTER 5  
30 CASINO NEIGHBORHOOD IMPROVEMENT DISTRICTS

1 SECTION 501. SCOPE OF CHAPTER.

2 THIS CHAPTER RELATES TO CASINO NEIGHBORHOOD IMPROVEMENT  
3 DISTRICTS.

4 SECTION 502. DEFINITIONS.

5 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
6 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
7 CONTEXT CLEARLY INDICATES OTHERWISE:

8 "AUTHORITY." A BODY POLITIC AND CORPORATE, AS ESTABLISHED IN  
9 ACCORDANCE WITH 53 PA.C.S. CH. 56 (RELATING TO MUNICIPAL  
10 AUTHORITIES).

11 "BENEFITED PROPERTY." PROPERTIES LOCATED WITHIN A CASINO  
12 NEIGHBORHOOD IMPROVEMENT DISTRICT WHICH PROFIT FROM DISTRICT  
13 IMPROVEMENTS BASED ON A RATIONAL NEXUS TEST. PROPERTIES NEED NOT  
14 PROFIT EQUALLY TO BE CONSIDERED TO HAVE BENEFITED. THE TERM DOES  
15 NOT INCLUDE ANY PROPERTY WITHIN A CASINO NEIGHBORHOOD  
16 IMPROVEMENT DISTRICT ON WHICH A CASINO IS SITUATED.

17 "CASINO." A LICENSED GAMING FACILITY.

18 "CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT" OR "CNID." A  
19 LIMITED GEOGRAPHIC AREA WITHIN A MUNICIPALITY IN WHICH A CASINO  
20 IS SITUATED, IN WHICH A SPECIAL ASSESSMENT IS LEVIED ON SUCH  
21 FACILITIES AND OTHER DESIGNATED PROPERTY, OTHER THAN RESIDENTIAL  
22 AND TAX-EXEMPT PROPERTY, ON WHICH A SPECIAL PROPERTY ASSESSMENT  
23 FEE MAY BE LEVIED, FOR THE FOLLOWING PURPOSES:

24 (1) PROMOTING THE ECONOMIC AND GENERAL WELFARE OF THE  
25 DISTRICT AND THE MUNICIPALITY.

26 (2) MITIGATING THE IMPACT OF HOSTING A CASINO ON THE  
27 CITIZENS AND NEIGHBORHOODS OF THE MUNICIPALITY.

28 NEITHER A CASINO NOR ANY DESIGNATED PROPERTY MAY BE INCLUDED IN  
29 MORE THAN ONE CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT.

30 "CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT

1 ASSOCIATION" OR "CNIDMA." THE GOVERNING BODY WHICH OVERSEES THE  
2 MANAGEMENT OF CASINO NEIGHBORHOOD IMPROVEMENT DISTRICTS IN A  
3 MUNICIPALITY IN ACCORDANCE WITH SECTION 505. THE BODY SHALL BE  
4 ESTABLISHED EITHER AS A NONPROFIT CORPORATION IN THIS  
5 COMMONWEALTH OR AS AN AUTHORITY ESTABLISHED IN ACCORDANCE WITH  
6 53 PA.C.S. CH. 56 (RELATING TO MUNICIPAL AUTHORITIES).

7 "CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT PLAN" OR "CNIDP."  
8 THE STRATEGIC PLAN FOR NEIGHBORHOOD IMPROVEMENTS REQUIRED UNDER  
9 SECTION 505 AND ALL PROJECTS, PROGRAMS AND SUPPLEMENTAL SERVICES  
10 TO BE PROVIDED WITHIN THE CASINO NEIGHBORHOOD IMPROVEMENT  
11 DISTRICT TO IMPLEMENT THE PLAN BY THE CASINO NEIGHBORHOOD  
12 IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION.

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

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

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

9       "DISTRICT ADVISORY COUNCIL" OR "DAC." A COMMITTEE OF  
10 PROPERTY OWNERS FROM A CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT  
11 ESTABLISHED UNDER SECTION 505 FOR THE PURPOSE OF PROVIDING  
12 GUIDANCE AND DIRECTION TO THE CASINO NEIGHBORHOOD IMPROVEMENT  
13 DISTRICT MANAGEMENT ASSOCIATION CONCERNING ASSOCIATION  
14 ACTIVITIES WITHIN THE DISTRICT.

15       "IMPROVEMENT." IN THE CASE OF CASINO NEIGHBORHOOD  
16 IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATIONS CREATED FOR THE  
17 PURPOSE OF MAKING IMPROVEMENTS OR PROVIDING ADMINISTRATIVE  
18 SERVICES WITHIN A CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT, THE  
19 TERM SHALL MEAN THOSE IMPROVEMENTS NEEDED IN SPECIFIC AREAS OR  
20 TO INDIVIDUAL PROPERTIES, INCLUDING, BUT NOT LIMITED TO,  
21 SIDEWALKS, RETAINING WALLS, STREET PAVING, PARKS, RECREATIONAL  
22 EQUIPMENT AND FACILITIES, OPEN SPACES, STREET LIGHTING, PARKING  
23 LOTS, PARKING GARAGES, TREES AND SHRUBBERY, PEDESTRIAN WALKS,  
24 SEWERS, WATER LINES, REST AREAS AND THE ACQUISITION AND  
25 REHABILITATION OR DEMOLITION OF BLIGHTED BUILDINGS OR  
26 STRUCTURES.

27       "INDUSTRIAL DISTRICT." A LIMITED GEOGRAPHIC AREA COMPRISING  
28 REAL PROPERTY WHICH IS USED PREDOMINANTLY FOR MANUFACTURING,  
29 COMMERCIAL OR ANY OTHER ACTIVITY RELATED TO THE DISTRIBUTION OF  
30 GOODS AND SERVICES AND TO INTERMEDIATE AND FINAL PRODUCTS,

1 INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

2 (1) WAREHOUSING.

3 (2) SHIPPING.

4 (3) TRANSPORTATION.

5 (4) REMANUFACTURING.

6 (5) STOCKPILING OF RAW MATERIALS.

7 (6) REPAIR AND MAINTENANCE OF MACHINERY AND EQUIPMENT.

8 (7) STORAGE.

9 (8) ADMINISTRATION OR BUSINESS ACTIVITIES.

10 (9) RESEARCH AND DEVELOPMENT.

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

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

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

23 "MUNICIPAL CORPORATION." THE BODY OR BOARD AUTHORIZED BY LAW  
24 TO ENACT ORDINANCES AND ADOPT RESOLUTIONS ON BEHALF OF THE  
25 MUNICIPALITY IT IS ELECTED OR APPOINTED TO REPRESENT.

26 "MUNICIPALITY." ANY CITY, BOROUGH, INCORPORATED TOWN OR  
27 TOWNSHIP LOCATED WITHIN THIS COMMONWEALTH IN WHICH A CASINO IS  
28 SITUATED.

29 "MUNICIPALITY AUTHORITIES ACT." 53 PA.C.S. CH. 56 (RELATING  
30 TO MUNICIPAL AUTHORITIES).

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

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

14      "PROJECT." THE ACQUISITION, DEVELOPMENT, CONSTRUCTION,  
15      IMPROVEMENT, REHABILITATION, OPERATION AND MAINTENANCE OF ANY  
16      BUILDING, FACILITY, EQUIPMENT OR STRUCTURE, BY PURCHASE, LEASE  
17      OR CONTRACT, BY A CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT  
18      MANAGEMENT ASSOCIATION TO FACILITATE NEIGHBORHOOD IMPROVEMENTS  
19      AS AUTHORIZED UNDER THIS CHAPTER.

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

1       "REGIONAL ATTRACTIONS MARKETING AGENCY."    THE AGENCY  
2       DESIGNATED BY THE MUNICIPAL CORPORATION IN WHICH THE CASINO  
3       NEIGHBORHOOD IMPROVEMENT DISTRICT IS LOCATED TO SERVE AS THE  
4       REGIONAL MARKETING ORGANIZATION FOR TOURISM AND RELATED MATTERS.

5       "RESIDENTIAL DISTRICT."    A LIMITED GEOGRAPHICAL AREA  
6       COMPRISED OF REAL PROPERTY CONSISTING PREDOMINANTLY OF BUILDINGS  
7       FOR HOUSING INDIVIDUALS AND FAMILIES.

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

16      "SPECIAL ASSESSMENT FEE."    THE FEE ASSESSED ON PROPERTY  
17      OWNERS WITHIN A CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT, LEVIED  
18      BY THE MUNICIPALITY ESTABLISHING A CASINO NEIGHBORHOOD  
19      IMPROVEMENT DISTRICT UNDER SECTION 504, FOR THE PURPOSES OF  
20      PROVIDING PROGRAMS, IMPROVEMENTS AND SERVICES UNDER SECTION 507.

21      "SUNSET PROVISION."    A PROVISION IN THE CASINO NEIGHBORHOOD  
22      IMPROVEMENT DISTRICT PLAN UNDER SECTION 505 WHICH PROVIDES FOR  
23      THE AUTOMATIC TERMINATION OF THE CASINO NEIGHBORHOOD IMPROVEMENT  
24      DISTRICT ON A DATE SPECIFIED IN THE CASINO NEIGHBORHOOD  
25      IMPROVEMENT DISTRICT PLAN AND IN THE MUNICIPAL ORDINANCE  
26      ESTABLISHING THE CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT. THE  
27      CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT MAY BE CONTINUED BEYOND  
28      THAT DATE, PROVIDED THE MUNICIPAL ENABLING ORDINANCE CREATING  
29      THE ORIGINAL CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT IS  
30      REENACTED, FOLLOWING A REVIEW OF THE CASINO NEIGHBORHOOD

1 IMPROVEMENT DISTRICT AND THE CASINO NEIGHBORHOOD IMPROVEMENT  
2 DISTRICT MANAGEMENT ASSOCIATION PROGRAMS AND SERVICES PROVIDED  
3 WITHIN THE CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT BY THE  
4 MUNICIPALITY.

5 SECTION 503. LEGISLATIVE FINDINGS.

6 THE GENERAL ASSEMBLY FINDS THAT:

7 (1) A MUNICIPALITY WITHIN THIS COMMONWEALTH CONTAINING A  
8 LICENSED GAMING FACILITY WITHIN ITS BOUNDARIES WILL BENEFIT  
9 FROM HAVING AN AREA WITHIN ITS BOUNDARIES DESIGNATED AS A  
10 CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT.

11 (2) A CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT  
12 MANAGEMENT ASSOCIATION SHALL PROVIDE ADMINISTRATIVE SERVICES  
13 AND OTHER BENEFITS TO BUSINESSES, EMPLOYEES, RESIDENTS AND  
14 CONSUMERS IN ITS CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT IN  
15 ORDER TO MITIGATE THE IMPACT OF HOSTING A LICENSED GAMING  
16 FACILITY ON THE CITIZENS AND NEIGHBORHOODS OF THE  
17 MUNICIPALITY AND TO ASSIST A MUNICIPALITY IN PROMOTING  
18 ECONOMIC GROWTH, DEVELOPMENT AND EMPLOYMENT.

19 (3) A SPECIAL ASSESSMENT MAY BE IMPOSED AND COLLECTED BY  
20 THE MUNICIPALITY ON THE OWNERS OF THE CASINO SITUATED WITHIN  
21 THE CNID AND TRANSFERRED TO THE CNIDMA TO ACHIEVE THE GOALS  
22 OF THIS CHAPTER AND TO EXERCISE THE POWERS GIVEN TO THE  
23 ASSOCIATION BY THIS CHAPTER.

24 (4) A SPECIAL PROPERTY ASSESSMENT FEE MAY BE IMPOSED AND  
25 COLLECTED BY A MUNICIPALITY WITH THE PROPERTY TAX PAYMENT OR  
26 PAYMENT IN LIEU OF TAXES OR OTHERWISE ON DESIGNATED PROPERTY,  
27 AND ALL OF SUCH PAYMENTS SHALL BE TRANSFERRED TO THE CASINO  
28 NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION TO  
29 ACHIEVE THE GOALS OF THIS CHAPTER AND TO EXERCISE THE POWERS  
30 GIVEN TO SUCH AN ASSOCIATION BY THIS CHAPTER.

1           (5) IT IS IN THE BEST INTEREST OF THE MUNICIPALITY AND  
2 THE PUBLIC TO CREATE A CASINO NEIGHBORHOOD IMPROVEMENT  
3 DISTRICT AND TO DESIGNATE A CASINO NEIGHBORHOOD IMPROVEMENT  
4 DISTRICT MANAGEMENT ASSOCIATION.

5           (6) THE BUSINESS COMMUNITY SHALL BE ENCOURAGED TO  
6 PROVIDE SELF-HELP AND SELF-FINANCING PROGRAMS TO MEET LOCAL  
7 BUSINESS NEEDS, GOALS AND OBJECTIVES.

8 SECTION 504. POWERS OF MUNICIPAL CORPORATION.

9 EVERY MUNICIPAL CORPORATION SHALL HAVE THE POWER:

10           (1) TO ESTABLISH WITHIN THE MUNICIPALITY AN AREA OR  
11 AREAS DESIGNATED AS A CNID.

12           (2) TO ESTABLISH AN AUTHORITY OR MANAGEMENT ASSOCIATION  
13 TO ADMINISTER THE CNID.

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

17           (I) ACQUIRE BY PURCHASE OR LEASE REAL OR PERSONAL  
18 PROPERTY DEEMED NECESSARY TO EFFECTUATE THE PURPOSES OF  
19 THE CNID.

20           (II) PREPARE OR HAVE PREPARED PRELIMINARY PLANNING  
21 OR FEASIBILITY STUDIES TO DETERMINE NEEDED IMPROVEMENTS  
22 IN A CNID, INCLUDING, BUT NOT LIMITED TO, CAPITAL  
23 IMPROVEMENTS, TRADITIONAL STREETScape AND BUILDING  
24 RENOVATIONS, RETAINING WALLS, STREET PAVING, STREET  
25 LIGHTING, PARKING LOTS, PARKING GARAGES, TREES AND  
26 SHRUBBERY, PEDESTRIAN WALKS, SEWERS, WATER LINES, REST  
27 AREAS, ACQUISITION, REHABILITATION OR DEMOLITION OF  
28 BLIGHTED BUILDINGS AND STRUCTURES, GRAFFITI REMOVAL,  
29 SECURITY, MARKETING, PROMOTIONS, ADVERTISING, BUSINESS  
30 RETENTION AND RECRUITMENT ACTIVITIES, MASTER LEASING AND

1 PROPERTY MANAGEMENT, JOINT ADVERTISING, RESEARCH AND  
2 PLANNING AS WELL AS THE PROVISION OF ADDITIONAL SERVICES  
3 TO SUPPLEMENT, NOT REPLACE, EXISTING MUNICIPAL SERVICES  
4 PROVIDED WITHIN THE CNID.

5 (4) TO ADVANCE FUNDS TO A CNIDMA AS MAY BE REQUIRED TO  
6 CARRY OUT THE PURPOSES OF THIS CHAPTER.

7 (5) TO COLLECT SPECIAL PROPERTY ASSESSMENTS ON BEHALF OF  
8 THE CNIDMA LEVIED ON A CASINO AND ON DESIGNATED PROPERTY  
9 OWNERS WITHIN THE CNID AND TO EMPLOY ANY LEGAL METHODS TO  
10 ENSURE COLLECTION OF THE ASSESSMENTS.

11 (6) TO ACQUIRE, BY GIFT, PURCHASE OR EMINENT DOMAIN,  
12 LAND, REAL PROPERTY OR RIGHTS-OF-WAY WHICH MAY BE NEEDED FOR  
13 THE PURPOSES OF MAKING PHYSICAL IMPROVEMENTS WITHIN THE CNID.

14 (7) TO ISSUE BONDS, NOTES OR GUARANTEES, IN ACCORDANCE  
15 WITH THE PROVISIONS OF GENERAL LAWS IN THE AMOUNTS AND FOR  
16 THE PERIODS NECESSARY TO FINANCE NEEDED IMPROVEMENTS WITHIN  
17 ANY CNID.

18 (8) TO REVIEW ALL PROPOSED EXPENDITURES OF FUNDS WITHIN  
19 CNIDS BY CNIDMAS AND SUGGEST CHANGES TO SAME WHERE A  
20 NONPROFIT CORPORATION IS THE CNIDMA.

21 (9) TO INCLUDE A SUNSET PROVISION OF NO LESS THAN FIVE  
22 YEARS IN THE MUNICIPAL ENABLING ORDINANCE CREATING THE CNID  
23 AND IN THE CONTRACT WITH THE CNIDMA.

24 (10) TO LEVY AN ASSESSMENT FEE ON A CASINO AS WELL AS ON  
25 PROPERTY OWNERS LOCATED WITHIN A CNID NEEDED TO FINANCE  
26 ADDITIONAL SUPPLEMENTAL PROGRAMS, SERVICES AND IMPROVEMENTS  
27 TO BE PROVIDED OR MADE BY THE CNIDMA.

28 SECTION 505. CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT.

29 (A) ESTABLISHMENT.--

30 (1) THE GOVERNING BODY OF A MUNICIPALITY OR ANY

1 MUNICIPAL BUSINESSES OR RESIDENTS OR COMBINATION THEREOF MAY  
2 INITIATE ACTION TO ESTABLISH A CNID OR CNIDS WITHIN THE  
3 MUNICIPALITY UNDER THIS CHAPTER.

4 (2) IN THE CASE OF BUSINESSES OR RESIDENTS OR BOTH  
5 DESIRING TO ESTABLISH A CNID WHERE THE MUNICIPALITY HAS NOT  
6 TAKEN ACTION TO DO SO, THE GOVERNING BODY OF THE MUNICIPALITY  
7 MAY BE PETITIONED TO ESTABLISH A CNID UNDER THE PROCEDURES  
8 PROVIDED FOR UNDER THIS CHAPTER.

9 (B) SPECIFIC PROCEDURES.--

10 (1) A COPY OF ALL INFORMATION REQUIRED UNDER THIS  
11 SECTION, AS WELL AS THE DATE, LOCATION AND TIME OF ANY PUBLIC  
12 HEARING REQUIRED UNDER THIS CHAPTER, SHALL BE PROVIDED BY THE  
13 MUNICIPAL CORPORATION TO ALL PROPERTY OWNERS AND LESSEES OF  
14 PROPERTY LOCATED IN THE PROPOSED CNID AT LEAST 30 DAYS PRIOR  
15 TO THE FIRST PUBLIC HEARING REQUIRED UNDER THIS SECTION.

16 (2) AT LEAST ONE PUBLIC HEARING FOR THE PURPOSE OF  
17 RECEIVING PUBLIC COMMENT FROM AFFECTED PROPERTY OWNERS WITHIN  
18 THE PROPOSED CNID ON THE PROPOSED CNIDP SHALL BE HELD BY THE  
19 MUNICIPALITY BEFORE THE ESTABLISHMENT OF A CNID. NOTICE OF  
20 THE HEARING SHALL BE ADVERTISED AT LEAST TEN DAYS PRIOR  
21 THERE TO IN A NEWSPAPER OF GENERAL CIRCULATION IN THE  
22 MUNICIPALITY.

23 (3) ANY OBJECTIONS BY PROPERTY OWNERS WITHIN THE  
24 PROPOSED CNID MUST BE MADE IN WRITING AND SIGNED BY THE  
25 PROPERTY OWNERS AND FILED IN THE OFFICE OF THE CLERK FOR THE  
26 MUNICIPAL CORPORATION OF THE MUNICIPALITY IN WHICH THE CNID  
27 IS PROPOSED.

28 (C) CONTENTS OF PRELIMINARY PLAN.--THE PRELIMINARY PLAN  
29 SHALL INCLUDE THE FOLLOWING:

30 (1) A MAP INDICATING THE BOUNDARIES, BY STREET, OF THE

1 PROPOSED CNID.

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

3 (I) THE NAME OF THE PROPOSED DISTRICT.

4 (II) A DETAILED DESCRIPTION OF THE SERVICE AREAS OF  
5 THE PROPOSED DISTRICT.

6 (III) THE NAME OF THE CASINO TO BE ASSESSED.

7 (IV) A LIST OF ALL OTHER PROPERTIES TO BE ASSESSED.

8 (V) A LIST OF PROPOSED IMPROVEMENTS WITHIN THE CNID  
9 AND THEIR ESTIMATED COST.

10 (VI) A PROPOSED BUDGET FOR THE FIRST FISCAL YEAR,  
11 INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

12 (A) PERSONNEL AND ADMINISTRATION;

13 (B) PROGRAMS AND SERVICES;

14 (C) MAINTENANCE AND OPERATION; AND

15 (D) CAPITAL EXPENDITURES.

16 (VII) THE PROPOSED REVENUE SOURCES FOR FINANCING ALL  
17 PROPOSED IMPROVEMENTS, PROGRAMS AND SERVICES.

18 (VIII) THE ESTIMATED TIME FOR IMPLEMENTATION AND  
19 COMPLETION OF ALL PROPOSED IMPROVEMENTS, PROGRAMS AND  
20 SERVICES.

21 (IX) A STATEMENT IDENTIFYING THE ADMINISTRATIVE BODY  
22 WHICH WILL GOVERN AND ADMINISTER THE CNID.

23 (X) ANY OTHER INFORMATION, INCLUDING THE STATUTORY  
24 AUTHORITY OR, IN THE CASE OF A NONPROFIT CORPORATION, THE  
25 BYLAWS, WHICH DESCRIBE THE POWERS AND DUTIES OF AND THE  
26 METHOD FOR MAKING DECISIONS BY THE CNIDMA.

27 (XI) THE METHOD OF DETERMINING THE AMOUNT OF THE  
28 ASSESSMENT FEE TO BE LEVIED ON PROPERTY OWNERS WITHIN THE  
29 CNID UNDER SECTION 507.

30 (D) ADDITIONAL PLAN PROVISIONS.--THE PLAN SHALL ALSO PROVIDE

1 FOR THE FOLLOWING:

2 (1) DETAILS OF THE SPECIFIC DUTIES AND RESPONSIBILITIES  
3 OF BOTH THE CNIDMA AND THE MUNICIPAL CORPORATION WITH RESPECT  
4 TO THE CNID.

5 (2) A REQUIREMENT THAT A WRITTEN AGREEMENT BE SIGNED BY  
6 THE MUNICIPAL CORPORATION AND THE CNIDMA WHICH:

7 (I) DESCRIBES IN DETAIL THEIR RESPECTIVE DUTIES AND  
8 RESPONSIBILITIES;

9 (II) PROVIDES THAT THE MUNICIPALITY MUST MAINTAIN  
10 THE SAME LEVEL OF MUNICIPAL PROGRAMS AND SERVICES  
11 PROVIDED WITHIN THE CNID AFTER CNID DESIGNATION AS BEFORE  
12 CNID DESIGNATION; AND

13 (III) PROVIDES THAT THE MUNICIPALITY ESTABLISHING A  
14 CNID SHALL BE RESPONSIBLE FOR THE COLLECTION OF ALL  
15 PROPERTY ASSESSMENT FEES LEVIED WITHIN THE CNID IF SO  
16 DESIRED BY THE CNIDMA.

17 (3) INCENTIVES FOR TAX-EXEMPT PROPERTY OWNERS LOCATED  
18 WITHIN THE CNID TO PROVIDE IN-KIND SERVICES OR A FINANCIAL  
19 CONTRIBUTION TO THE CNIDMA, IF NOT ASSESSED, IN LIEU OF A  
20 PROPERTY ASSESSMENT FEE.

21 (4) A SUNSET PROVISION OF NO LESS THAN FIVE YEARS FOR  
22 RENEWAL OF THE AGREEMENT.

23 (5) THE PROCEDURE BY WHICH AFFECTED PROPERTY OWNERS,  
24 WITH THE EXCEPTION OF THE OWNERS OF THE CASINO SITUATED  
25 WITHIN THE CNID, MAY DEFEAT A PROPOSAL TO ESTABLISH A CNID,  
26 AS FOLLOWS:

27 (I) A NEGATIVE VOTE OF AT LEAST 51% OF THE PROPERTY  
28 OWNERS WITHIN THE CNID OR PROPERTY OWNERS WITHIN THE CNID  
29 WHOSE PROPERTY VALUATION AS ASSESSED FOR TAXABLE PURPOSES  
30 AMOUNTS TO 51% OF THE TOTAL PROPERTY VALUATION LOCATED

1           WITHIN THE CNID PROPOSED IN THE FINAL PLAN SHALL BE  
2           REQUIRED TO DEFEAT THE ESTABLISHMENT OF THE PROPOSED  
3           CNID; AND

4           (II) THOSE OBJECTING TO THE ESTABLISHMENT OF A CNID  
5           SHALL FILE OBJECTIONS WITH THE CLERK FOR THE MUNICIPAL  
6           CORPORATION WITHIN 45 DAYS OF PRESENTATION OF THE FINAL  
7           PLAN WHERE THE GOVERNING BODY OF THE MUNICIPALITY IS  
8           INCLINED TO ESTABLISH A CNID.

9           (E) FINAL PLAN.--PRIOR TO THE ESTABLISHMENT OF A CNID, THE  
10          MUNICIPALITY SHALL SUBMIT A REVISED FINAL PLAN TO PROPERTY  
11          OWNERS LOCATED WITHIN THE PROPOSED CNID WHICH INCORPORATES  
12          CHANGES MADE TO THE PLAN BASED ON COMMENTS FROM AFFECTED  
13          PROPERTY OWNERS WITHIN THE CNID PROVIDED AT THE PUBLIC HEARINGS  
14          OR AT SOME OTHER TIME. CHANGES TO THE FINAL PLAN WHICH DIFFER  
15          FROM THE PRELIMINARY PLAN SHALL BE INDICATED IN AN EASILY  
16          DISCERNIBLE METHOD FOR THE READER, INCLUDING, BUT NOT LIMITED  
17          TO, CHANGES BEING IN BOLDFACE OR ITALIC TYPE.

18          (F) 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 CNID AND REFLECTED IN THE FINAL CNIDP  
22          SHALL BE HELD BY THE MUNICIPAL CORPORATION BEFORE ENACTING AN  
23          ORDINANCE ESTABLISHING A CNID. 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          (G) VETO OF FINAL PLAN FOR CNID.--

27               (1) FOLLOWING THE LAST PUBLIC HEARING REQUIRED UNDER  
28               SUBSECTION (F), OR UNDER SUBSECTION (H) IF AN AMENDMENT TO  
29               THE FINAL PLAN IS FILED, AFFECTED PROPERTY OWNERS LOCATED  
30               WITHIN A PROPOSED CNID, EXCEPTING THE OWNER OF THE CASINO,

1 SHALL HAVE 45 DAYS FROM THE DATE OF THE HEARING TO OBJECT TO  
2 AND DISAPPROVE THE FINAL PLAN OR ANY AMENDMENT TO THE FINAL  
3 PLAN UNDER THE REQUIREMENTS OF SUBSECTION (B)(3).

4 (2) IF 51% OR MORE OF THE AFFECTED PROPERTY OWNERS, OR  
5 PROPERTY OWNERS WHOSE PROPERTY VALUATION AS ASSESSED FOR  
6 TAXABLE PURPOSES AMOUNTS TO 51% OF THE TOTAL PROPERTY  
7 VALUATION WITHIN THE PROPOSED CNID, EXCLUDING IN BOTH  
8 CIRCUMSTANCES THE OWNER OF THE CASINO, FAIL TO REGISTER THEIR  
9 DISAPPROVAL OF THE FINAL PLAN OR AMENDMENT TO THE FINAL PLAN  
10 IN WRITING WITH THE CLERK OF THE MUNICIPAL CORPORATION OF THE  
11 MUNICIPALITY IN WHICH THE CNID IS PROPOSED, THE MUNICIPAL  
12 CORPORATION OF THE MUNICIPALITY MAY, FOLLOWING THE 45-DAY  
13 PERIOD, ENACT A MUNICIPAL ORDINANCE ESTABLISHING A CNID UNDER  
14 THIS CHAPTER OR, IN THE CASE OF AN AMENDMENT TO THE FINAL  
15 PLAN, ADOPT ANY AMENDMENTS TO THE ORDINANCE.

16 (H) AMENDMENTS TO FINAL PLAN.--

17 (1) THE FINAL PLAN MAY BE AMENDED BY THE CNIDMA ANY TIME  
18 AFTER THE ESTABLISHMENT OF A CNID, PURSUANT TO THE PROVISIONS  
19 OF THIS CHAPTER, UPON THE RECOMMENDATION OF THE CNIDMA BOARD,  
20 PROVIDED THERE IS CONCURRENCE WITH THE OWNERS, EXCLUDING THE  
21 OWNERS OF THE CASINO SITUATED WITHIN THE CNID, OF AT LEAST  
22 51% OF THE ASSESSED VALUATION OF ALL PROPERTY WITHIN THE CNID  
23 OR 51% OF THE PROPERTY OWNERS WITHIN THE CNID.

24 (2) AMENDMENTS TO THE FINAL PLAN WHICH ALSO REQUIRE THE  
25 APPROVAL OF THE MUNICIPAL CORPORATION OF THE MUNICIPALITY  
26 ESTABLISHING THE CNID INCLUDE:

27 (I) SUBSTANTIALLY CHANGED OR ADDED PROGRAMS,  
28 IMPROVEMENTS AND SERVICES TO BE PROVIDED IN THE CNID.

29 (II) INCREASED EXPENDITURES AFFECTING MORE THAN 25%  
30 OF THE TOTAL CNIDMA BUDGET FOR THE FISCAL YEAR.

1           (III) INCURRING INCREASED INDEBTEDNESS.

2           (IV) CHANGING THE ASSESSMENT FEE STRUCTURE LEVIED ON  
3           PROPERTY OWNERS IN THE CNID.

4           (V) CHANGING THE LEGAL ENTITY, CNIDMA, WHICH  
5           PROVIDES PROGRAMS, IMPROVEMENTS AND SERVICES WITHIN THE  
6           CNID.

7           (VI) CHANGING THE CNID SERVICE AREA BOUNDARIES PRIOR  
8           TO THE MUNICIPAL CORPORATION OF THE MUNICIPALITY  
9           APPROVING ANY OF THE CHANGES IN THIS PARAGRAPH; THE  
10          MUNICIPAL CORPORATION SHALL HOLD AT LEAST ONE PUBLIC  
11          HEARING TO DETERMINE THAT THE CHANGES ARE IN THE PUBLIC  
12          INTEREST AS THEY RELATE TO AFFECTED PROPERTY OWNERS  
13          WITHIN THE CNID.

14          (3) THE MUNICIPALITY SHALL PROVIDE PUBLIC NOTICE OF A  
15          HEARING FOR ANY AMENDMENTS BY PUBLICATION OF A NOTICE IN AT  
16          LEAST ONE NEWSPAPER HAVING A GENERAL CIRCULATION WITHIN THE  
17          MUNICIPALITY. THE NOTICE SHALL SET FORTH THE DATE, TIME AND  
18          LOCATION OF SUCH HEARING AND THE AMENDMENTS TO BE CONSIDERED.  
19          THIS NOTICE SHALL BE PUBLISHED ONCE AT LEAST TEN DAYS PRIOR  
20          TO THE DATE OF THE HEARING.

21          (4) THE GOVERNING BODY OF THE MUNICIPALITY MAY, WITHIN  
22          30 DAYS FOLLOWING THE PUBLIC HEARING AND AT ITS SOLE  
23          DISCRETION, APPROVE OR DISAPPROVE ANY AMENDMENTS TO THE PLAN.  
24          IF APPROVED, THE AMENDMENTS SHALL BE EFFECTIVE UPON THE DATE  
25          OF SUCH APPROVAL.

26          (5) PRIOR TO THE ADOPTION OF AN AMENDMENT TO THE CNID  
27          BOUNDARIES WHICH INCREASES THE SIZE OF THE CNID, AN OWNER OF  
28          PROPERTY TO BE ADDED TO THE CNID SHALL BE NOTIFIED OF THE  
29          DATE, TIME AND LOCATION OF THE PUBLIC HEARING ON THE PROPOSED  
30          AMENDMENT TO THE FINAL PLAN AND PROVIDED ALL INFORMATION

1       REQUIRED UNDER SUBSECTION (C).

2       SECTION 506. CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT  
3                               MANAGEMENT ASSOCIATION.

4       (A) ASSOCIATION DESIGNATED.--WHEN A MUNICIPALITY ESTABLISHES  
5 A CNID UNDER THIS CHAPTER, A CASINO NEIGHBORHOOD IMPROVEMENT  
6 DISTRICT MANAGEMENT ASSOCIATION SHALL BE DESIGNATED BY THE  
7 MUNICIPAL CORPORATION OF THE MUNICIPALITY IN WHICH THE CNID IS  
8 TO BE LOCATED TO ADMINISTER PROGRAMS, IMPROVEMENTS AND SERVICES  
9 WITHIN THE CNID.

10       (B) ADMINISTRATION.--CNIDS ESTABLISHED IN ACCORDANCE WITH  
11 THIS CHAPTER SHALL BE ADMINISTERED BY A CNIDMA WHICH SHALL BE  
12 ONE OF THE FOLLOWING:

13               (1) AN AUTHORITY CREATED PURSUANT TO THE MUNICIPALITY  
14 AUTHORITIES ACT.

15               (2) A NONPROFIT CORPORATION ESTABLISHED BY THE MUNICIPAL  
16 CORPORATION OR AUTHORIZED TO BE ESTABLISHED BY THE MUNICIPAL  
17 CORPORATION OF THE MUNICIPALITY IN WHICH THE CNID IS TO BE  
18 LOCATED, TO ADMINISTER THE CNIDP.

19       (C) POWERS.--A CNIDMA CREATED UNDER THIS CHAPTER SHALL  
20 ASSUME ALL POWERS PROVIDED FOR UNDER SECTION 507 IMMEDIATELY  
21 UPON THE EFFECTIVE DATE OF THE MUNICIPAL ORDINANCE ENACTED UNDER  
22 SECTION 504 CREATING A CNID.

23       (D) BOARD.--EVERY CNIDMA SHALL HAVE AN ADMINISTRATIVE BOARD.

24               (1) WHERE AN AUTHORITY IS ESTABLISHED IN ACCORDANCE WITH  
25 THE MUNICIPALITY AUTHORITIES ACT AND SERVES AS THE CNIDMA,  
26 THE BOARD SHALL BE APPOINTED UNDER THE MUNICIPALITY  
27 AUTHORITIES ACT.

28               (2) WHERE A NONPROFIT DEVELOPMENT CORPORATION OR OTHER  
29 NONPROFIT CORPORATION IS ESTABLISHED TO SERVE AS THE CNIDMA,  
30 THE BOARD SHALL BE COMPRISED OF AN ODD NUMBER OF MEMBERS,

1 BETWEEN NINE AND 13, WITH AT LEAST ONE MEMBER REPRESENTING  
2 THE MUNICIPAL CORPORATION IN WHICH THE CNID IS LOCATED.

3 (3) IN ALL CASES, CNIDMA BOARDS SHALL INCLUDE A  
4 REPRESENTATIVE OF PROPERTY OWNERS, BUSINESS OWNERS, LOCALLY  
5 RECOGNIZED CIVIC ASSOCIATIONS AND ANY INSTITUTIONS LOCATED IN  
6 THE CNID. THERE SHALL ALSO BE FOUR NONVOTING MEMBERS,  
7 INCLUDING A REPRESENTATIVE OF THE MUNICIPALITY, A MEMBER OF  
8 THE MUNICIPAL CORPORATION AND THE STATE SENATOR AND STATE  
9 REPRESENTATIVE REPRESENTING THE DISTRICT. INSTITUTIONAL  
10 MEMBERS, MUNICIPAL CORPORATION MEMBERS AND STATE SENATORS AND  
11 STATE REPRESENTATIVES MAY APPOINT DESIGNEES. A BOARD MEMBER  
12 NEED NOT BE A RESIDENT OF THE CNID.

13 SECTION 507. POWERS OF CASINO NEIGHBORHOOD IMPROVEMENT DISTRICT  
14 MANAGEMENT ASSOCIATION.

15 (A) GENERAL POWERS.--A CNIDMA SHALL HAVE, IN ADDITION TO ANY  
16 OTHER POWERS PROVIDED UNDER THE MUNICIPALITY AUTHORITIES ACT IF  
17 THE CNIDMA IS AN AUTHORITY, OR IN ADDITION TO ANY OTHER POWERS  
18 PROVIDED PURSUANT TO THE CHARTER ESTABLISHING A NONPROFIT  
19 CORPORATION WHERE THE CNIDMA IS A NONPROFIT CORPORATION, THE  
20 POWER TO:

21 (1) PREPARE PLANNING OR FEASIBILITY STUDIES OR CONTRACT  
22 FOR THE PREPARATION OF THE SAME TO DETERMINE NEEDED CAPITAL  
23 IMPROVEMENTS OR ADMINISTRATIVE PROGRAMS AND SERVICES WITHIN  
24 THE CNID.

25 (2) MAKE CAPITAL IMPROVEMENTS OR PROVIDE ADMINISTRATIVE  
26 PROGRAMS AND SERVICES WITHIN A CNID.

27 (3) CONTRACT WITH EXISTING BUSINESSES WITHIN THE CNID.

28 (4) CONTRACT FOR THE PROVISION OF PRODUCTS OR SERVICES  
29 BY THE CNIDMA TO CLIENTS LOCATED INSIDE AND OUTSIDE THE CNID,  
30 INCLUDING BILLING AND COLLECTION OF ASSESSMENT FEES BY

1 ANOTHER CNIDMA.

2 (5) APPROPRIATE AND EXPEND CNID FUNDS WHICH WOULD  
3 INCLUDE ANY FEDERAL, STATE OR MUNICIPAL FUNDS RECEIVED BY THE  
4 CNIDMA. THE FUNDS SHALL BE EXPENDED IN ACCORDANCE WITH ANY  
5 SPECIFIC PROVISIONS CONTAINED IN THE MUNICIPAL ENABLING  
6 ORDINANCE ESTABLISHING THE CNID AND MAY BE USED:

7 (I) TO ACQUIRE BY PURCHASE OR LEASE REAL OR PERSONAL  
8 PROPERTY TO EFFECTUATE THE PURPOSES OF THIS CHAPTER,  
9 INCLUDING MAKING COMMON IMPROVEMENTS WITHIN THE CNID,  
10 INCLUDING, BUT NOT LIMITED TO, SIDEWALKS, RETAINING  
11 WALLS, STREET PAVING, PARKS, RECREATIONAL EQUIPMENT AND  
12 FACILITIES, OPEN SPACE, STREET LIGHTING, PARKING LOTS,  
13 PARKING GARAGES, TREES AND SHRUBBERY, PEDESTRIAN WALKS,  
14 SEWERS, WATER LINES, REST AREAS AND THE ACQUISITION,  
15 REHABILITATION OR DEMOLITION OF BLIGHTED BUILDINGS OR  
16 COMPARABLE STRUCTURES.

17 (II) TO PROVIDE FREE OR REDUCED-FEE PARKING FOR  
18 CUSTOMERS OF BUSINESSES WITHIN THE CNID, TRANSPORTATION-  
19 RELATED EXPENDITURES, PUBLIC RELATIONS PROGRAMS, GROUP  
20 ADVERTISING AND CNID MAINTENANCE AND SECURITY SERVICES.

21 (III) TO IMPOSE SPECIAL ASSESSMENT FEES.

22 (6) SOLICIT IN-KIND SERVICES OR FINANCIAL CONTRIBUTIONS  
23 FROM TAX-EXEMPT PROPERTY OWNERS WITHIN THE CNID IN LIEU OF  
24 PROPERTY ASSESSMENT FEES.

25 (7) IMPOSE LIENS ON PROPERTY FOR THE NONPAYMENT OF  
26 PROPERTY ASSESSMENTS. IF THE CNID IS ADMINISTERED BY A  
27 NONPROFIT CORPORATION, THE MUNICIPAL CORPORATION SHALL FILE  
28 THE LIENS.

29 (8) HIRE ADDITIONAL OFF-DUTY POLICE OFFICERS OR PRIVATE  
30 SECURITY OFFICERS WHOSE PATROL AREA RESPONSIBILITIES SHALL BE

1 LIMITED TO THE GEOGRAPHIC AREA INCORPORATED WITHIN THE  
2 DESIGNATED CNID SERVICE AREA AND WHOSE RESPONSIBILITY SHALL  
3 BE TO SUPPORT EXISTING MUNICIPAL AND VOLUNTEER EFFORTS AIMED  
4 AT REDUCING CRIME AND IMPROVING SECURITY IN THE CNID.

5 (9) DESIGNATE A DISTRICT ADVISORY COUNCIL FOR EACH CNID  
6 ESTABLISHED WITHIN THE MUNICIPALITY. EACH DAC SHALL CONSIST  
7 OF AN ODD NUMBER OF MEMBERS, BETWEEN FIVE AND NINE, WHO SHALL  
8 BE REPRESENTATIVE OF THE NEIGHBORHOOD'S CHARACTER, INCLUDING,  
9 BUT NOT LIMITED TO, AGE, GENDER AND CULTURAL DIVERSITY.

10 (B) SPECIAL ASSESSMENT ON CASINOS.--THE CNIDMA MAY, UPON  
11 APPROVAL OF THE MUNICIPAL CORPORATION OF A MUNICIPALITY, ASSESS  
12 THE OWNERS OF A CASINO SITUATED WITHIN THE CNID A FEE NOT TO  
13 EXCEED 3.25% OF GROSS TERMINAL RECEIPTS TO BE ACCOUNTED FOR AND  
14 USED BY THE CNIDMA TO MITIGATE IMPACTS ON THE CITIZENS AND  
15 NEIGHBORHOODS OF THE CNID HOSTING A CASINO AS WELL AS TO MAKE  
16 IMPROVEMENTS AND PROVIDE PROGRAMS AND SERVICES WITHIN THE CNID  
17 AS AUTHORIZED BY THIS CHAPTER.

18 (C) SPECIAL PROPERTY ASSESSMENT FEES.--

19 (1) THE CNIDMA MAY, UPON APPROVAL BY THE MUNICIPAL  
20 CORPORATION OF THE MUNICIPALITY, ASSESS PROPERTY OWNERS  
21 WITHIN THE CNID A SPECIAL PROPERTY ASSESSMENT FEE. THE FEE  
22 SHALL NOT BE APPLICABLE TO OR ASSESSABLE UPON THE OWNERS OF A  
23 CASINO THAT IS SITUATED WITHIN THE DISTRICT. REVENUES FROM  
24 THE FEE SHALL BE ACCOUNTED FOR AND USED BY THE CNIDMA TO MAKE  
25 IMPROVEMENTS AND PROVIDE PROGRAMS AND SERVICES WITHIN THE  
26 CNID AS AUTHORIZED UNDER THIS CHAPTER. THE CNIDMA SHALL  
27 EXEMPT ALL RESIDENTIAL PROPERTY OWNERS WITHIN THE DISTRICT  
28 FROM ANY SPECIAL PROPERTY ASSESSMENT FEES.

29 (2) ALL ASSESSMENTS AUTHORIZED UNDER THIS SECTION SHALL  
30 BE CALCULATED USING JANUARY 1 AS THE FIRST DAY OF THE FISCAL

1 YEAR.

2 (3) ALL SPECIAL PROPERTY ASSESSMENT FEES SHALL BE BASED  
3 UPON THE ESTIMATED COST OF THE PROGRAMS, IMPROVEMENTS OR  
4 SERVICES TO BE PROVIDED IN THE CNID AS STATED IN THE FINAL  
5 PLAN UNDER SECTION 505(E). IN NO CASE SHALL THE AGGREGATE  
6 AMOUNT OF ALL FEES LEVIED BY THE CNIDMA DURING THE YEAR  
7 EXCEED THE ESTIMATED COST OF PROPOSED PROGRAMS, IMPROVEMENTS  
8 AND SERVICES FOR THE YEAR.

9 (4) THE TOTAL COSTS OF IMPROVEMENTS, PROGRAMS AND  
10 ADMINISTRATIVE SERVICES PROVIDED BY A CNIDMA SHALL BE  
11 ASSESSED TO ALL DESIGNATED PROPERTIES, EXCLUDING CASINOS AND  
12 RESIDENTIAL PROPERTIES, WITHIN THE CNID BY ONE OF THE  
13 FOLLOWING METHODS:

14 (I) AN ASSESSMENT DETERMINED BY MULTIPLYING THE  
15 TOTAL SERVICE AND IMPROVEMENT COSTS BY THE RATIO OF THE  
16 ASSESSED VALUE OF THE BENEFITED PROPERTY TO THE TOTAL  
17 ASSESSED VALUATION OF ALL DESIGNATED BENEFITED PROPERTIES  
18 IN THE CNID.

19 (II) AN ASSESSMENT UPON THE SEVERAL PROPERTIES IN  
20 THE CNID IN PROPORTION TO BENEFITS AS ASCERTAINED BY  
21 VIEWERS APPOINTED IN ACCORDANCE WITH LAW.

22 (III) ANY METHOD THAT EQUITABLY APPORTIONS COSTS  
23 AMONG BENEFITING PROPERTIES.

24 (IV) IN THE CASE OF IMPROVEMENTS BENEFITING  
25 PROPERTIES ABUTTING THE CNID BY THE FRONT-FOOT METHOD,  
26 WITH EQUITABLE ADJUSTMENTS FOR CORNER PROPERTIES AND  
27 OTHER CASES PROVIDED FOR IN THE MUNICIPAL ORDINANCE. ANY  
28 PROPERTY WHICH CANNOT BE EQUITABLY ASSESSED BY THE FRONT-  
29 FOOT METHOD MAY BE ASSESSED BY ANY OF THE ABOVE METHODS.

30 (5) THE GOVERNING BODY MAY BY ORDINANCE AUTHORIZE THE

1 PAYMENT OF THE ASSESSMENT IN EQUAL ANNUAL OR MORE FREQUENT  
2 INSTALLMENTS OVER SUCH TIME AND BEARING INTEREST AT THE RATE  
3 SPECIFIED IN THE MUNICIPAL ORDINANCE. IF BONDS HAVE BEEN  
4 ISSUED AND SOLD OR NOTES OR GUARANTEES HAVE BEEN GIVEN OR  
5 ISSUED TO PROVIDE FOR THE COSTS OF THE SERVICES AND  
6 IMPROVEMENTS, THE ASSESSMENT IN EQUAL INSTALLMENTS SHALL NOT  
7 BE PAYABLE BEYOND THE TERM FOR WHICH THE BONDS, NOTES OR  
8 GUARANTEES ARE PAYABLE.

9 (D) LIENS.--

10 (1) NOTWITHSTANDING THE FILING OF THE CLAIMS, ALL  
11 ASSESSMENTS UNDER SUBSECTIONS (B) AND (C) WHICH ARE MADE  
12 PAYABLE IN INSTALLMENTS SHALL CONSTITUTE LIENS AND  
13 ENCUMBRANCES UPON THE RESPECTIVE PROPERTIES AT THE BEGINNING  
14 OF EACH CALENDAR YEAR, EXCEPT AS PROVIDED UNDER SUBSECTION  
15 (C)(5), AND ONLY IN AN AMOUNT EQUAL TO THE SUM OF:

16 (I) THE ANNUAL OR OTHER INSTALLMENTS BECOMING  
17 PAYABLE IN SUCH YEAR, WITH INTEREST AND PENALTIES, IF  
18 ANY, THEREON; AND

19 (II) THE TOTAL OF ALL INSTALLMENTS, WITH INTEREST  
20 AND PENALTIES THEREON, WHICH BECAME DUE DURING PRIOR  
21 YEARS AND WHICH REMAIN DUE AND UNPAID AT THE BEGINNING OF  
22 THE CURRENT YEAR.

23 (2) IN THE CASE OF DEFAULT IN THE PAYMENT OF ANY  
24 INSTALLMENT AND INTEREST FOR A PERIOD OF 90 DAYS AFTER THE  
25 PAYMENT BECOMES DUE, THE ASSESSMENT ORDINANCE MAY PROVIDE  
26 EITHER FOR THE ENTIRE ASSESSMENT, WITH ACCRUED INTEREST AND  
27 PENALTIES, TO BECOME DUE AND BECOME A LIEN FROM THE DUE DATE  
28 OF THE INSTALLMENT OR MAY PROVIDE SOLELY FOR THE ENFORCEMENT  
29 OF THE CLAIM AS TO THE OVERDUE INSTALLMENT, WITH INTEREST AND  
30 PENALTIES, IN WHICH CASE THE ORDINANCE SHALL FURTHER PROVIDE

1 THAT, IF ANY INSTALLMENT OR PORTION THEREOF REMAINS DUE AND  
2 UNPAID FOR ONE YEAR AFTER IT HAS BECOME DUE AND PAYABLE, THEN  
3 THE ENTIRE ASSESSMENT WITH ACCRUED INTEREST AND PENALTIES  
4 SHALL BECOME DUE AND BECOME A LIEN FROM THE DUE DATE OF THE  
5 INSTALLMENT.

6 (3) NO ACTION TAKEN TO ENFORCE A CLAIM FOR ANY  
7 INSTALLMENT OR INSTALLMENTS SHALL AFFECT THE STATUS OF ANY  
8 SUBSEQUENT INSTALLMENT OF THE SAME ASSESSMENT, EACH OF WHICH  
9 SHALL CONTINUE TO BECOME A LIEN UPON THE PROPERTY ANNUALLY  
10 PURSUANT TO PARAGRAPH (1).

11 (4) THE ORDINANCE MAY CONTAIN ANY OTHER PROVISION  
12 RELATING TO INSTALLMENT ASSESSMENTS WHICH IS NOT INCONSISTENT  
13 WITH APPLICABLE LAW.

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

20 (6) CLAIMS TO SECURE THE ASSESSMENTS SHALL BE ENTERED IN  
21 THE OFFICE OF THE PROTHONOTARY AT THE SAME TIME AND IN THE  
22 SAME FORM AND COLLECTED IN THE SAME MANNER AS MUNICIPAL TAX  
23 CLAIMS ARE FILED AND COLLECTED, NOTWITHSTANDING THE  
24 PROVISIONS OF THIS SECTION AS TO INSTALLMENT PAYMENTS.

25 SECTION 508. DISSOLUTION OF CASINO NEIGHBORHOOD IMPROVEMENT  
26 DISTRICT MANAGEMENT ASSOCIATION AND CASINO  
27 NEIGHBORHOOD IMPROVEMENT DISTRICT.

28 (A) CONVEYING PROJECTS.--WHEN ANY CNIDMA SHALL HAVE FINALLY  
29 PAID AND DISCHARGED ALL BONDS WHICH TOGETHER WITH THE INTEREST  
30 DUE THEREON SHALL HAVE BEEN SECURED BY A PLEDGE OF ANY OF THE

1 REVENUES OR RECEIPTS OF A PROJECT, IT MAY, SUBJECT TO ANY  
2 AGREEMENTS CONCERNING THE OPERATION OR DISPOSITION OF SUCH  
3 PROJECT AND THE CNIDMA BYLAWS, CONVEY SUCH PROJECT OR PROJECTS  
4 TO THE MUNICIPAL CORPORATION WHICH ESTABLISHED OR HAD  
5 ESTABLISHED THE CNIDMA.

6 (B) REQUEST FOR TERMINATION.--ANY REQUEST FOR THE  
7 TERMINATION OF THE CNID AND CNIDMA APPROVED BY 51% OF THE  
8 ASSESSED PROPERTY OWNERS, EXCLUDING THE OWNERS OF THE CASINO  
9 SITUATED WITHIN THE CNID, IN NUMBERS, LOCATED IN THE CNID SHALL  
10 BE SUBMITTED TO THE MUNICIPAL CORPORATION IN WRITING. THE  
11 MUNICIPAL CORPORATION SHALL HOLD A HEARING ON THE MERITS OF THE  
12 REQUEST IN ACCORDANCE WITH SECTION 505(B)(2) AS IT RELATES TO  
13 THE REQUIRED PROCEDURE OF HOLDING A HEARING. SUCH WRITTEN  
14 REQUEST SHALL BE CONSIDERED BY THE MUNICIPAL CORPORATION. IF THE  
15 REQUEST IS APPROVED BY THE MUNICIPAL CORPORATION, THEN A  
16 RESOLUTION TO THAT EFFECT SHALL BE FILED WITH THE SECRETARY OF  
17 THE COMMONWEALTH, AND THE SECRETARY SHALL NOTE THE TERMINATION  
18 OF THE EXISTENCE ON THE RECORD OF INCORPORATION AND RETURN THE  
19 RESOLUTION WITH HIS OR HER APPROVAL SHOWN ON THE RESOLUTION TO  
20 THE MUNICIPAL CORPORATION. THE PROPERTY OF THE CNIDMA SHALL THEN  
21 PASS TO THE MUNICIPAL CORPORATION, AS THE CASE MAY BE, AND THE  
22 CNIDMA AND CNID SHALL CEASE TO EXIST. ANY REQUEST FOR THE  
23 TERMINATION OF THE CNID AND CNIDMA BY THE MUNICIPAL CORPORATION  
24 IN WHICH THE CNID IS LOCATED SHALL RESULT IN A HEARING ON THE  
25 MERITS OF THE SAME PURSUANT TO SECTION 505(B)(2) AS IT RELATES  
26 TO THE REQUIRED PROCEDURE FOR HOLDING A HEARING. BEFORE THE  
27 DECISION TO TERMINATE A CNID AND CNIDMA IS MADE, TERMINATION  
28 MUST BE APPROVED BY 51% OF THE ASSESSED PROPERTY OWNERS, IN  
29 NUMBERS, EXCLUDING THE OWNERS OF A CASINO SITUATED WITHIN THE  
30 DISTRICT LOCATED IN THE CNID AND SHALL BE SUBMITTED TO THE

1 MUNICIPAL CORPORATION IN WRITING. IF THE MUNICIPAL CORPORATION  
2 APPROVES THE REQUEST, THEN A RESOLUTION TO THAT EFFECT SHALL BE  
3 FILED WITH THE SECRETARY OF THE COMMONWEALTH, AND THE SECRETARY  
4 SHALL NOTE THE TERMINATION ON THE RECORD OF INCORPORATION AND  
5 RETURN THE RESOLUTION, WITH HIS APPROVAL SHOWN, TO THE MUNICIPAL  
6 CORPORATION. THE CNIDMA AND CNID SHALL CEASE TO EXIST AND THE  
7 PROPERTY OF THE CNIDMA SHALL PASS TO THE MUNICIPAL CORPORATION.  
8 SECTION 509. ANNUAL AUDIT AND REPORT.

9 THE CNIDMA SHALL ANNUALLY:

10 (1) SUBMIT AN AUDIT OF ALL INCOME AND EXPENDITURES TO  
11 THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT AND THE  
12 MUNICIPAL CORPORATION IN WHICH THE CNID IS LOCATED WITHIN 120  
13 DAYS AFTER THE END OF EACH FISCAL YEAR; AND

14 (2) SUBMIT A REPORT, INCLUDING FINANCIAL AND  
15 PROGRAMMATIC INFORMATION, INCLUDING A SUMMARY OF AUDIT  
16 FINDINGS, TO THE MUNICIPAL CORPORATION IN WHICH THE CNID IS  
17 LOCATED AND TO ALL ASSESSED PROPERTY OWNERS LOCATED IN THE  
18 CNID.

19 SECTION 8. THE ACT IS AMENDED BY ADDING A CHAPTER HEADING TO  
20 READ:

21 CHAPTER 7

22 MISCELLANEOUS PROVISIONS

23 SECTION 9. SECTION 11 OF THE ACT IS AMENDED TO READ:

24 SECTION [11] 701. EFFECTIVE DATE.

25 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.

26 Section ~~2~~ 10. This act shall take effect in 60 days. <—