

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1776 Session of  
2009

---

INTRODUCED BY BEAR, SAYLOR, STURLA, ADOLPH, BOYD, BOYLE, CUTLER,  
DENLINGER, EVERETT, FLECK, GINGRICH, GOODMAN, GRELL, GROVE,  
HELM, HICKERNELL, KILLION, MAJOR, OBERLANDER, PICKETT, RAPP,  
REICHLEY, ROCK, SIPTROTH, STEVENSON, SWANGER AND YUDICHAK,  
JULY 2, 2009

---

REFERRED TO COMMITTEE ON COMMERCE, JULY 2, 2009

---

AN ACT

1 Providing for a housing and economic revitalization rebate  
2 program; imposing duties on the Pennsylvania Housing Finance  
3 Agency; and establishing the Build Pennsylvania Fund.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Housing and  
8 Economic Revitalization Act.

9 Section 2. Definitions.

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

13 "Agency." The Pennsylvania Housing Finance Agency.

14 "Homestead." As defined in 53 Pa.C.S. § 8401 (relating to  
15 definitions).

16 "Qualified previously owned homestead." A single-family  
17 homestead, whether detached or attached, that has been owned by

1 a party other than the purchaser, that is purchased to be the  
2 primary residence of the purchaser and is eligible for a rebate  
3 under this act.

4 "Qualified primary residence." A single-family homestead,  
5 whether detached or attached, that has never been occupied, that  
6 is purchased to be the primary residence of the purchaser and is  
7 eligible for a rebate under this act.

8 "Qualified renovation project." The design and construction  
9 of an existing homestead involving the modification or adaptive  
10 reuse of the existing homestead performed through contracts and  
11 scope of work prescribed by the agency, which is eligible for a  
12 rebate under this act.

13 Section 3. Rebate eligibility for qualified primary residence.

14 (a) Rebate.--In the case of any purchaser who purchases a  
15 qualified primary residence on and after the effective date of  
16 this section and before July 1, 2011, there shall be allowed as  
17 a rebate against the purchase price of the qualified primary  
18 residence an amount equal to the lesser of 5% of the purchase  
19 price of the qualified primary residence or \$10,000.

20 (b) Settlement.--Settlement for the qualified primary  
21 residence shall be reached before July 1, 2011.

22 Section 4. Application for rebate for qualified primary  
23 residence.

24 In accordance with guidelines established by the agency, a  
25 purchaser who has entered into an agreement of sale for the  
26 acquisition of a qualified primary residence shall submit an  
27 application for a rebate to the agency within a time frame  
28 prescribed by the agency prior to the settlement of a qualified  
29 primary residence.

30 Section 5. Conditions of rebate for qualified primary

1 residence.

2 (a) Single residence.--The rebate under section 3 shall be  
3 allowed for the purchase of only one qualified primary residence  
4 with respect to any purchaser.

5 (b) Occupancy.--The rebate under section 3 shall only be  
6 available to a purchaser who demonstrates to the satisfaction of  
7 the agency that the purchaser will occupy the qualified primary  
8 residence as the purchaser's primary residence immediately  
9 following the purchase.

10 (c) Repayment.--A purchaser shall be liable for and must  
11 repay the full amount of any rebate provided in the event the  
12 purchaser is determined to have misrepresented the purchaser's  
13 intention to occupy the qualified primary residence as the  
14 primary residence of the purchaser.

15 (d) Certification.--No rebate shall be allowed under section  
16 3 unless the purchaser submits with the application a  
17 certification by the seller of the qualified primary residence  
18 that the qualified primary residence has never been previously  
19 occupied. The certification must be provided to the agency  
20 within a time frame prescribed by the agency.

21 (e) Final determination by agency.--The determination of the  
22 agency with respect to any certification required in this  
23 section is final and conclusive and may not be reviewed in any  
24 administrative or judicial proceeding.

25 Section 6. Allocation of rebate for qualified primary  
26 residence.

27 (a) Lump sum payment.--The rebate under section 3 shall be  
28 made available at the settlement of the qualified primary  
29 residence in a lump sum.

30 (b) Married purchasers applying separately.--In the case of

1 two married purchasers applying separately, the rebate allowed  
2 under section 3 shall be equally apportioned between the two  
3 purchasers.

4 (c) Multiple purchasers.--If two or more purchasers who are  
5 not married purchase a qualified primary residence, the amount  
6 of the rebate allowed under section 3 shall be allocated among  
7 the purchasers in the same manner as each purchaser's percentage  
8 of ownership, except that the total amount of the rebates  
9 allowed to all of the purchasers shall not exceed \$10,000.

10 Section 7. Rebate eligibility for qualified previously owned  
11 homestead.

12 (a) Rebate.--In the case of any purchaser who purchases a  
13 qualified previously owned homestead on and after the effective  
14 date of this section and before July 1, 2011, there shall be  
15 allowed as a rebate against the purchase price of the qualified  
16 previously owned homestead an amount equal to \$2,500.

17 (b) Settlement.--Settlement for the qualified previously  
18 owned homestead shall be reached before July 1, 2011.

19 Section 8. Application for rebate for qualified previously  
20 owned homestead.

21 In accordance with guidelines established by the agency, a  
22 purchaser who has entered into an agreement of sale for the  
23 acquisition of a previously owned homestead shall submit an  
24 application for a rebate to the agency within a time frame  
25 prescribed by the agency prior to the settlement of a previously  
26 owned homestead.

27 Section 9. Conditions of rebate for qualified previously owned  
28 homestead.

29 (a) Single homestead.--The rebate under section 7 shall be  
30 allowed for the purchase of only one qualified previously owned

1 homestead with respect to any purchaser.

2 (b) Occupancy.--The rebate under section 7 shall only be  
3 available to a purchaser who demonstrates to the satisfaction of  
4 the agency that the purchaser will occupy the qualified  
5 previously owned homestead as the purchaser's primary residence  
6 immediately following the purchase.

7 (c) Repayment.--A purchaser shall be liable for and must  
8 repay the full amount of any rebate provided in the event the  
9 purchaser is determined to have misrepresented the purchaser's  
10 intention to occupy the qualified previously owned homestead as  
11 the primary residence of the purchaser.

12 Section 10. Allocation of rebate for qualified previously owned  
13 homestead.

14 (a) Lump sum.--The rebate under section 7 shall be made  
15 available at the settlement of the qualified previously owned  
16 homestead in a lump sum.

17 (b) Married purchasers applying separately.--In the case of  
18 two married purchasers applying separately, the rebate allowed  
19 under section 7 shall be equally apportioned between the two  
20 purchasers.

21 (c) Multiple purchasers.--If two or more purchasers who are  
22 not married purchase a qualified previously owned homestead, the  
23 amount of the rebate allowed under section 7 shall be allocated  
24 among the purchasers in the same manner as each purchaser's  
25 percentage of ownership, except that the total amount of the  
26 rebates allowed to all of the purchasers shall not exceed  
27 \$2,500.

28 Section 11. Rebate eligibility for qualified renovation  
29 project.

30 (a) Rebate.--In the case of any purchaser who purchases a

1 qualified renovation project on and after the effective date of  
2 this section and before July 1, 2011, there shall be allowed as  
3 a rebate against the purchase price of the qualified renovation  
4 project an amount equal to the lesser of 5% of the purchase  
5 price of the qualified renovation project or \$5,000.

6 (b) Contracts.--All obligatory contracts for the purchase of  
7 the qualified renovation project shall be signed on or after the  
8 effective date of this section and before July 1, 2011.

9 (c) Design professionals and qualified contractors.--  
10 Qualified renovation projects shall be designed and constructed  
11 by design professionals and contractors having their principal  
12 place of business within this Commonwealth.

13 (d) Qualified project.--A qualified renovation project shall  
14 cost no less than \$50,000 and shall add additional square  
15 footage to an existing homestead or convert a multifamily  
16 residence into a qualified primary residence.

17 Section 12. Application for rebate for qualified renovation  
18 project.

19 Upon all obligatory contracts for the purchase of the  
20 qualified renovation project being signed, a purchaser shall  
21 submit an application for a rebate to the agency within a time  
22 frame to be determined by the agency.

23 Section 13. Conditions of rebate for qualified renovation  
24 project.

25 (a) Occupancy.--The rebate under section 11 shall only be  
26 available to a purchaser who demonstrates to the satisfaction of  
27 the agency the purchaser will occupy the homestead for which the  
28 qualified renovation project is to be constructed as the  
29 purchaser's primary residence immediately following the  
30 purchase.

1 (b) Repayment.--A purchaser shall be liable for and must  
2 repay the full amount of any rebate provided in the event the  
3 purchaser is determined to have misrepresented the purchaser's  
4 intention to occupy the homestead for which the qualified  
5 renovation project is to be constructed as the primary residence  
6 of the purchaser.

7 Section 14. Allocation of rebate for qualified renovation  
8 project.

9 (a) Lump sum.--The rebate under section 11 shall be made  
10 available in a lump sum upon all obligatory contracts for the  
11 qualified renovation project being signed.

12 (b) Married purchasers applying separately.--In the case of  
13 two married purchasers applying separately, the rebate allowed  
14 under section 11 shall be equally apportioned between the two  
15 purchasers.

16 (c) Multiple purchasers.--If two or more purchasers who are  
17 not married purchase a qualified renovation project, the amount  
18 of the rebate allowed under section 11 shall be allocated among  
19 the purchasers in the same manner as each purchaser's percentage  
20 of ownership, except that the total amount of the rebates  
21 allowed to all of the purchasers shall not exceed \$5,000.

22 Section 15. Combining rebates.

23 (a) Rebates combined.--A rebate for the purchase of a  
24 qualified previously owned homestead under section 7 may be  
25 combined with a rebate for the purchase of a qualified  
26 renovation project under section 11.

27 (b) Prohibition.--A rebate for the purchase of a qualified  
28 primary residence, under section 3 may not be combined with any  
29 other rebate under this act.

30 Section 16. Aggregate rebate limitations and allocation.

1 (a) Total amount.--The total amount of rebates that may be  
2 allowed pursuant to this act shall not exceed \$100,000,000.

3 (b) Availability of funds.--If funds are available in the  
4 Build Pennsylvania Fund, upon receipt of a completed application  
5 for a rebate, and upon approval of the application, the agency  
6 shall allocate a rebate to a purchaser on a first-come-first-  
7 served basis.

8 Section 17. Establishment of Build Pennsylvania Fund.

9 The Build Pennsylvania Fund is hereby established as a  
10 separate account within the agency for the sole purpose of  
11 implementing the provisions of this act. No other agency funds,  
12 moneys or interest earnings shall be utilized for the purposes  
13 of this act. Investment and interest earned on the moneys in  
14 this fund may be used by the agency for the administrative costs  
15 under this act.

16 Section 18. Authority of agency.

17 The agency may prescribe rules, guidelines and procedures  
18 necessary or appropriate to carry out the purposes of this act,  
19 including any guidelines regarding the allocation of the rebate  
20 allowed under this act.

21 Section 19. Expiration.

22 This act shall expire January 1, 2014.

23 Section 20. Effective date.

24 This act shall take effect immediately.