

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1267 Session of 2011

INTRODUCED BY BLAKE, BAKER, GORDNER, YAW, YUDICHAK, PILEGGI, COSTA, ARGALL, BOSCOLA, ERICKSON, FARNESE, FONTANA, GREENLEAF, PIPPY, MENSCH, RAFFERTY, SCHWANK, SMUCKER, TARTAGLIONE, WAUGH, BREWSTER, DINNIMAN, FERLO, HUGHES, KASUNIC, KITCHEN, LEACH, SOLOBAY, STACK, WASHINGTON, WILLIAMS, WOZNIAK, BROWNE AND BRUBAKER, SEPTEMBER 28, 2011

SENATOR BRUBAKER, FINANCE, AS AMENDED, OCTOBER 26, 2011

AN ACT

1 Authorizing abatement of real estate taxes because of
2 destruction or damage of property by Hurricane Irene and OR
3 Tropical Storm Lee, or the refund of the amount of such taxes
4 by certain political subdivisions; and authorizing assessment
5 of properties retroactive to January AUGUST 1, 2011, and a
6 limited moratorium on the increase of certain real estate
7 taxes.



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

10 SECTION 1. SHORT TITLE.

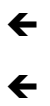


11 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE REAL ESTATE
12 TAX ABATEMENT FOR PROPERTIES DAMAGED BY HURRICANE IRENE OR
13 TROPICAL STORM LEE ACT.

14 Section 2. Local abatement of real estate taxes.



15 The taxing bodies AUTHORITIES of the various counties,
16 cities, boroughs, towns, townships and school districts may, BY
17 ORDINANCE OR RESOLUTION, abate real estate taxes imposed by them
18 for the tax year 2011, if the real property upon which the tax



1 was imposed was damaged or destroyed by Hurricane Irene ~~and~~ OR ←  
2 Tropical Storm Lee. UPON THE ADOPTION OF AN ORDINANCE OR ←  
3 RESOLUTION AUTHORIZING THE ABATEMENT OF REAL ESTATE TAXES UNDER  
4 THIS SECTION, THE TAXING AUTHORITY SHALL PROVIDE A COPY OF THE  
5 ORDINANCE OR RESOLUTION TO THE COUNTY ASSESSMENT OFFICE. The  
6 amount of any real estate tax abated shall be in direct  
7 proportion to the damage to the property as measured by a  
8 reduction in the assessed valuation of the property by the ~~local~~ ←  
9 ~~assessing authority~~ COUNTY ASSESSMENT OFFICE using the same ←  
10 assessment valuation factors, criteria and procedures in use  
11 prior to the disaster. ~~Local assessing authorities are hereby~~ ←  
12 THE COUNTY ASSESSMENT OFFICE IS authorized to ~~assess~~ REASSESS ←  
13 damaged properties retroactive to ~~January~~ AUGUST 1, 2011, to ←  
14 reflect reductions in property value due to ~~flood~~ damage ←  
15 RESULTING FROM HURRICANE IRENE OR TROPICAL STORM LEE. A DAMAGE ←  
16 ASSESSMENT PERFORMED IN CONJUNCTION WITH THE COUNTY ASSESSMENT  
17 OFFICE AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR  
18 PURPOSES OF DETERMINING FEDERAL DISASTER AID CONNECTED WITH  
19 HURRICANE IRENE OR TROPICAL STORM LEE MAY BE USED TO DETERMINE  
20 THE ABATEMENT OF REAL ESTATE TAXES. In the event that the real  
21 estate tax has been paid, ~~the taxing bodies may refund the taxes~~ ←  
22 A PORTION OF THE ASSESSED VALUE OF THE PROPERTY LOST DUE TO ←  
23 DAMAGE MAY BE REFUNDED BY THE TAXING AUTHORITY OR REFLECTED BY  
24 THE TAXING AUTHORITY IN THE FORM OF A CREDIT FOR THE SUCCEEDING  
25 TAX YEAR. The amount of real estate tax abated, CREDITED or ←  
26 refunded by any taxing ~~body~~ AUTHORITY shall not exceed \$30,000 ←  
27 for any single property, NOTWITHSTANDING ANY OTHER EXCLUSION ←  
28 APPLICABLE TO THE PROPERTY.  
29 Section 2 3. Ownership requirement. ←  
30 No abatement, CREDIT or refund may be allowed for the year ←

1 2011 unless the property owner at the time of the abatement,  
2 CREDIT or refund was also the owner of the property at the time  
3 of Hurricane Irene ~~and~~ OR Tropical Storm Lee.

4 Section ~~3~~ 4. Optional moratorium for certain real estate taxes.

5 (a) Exemption for reconstruction and repairs.--~~Local taxing~~  
6 ~~authorities~~ A TAXING AUTHORITY may, by ordinance or resolution,  
7 exempt from real property taxation the assessed valuation of  
8 reconstruction or repairs made to properties damaged or  
9 destroyed by Hurricane Irene ~~and~~ OR Tropical Storm Lee. ~~The~~  
10 ~~exemption shall be limited to the additional assessment~~  
11 ~~valuation attributable to the actual costs of reconstruction or~~  
12 ~~repairs on the damaged or destroyed property.~~ UPON THE ADOPTION  
13 OF AN ORDINANCE OR RESOLUTION AUTHORIZING AN EXEMPTION OF REAL  
14 ESTATE TAXES UNDER THIS SECTION, THE TAXING AUTHORITY SHALL  
15 PROVIDE A COPY OF THE ORDINANCE OR RESOLUTION TO THE COUNTY  
16 ASSESSMENT OFFICE. THE ELIGIBLE EXEMPTION SHALL BE LIMITED TO  
17 THE DIFFERENCE BETWEEN THE ASSESSED VALUATION OF THE PROPERTY  
18 PRIOR TO THE DAMAGES AND ANY INCREASE IN VALUATION OF THE  
19 PROPERTY DUE TO THE ACTUAL COST OF RECONSTRUCTION OR REPAIRS TO  
20 THE ORIGINAL STRUCTURE.

21 (b) Exemption schedule.--For the first year for which the  
22 reconstruction or repairs would otherwise be taxable, 100% of  
23 the eligible assessment shall be exempted; for the second year,  
24 50% of the eligible assessment shall be exempted and, for the  
25 third year, 25% of the eligible assessment shall be exempted.  
26 After the third year, the exemption shall terminate. No property  
27 may be eligible for tax exemption under this section unless  
28 reconstruction or repairs are begun within ~~five~~ THREE years of  
29 the date of Hurricane Irene ~~and~~ OR Tropical Storm Lee.

30 (c) Termination upon transfer.--The exemption from taxation

1 authorized by this section shall terminate upon the sale,  
2 transfer, conveyance or exchange of the property.

3 (d) Notice.--~~Local taxing authorities~~ A TAXING AUTHORITY ←  
4 shall publish notice of the moratorium on taxation attributable  
5 to increases in assessed valuations due to reconstruction or  
6 repairs ~~as required in this act~~. The notice shall appear on at ←  
7 least two occasions in a newspaper of general circulation within  
8 the affected areas within 60 days of the adoption of the  
9 ordinance or resolution authorized under subsection (a).

10 Section 4 5. Effective date. ←

11 This act shall take effect immediately.