

---

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 1351 Session of  
2015

---

INTRODUCED BY VULAKOVICH, FONTANA, BARTOLOTTA, BREWSTER, COSTA,  
RESCHENTHALER, STEFANO, VOGEL AND WARD, AUGUST 5, 2016

---

REFERRED TO LOCAL GOVERNMENT, AUGUST 5, 2016

---

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in parking authorities, providing for  
3 granting of interests and mixed-use projects for authorities  
4 in cities of the second class.

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

7 Section 1. Title 53 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 5508.4. Granting of interests and mixed-use projects for  
10 authorities in cities of the second class.

11 (a) Findings and declaration.--The General Assembly finds  
12 and declares that:

13 (1) The health, safety and general welfare of the people  
14 of this Commonwealth are directly dependent upon the  
15 continual encouragement, development, growth and expansion of  
16 business, industry, commerce and tourism.

17 (2) Unemployment, the spread of poverty and the heavy  
18 burden of public assistance and unemployment compensation can  
19 be avoided by the promotion, attraction, stimulation,

1 development and expansion of business, industry, commerce and  
2 tourism in this Commonwealth through the support of  
3 commercial and residential real estate development by parking  
4 authorities in cities of the second class.

5 (3) Due to the size, total population and population  
6 density of a city of the second class, it can be inefficient  
7 to devote property within a city of the second class solely  
8 to parking facilities for purely public use on a first-come,  
9 first-served basis, and that empowering the authority of a  
10 city of the second class to grant private interests in  
11 parking facilities to support commercial and residential real  
12 estate development and develop, operate or participate in  
13 mixed-use projects can be an important factor in the  
14 continual encouragement, development, attraction,  
15 stimulation, growth and expansion of business, industry,  
16 commerce and tourism within a city of the second class, the  
17 surrounding counties and this Commonwealth as a whole.

18 (b) Powers.--Notwithstanding any other provision of law,  
19 including this chapter, and any provision of an authority's  
20 articles of incorporation and without limiting the powers in  
21 section 5505 (relating to purposes and powers), an authority in  
22 a city of the second class shall have the power to do the  
23 following:

24 (1) As follows:

25 (i) Grant an interest, such as a lease, license or  
26 easement, in and to all or a portion of land, buildings  
27 and structures for dedicated parking to support  
28 commercial or residential uses, if the following apply:

29 (A) In the good faith opinion of the board, the  
30 following apply:

1                   (I) The grant of the interest will not  
2                   negatively impact the financial standing of the  
3                   authority.

4                   (II) The consideration for the grant of the  
5                   interest is appropriate considering the overall  
6                   transaction.

7                   (B) The term of the interest does not extend  
8                   beyond the term of existence of the authority.

9                   (ii) The grant of the interest is not permissible  
10                  where the average occupancy rate of parking spaces for  
11                  the prior six calendar months has exceeded 90% for that  
12                  particular facility.

13                  (2) Develop, operate or participate in the development  
14                  or operation of one or more mixed-use projects.

15                  (3) Finance mixed-use projects by incurring  
16                  indebtedness, whether by borrowing money, making and issuing  
17                  notes, bonds or other debt instruments or entering into  
18                  financing transactions, which may be evidenced by and secured  
19                  as may be provided in agreements that may contain provisions  
20                  as determined by the authority for the security or protection  
21                  of the authority or the authority's bondholders. An authority  
22                  may pledge, hypothecate or encumber all or a part of the  
23                  authority's revenues or real or personal property,  
24                  constituting all or part of a mixed-use project for all or  
25                  any of the obligations of the authority incurred in  
26                  connection with the development or operation of, or  
27                  participation in, a mixed-use project.

28                  (c) Definition.--As used in this section, the term "mixed-  
29                  use project" means a commercial, industrial, residential or  
30                  retail development that includes a public parking garage or

1 public parking lot as an appurtenance.

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