

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1213 Session of 2017

INTRODUCED BY KAMPF, GODSHALL, MCGINNIS, NEILSON, RYAN, ZIMMERMAN, BENNINGHOFF, WHEELAND, MUSTIO, COX, TURZAI AND HEFFLEY, APRIL 19, 2017

AS REPORTED FROM COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 9, 2017

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in consolidated county assessment,
3 further providing for short title and scope of chapter, FOR <--
4 DEFINITIONS and for appeals by taxing districts and providing
5 for standards of redress in appeals.

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

8 Section 1. Sections 8801(b)(2) and 8855 of Title 53 of the <--
9 Pennsylvania Consolidated Statutes are amended to read:

10 SECTION 1. SECTION 8801(B)(2) OF TITLE 53 OF THE <--
11 PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:

12 § 8801. Short title and scope of chapter.

13 \* \* \*

14 (b) Scope.--

15 \* \* \*

16 (2) In addition to the applicability under paragraph
17 (1), the following provisions apply to counties of the first
18 and second class:

1 (i) Section 8811(b)(5) (relating to subjects of  
2 local taxation).

3 (ii) Section 8842(b)(2) (relating to valuation of  
4 property).

5 (iii) Section 8855 (relating to appeals by taxing  
6 districts).

7 (iv) Section 8855.1 (relating to standards of  
8 redress in appeals).

9 (v) SECTION 8802 (RELATING TO DEFINITIONS).

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10 SECTION 2. SECTION 8802 OF TITLE 53 IS AMENDED BY ADDING  
11 DEFINITIONS TO READ:

12 § 8802. DEFINITIONS.

13 \* \* \*

14 "FEE SIMPLE." ABSOLUTE OWNERSHIP UNENCUMBERED BY ANY OTHER  
15 INTEREST OR ESTATE, SUBJECT ONLY TO THE LIMITATIONS IMPOSED BY  
16 THE GOVERNMENTAL POWERS OF TAXATION, EMINENT DOMAIN, POLICE  
17 POWER AND ESCHEAT.

18 \* \* \*

19 "MARKET VALUE" OR "ACTUAL VALUE." THE VALUE OF A FEE SIMPLE  
20 ESTATE, AS IF UNENCUMBERED, SUBJECT ONLY TO THE GOVERNMENTAL  
21 POWERS OF TAXATION, EMINENT DOMAIN, POLICE POWER AND ESCHEAT.

22 \* \* \*

23 "REAL ESTATE." A PARCEL OF LAND AND ALL IMPROVEMENTS  
24 PERMANENTLY ATTACHED. THE TERM DOES NOT INCLUDE PROPERTY LISTED  
25 UNDER SECTION 8811(B) (RELATING TO SUBJECTS OF LOCAL TAXATION).

26 \* \* \*

27 SECTION 3. SECTION 8855 OF TITLE 53 IS AMENDED TO READ:

28 § 8855. Appeals by taxing districts.

29 (a) General rule.--Subject to the provisions of subsection

30 (b), the following shall apply:

1           (1) A taxing district shall have the right to appeal any  
2 assessment within its jurisdiction in the same manner,  
3 subject to the same procedure and with like effect as if the  
4 appeal were taken by a taxable person with respect to the  
5 assessment, and, in addition, may take an appeal from any  
6 decision of the board or court of common pleas as though it  
7 had been a party to the proceedings before the board or court  
8 even though it was not a party in fact.

9           (2) A taxing district [authority] may intervene in any  
10 appeal by a taxable person under section 8854 (relating to  
11 appeals to court) as a matter of right.

12 (b) Basis of appeals.--

13           (1) A taxing district may not appeal the assessment of  
14 property based on the following:

15                   (i) purchase or sale of the property;

16                   (ii) purchase or sale of a partial or total interest  
17 in the entity holding legal title to the property;

18                   (iii) financing or refinancing of the property; or

19                   (iv) investments in the property as follows:

20                           (A) investments that affect the safety elements  
21 of the property, including, but not limited to,  
22 operating, lighting, alarm and suppression systems  
23 and devices related to fire and security; or

24                           (B) investments as required by fair housing or  
25 disability laws and regulations.

26           (2) A taxing district has the right to appeal an  
27 assessment under section 8855.1 (relating to standards of  
28 redress in appeals) only when one or more of the following  
29 are met:

30                   (i) the appeal is from an assessment created during

1 a countywide reassessment and the appeal is filed by  
2 September 1 or the annual appeal date provided by the  
3 county commissioners under section 8844(c) (3) (relating  
4 to notices, appeals and certification of values) of the  
5 taxable year following the year for which the newly  
6 established values from the countywide reassessment shall  
7 take effect;

8 (ii) a parcel of land is divided and conveyed in  
9 smaller parcels; or

10 (iii) a change has occurred in the productive use of  
11 the property or parcel by material alteration in the  
12 nature of the use or through alteration or additions that  
13 modify the use of the property or parcel.

14 (3) A taxable person shall have the right at any stage  
15 of the proceedings to request the dismissal, and the  
16 applicable court shall order dismissal of an appeal taken by  
17 a taxing district in violation of paragraphs (1) or (2).

18 (4) If an affected taxable person appeals an assessment  
19 of property that was granted a preferential assessment under  
20 the act of December 19, 1974 (P.L.973, No.319), known as the  
21 Pennsylvania Farmland and Forest Land Assessment Act of 1974,  
22 the affected taxable person shall not be required to amend  
23 the initial application or reapply for the same preferential  
24 assessment based solely on the appeal.

25 (5) (i) A taxable person shall have the right to appeal  
26 an increased assessment that occurred as a result of an  
27 appeal brought by a taxing district prior to the  
28 enactment of this subsection and after the date of the  
29 most recent applicable countywide reassessment.

30 (ii) No affected taxable person shall have the right

1 to appeal an increased assessment if the appeal that was  
2 brought by the taxing district would have been consistent  
3 with paragraph (2).

4 (iii) If an affected taxable person has the right to  
5 bring an appeal under this section, the affected taxable  
6 person shall have the right to have the assessed value of  
7 the property changed to the assessed value in effect  
8 immediately prior to the appeal brought by the taxing  
9 district.

10 (iv) The affected taxable person shall not be  
11 entitled to a refund of taxes paid for an appeal that has  
12 been finally adjudicated as of the effective date of this  
13 subsection.

14 (6) This subsection shall apply to appeals brought by a  
15 taxing district that have not been finally adjudicated as of  
16 the effective date of this subsection.

17 Section 2 4. Title 53 is amended by adding a section to  
18 read:

19 § 8855.1. Standards of redress in appeals.

20 (a) General rule.--In an appeal brought before a board of  
21 assessment or court of this Commonwealth, the taxing district  
22 seeking to increase the assessment shall have the burden to  
23 prove that the proposed assessment is not inconsistent with the  
24 requirements of section 1 of Article VIII of the Constitution of  
25 Pennsylvania.

26 (b) Constitutionality.--In determining if a proposed  
27 assessment would violate the requirements of section 1 of  
28 Article VIII of the Constitution of Pennsylvania, a taxable  
29 person or a taxing district may offer into evidence the assessed  
30 value of the property and need not introduce an appraisal of the

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1 property. An assessment shall be deemed to comply with section 1  
2 of Article VIII of the Constitution of Pennsylvania if the  
3 assessed value is the lesser of either:

4 (1) the amount provided by section 8844(e)(2) (relating  
5 to notices, appeals and certification of values); or

6 (2) an amount reasonably consistent with the assessed  
7 values of similar properties located in the same neighborhood  
8 or local community.

9 (c) Applicability.--This section shall apply to appeals that  
10 have not been finally adjudicated as of the effective date of  
11 this section.

12 Section 3 5. The provisions of this act are severable. If <--  
13 any provision of this act or its application to any person or  
14 circumstance is held invalid, the invalidity shall not affect  
15 other provisions or applications of this act which can be given  
16 effect without the invalid provision or application.

17 Section 4 6. This act shall take effect in 60 days. <--