

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1006 Session of 2017

INTRODUCED BY EICHELBERGER, BLAKE, MCGARRIGLE, HUTCHINSON AND SCHWANK, DECEMBER 28, 2017

SENATOR EICHELBERGER, LOCAL GOVERNMENT, AS AMENDED, APRIL 24, 2018

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in consolidated county assessment,
3 further providing for abstracts of building and demolition
4 permits to be forwarded to the county assessment office.

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

7 Section 1. Section 8861 of Title 53 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 8861. [Abstracts of building and demolition permits to be
10 forwarded] Submission of permit and substantial
11 improvement information to the county assessment
12 office and civil penalty.

13 (a) Permit.--Every municipality, third-party agency or the
14 Department of Labor and Industry responsible for the issuance of
15 building permits OR DEMOLITION PERMITS shall forward a copy of <--
16 each [building] permit to the county assessment office on or <--
17 before the first day of every month. In addition to any charge
18 otherwise permitted by law, a municipality, a third-party agency

1 or the Department of Labor and Industry may charge an additional
2 fee of \$10 to each person to whom a permit is issued for
3 administrative costs incurred in compliance with this section.
4 The assessment office may provide for the electronic submission
5 of permits and may establish the format for the submission of
6 permit information. The provision of ~~building~~ permits or permit <--
7 information to the assessment office as required by this section
8 shall not be subject to the procedures of the act of February
9 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. No
10 agency, public official or public employee shall be liable for
11 civil or criminal damages or penalties for complying with this
12 section.

13 (a.1) Noncompliance.--If the county assessment office has
14 reason to believe that there is noncompliance with subsection
15 (a), the assessment office shall provide written notice to the
16 municipality and, if applicable, a third-party agency, or to the
17 Department of Labor and Industry in the case of noncompliance by
18 the Department of Labor and Industry. Upon receipt of the
19 notice, the municipality and third-party agency or Department of
20 Labor and Industry shall investigate and consult with the
21 assessment office and take any steps the recipient deems
22 necessary to remediate the noncompliance. If, after
23 consultation, noncompliance with subsection (a) continues, the
24 assessment office may:

25 (1) In the case of noncompliance after notice by a
26 municipality or the Department of Labor and Industry,
27 institute an action in mandamus before the court of common
28 pleas to compel compliance with subsection (a). Should the
29 court determine that the noncompliance is intentional, the
30 court shall award party costs, disbursements, reasonable

1 attorney fees and witness fees relating to the action to the
2 assessment office.

3 (2) In the case of noncompliance after notice by a
4 third-party agency, file a complaint with the Department of
5 Labor and Industry. Intentional noncompliance with subsection
6 (a) shall constitute just cause for corrective action by the
7 Department of Labor and Industry. The assessment office
8 shall, along with the complaint or as directed by the
9 Department of Labor and Industry, provide the Department of
10 Labor and Industry with documentation of the notice required
11 by this section and any other evidence related to the
12 intentional noncompliance.

13 (b) Substantial improvement.--If a person makes improvements
14 to any real property, other than painting of or normal regular
15 repairs to a building, aggregating more than \$2,500 in value and
16 a building permit is not required for the improvements, the
17 property owner shall furnish the following information to the
18 board:

19 (1) the name and address of the person owning the
20 property;

21 (2) a description of the improvements made or to be made
22 to the property; and

23 (3) the dollar value of the improvements.

24 (b.1) County improvement certification form.--The county
25 commissioners may, by ordinance, require that all persons making
26 substantial improvements to property as set forth in subsection
27 (b) submit to the county assessment office a county improvement
28 certification form setting forth the information in subsection
29 (b) prior to beginning any substantial improvement, regardless
30 of whether a building permit is required. The county may provide

1 for the electronic submission of the form and a fee no greater
2 than \$5. The county may cooperate with a municipality, third-
3 party agency or the Department of Labor and Industry in the
4 distribution of forms.

5 (c) [Penalty.--Any person that intentionally fails to comply
6 with the provisions of subsection (b) or intentionally falsifies
7 the information provided, shall, upon conviction in a summary
8 proceeding, be sentenced to pay a fine of not more than \$50.]

9 Civil penalty.--

10 (1) The board may assess a civil penalty of not more
11 than \$100 upon a person for intentionally failing to comply
12 with the provisions of subsection (b) or an ordinance enacted
13 in accordance with subsection (b.1) or intentionally
14 falsifying the information required.

15 (2) If a civil penalty is assessed against a person
16 under paragraph (1), the board must notify the person by
17 certified mail of the nature of the violation and the amount
18 of the civil penalty and that the person may notify the board
19 in writing within 10 calendar days that the person wishes to
20 contest the civil penalty. If, within 10 calendar days from
21 the receipt of that notification, the person does not notify
22 the county board for assessment appeals of intent to contest
23 the assessed penalty, the civil penalty shall become final.

24 (3) If timely notification of the intent to contest the
25 civil penalty is given, the person contesting the civil
26 penalty shall be provided with a hearing in accordance with 2
27 Pa.C.S. Chs. 5 Subch. B (relating to practice and procedure
28 of local agencies) and 7 Subch. B (relating to judicial
29 review of local agency action).

30 (d) Existing provisions preserved.--Nothing in this section

1 shall supersede or preempt any ordinance, resolution or other
2 requirement of a county to submit information on substantial
3 improvements in effect on the effective date of this subsection.

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