

---

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 230 Session of  
2019

---

INTRODUCED BY DEASY, JANUARY 28, 2019

---

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 28, 2019

---

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in assessments of persons and  
3 property, providing for real estate tax deferral for elderly  
4 homeowners.

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

7 Section 1. Subchapter C heading of Chapter 85 of Title 53 of  
8 the Pennsylvania Consolidated Statutes is amended to read:

9 SUBCHAPTER C

10 [(Reserved)]

11 REAL ESTATE TAX DEFERRAL FOR ELDERLY HOMEOWNERS

12 Section 2. Subchapter C of Chapter 85 of Title 53 is amended  
13 by adding sections to read:

14 § 8551. Scope of subchapter.

15 This subchapter relates to deferrals of real estate taxes for  
16 certain elderly homeowners.

17 § 8552. Authority.

18 Each political subdivision shall grant tax deferrals in the  
19 manner provided in this subchapter.

1 § 8553. Eligibility and length of deferral.

2 (a) Deferral for five years.--The following claimants shall  
3 be eligible for a real estate tax deferral of five years:

4 (1) A sole homeowner who has reached at least 65 years  
5 of age.

6 (2) Joint homeowners whose ages add up to at least 130  
7 years.

8 (b) Permanent deferral.--The following claimants shall be  
9 eligible for a permanent real estate tax deferral:

10 (1) A sole homeowner who has reached at least 75 years  
11 of age.

12 (2) Joint homeowners whose ages add up to at least 150  
13 years.

14 (c) Income eligibility.--A claimant shall be eligible for a  
15 tax deferral if the claimant and the claimant's spouse have a  
16 household income not exceeding the maximum household income  
17 eligibility limitations under Chapter 13 of the act of June 27,  
18 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer  
19 Relief Act.

20 (d) Ineligible homeowners.--Three or more joint homeowners  
21 and corporate homeowners shall not be eligible for a real estate  
22 tax deferral under this subchapter.

23 § 8554. Application procedure.

24 (a) Initial application.--An individual eligible for a tax  
25 deferral under this subchapter may apply annually to the  
26 political subdivision. In the initial year of application, the  
27 following information shall be provided in the manner required  
28 by the political subdivision:

29 (1) A statement of request for the tax deferral.

30 (2) A certification that the applicant or the applicant

1 and his or her spouse jointly are the owners in fee simple of  
2 the homestead upon which the real property taxes are imposed.

3 (3) A certification that the applicant's homestead is  
4 adequately insured under a homeowner's policy to the extent  
5 of all outstanding liens.

6 (4) Receipts showing timely payment of the immediately  
7 preceding year's nondeferred real property tax liability.

8 (5) Proof of income eligibility under section 8574  
9 (relating to income eligibility).

10 (6) Proof of age requirement under section 8552  
11 (relating to authority).

12 (7) Any other information required by the political  
13 subdivision.

14 (b) Subsequent years.--After the initial entry into the  
15 program, a claimant shall remain eligible for tax deferral in  
16 subsequent years if the claimant continues to meet the  
17 eligibility requirements of this subchapter.

18 § 8555. Attachment and satisfaction of lien.

19 (a) Nature of lien.--All taxes deferred under this  
20 subchapter shall constitute a prior lien on the homestead of the  
21 claimant in favor of the political subdivision and shall attach  
22 as of the date and in the same manner as other real estate tax  
23 liens. The deferred taxes shall be collected as other real  
24 estate tax liens, but the deferred taxes shall be due, payable  
25 and delinquent only as provided under subsection (b).

26 (b) Payment.--

27 (1) All or part of the deferred taxes may at any time be  
28 paid to the political subdivision.

29 (2) If the deferred taxes are not paid by the claimant  
30 or the claimant's spouse during his or her lifetime or during

1 their continued ownership of the homestead, the deferred  
2 taxes shall be paid either:

3 (i) prior to the conveyance of the homestead to any  
4 third party; or

5 (ii) prior to the passing of the legal or equitable  
6 title, either by will or by statute, to the heirs of the  
7 claimant or the claimant's spouse.

8 (3) The surviving spouse of a claimant shall not be  
9 required to pay the deferred taxes by reason of the surviving  
10 spouse's acquisition of the homestead due to death of the  
11 claimant as long as the surviving spouse maintains the  
12 surviving spouse's domicile in the property. The surviving  
13 spouse may continue to participate in the tax deferral  
14 program in subsequent years provided the surviving spouse is  
15 eligible under the provisions of this subchapter.

16 § 8556. Preemption.

17 This subchapter preempts any State or local regulation or law  
18 that provides for the deferral of real estate taxes for elderly  
19 homeowners or that is in any manner inconsistent with this  
20 subchapter.

21 Section 3. The following acts and parts of acts are repealed  
22 insofar as they are inconsistent with this act:

23 (1) The act of May 16, 1923 (P.L.207, No.153), referred  
24 to as the Municipal Claim and Tax Lien Law.

25 (2) The act of July 7, 1947 (P.L.1368, No.542), known as  
26 the Real Estate Tax Sale Law.

27 (3) The act of June 28, 1967 (P.L.122, No.32), entitled  
28 "An act authorizing and empowering city treasurers of cities  
29 of the second class A to sell at public sale, lands or real  
30 estate upon which the taxes, assessed and levied by the city,

1 are delinquent and unpaid; fixing the interests of all taxing  
2 authorities where such lands are purchased by the city;  
3 providing for the distribution of moneys received as income  
4 from or resale of such lands; and providing for a method of  
5 reselling such lands purchased, by the city, or by the city  
6 at any sale for the nonpayment of taxes, free and clear of  
7 all mortgages, ground rents, interest in or claims against  
8 said lands; authorizing an agreement between cities of the  
9 second class A purchasing property at treasurer's sales and  
10 all other taxing authorities having an interest in such lands  
11 with respect to the distribution of rents, income and the  
12 proceeds of the resale of such lands."

13 (4) The act of October 11, 1984 (P.L.876, No.171), known  
14 as the Second Class City Treasurer's Sale and Collection Act.

15 (5) 11 Pa.C.S.

16 (6) Any and all other acts.

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