
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1034 Session of
2019

INTRODUCED BY EVERETT, JAMES, MOUL, FREEMAN AND SAPPEY,
APRIL 5, 2019

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 5, 2019

AN ACT

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

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

8 Section 1. Section 8802 of Title 53 of the Pennsylvania
9 Consolidated Statutes is amended by adding a definition to read:

10 § 8802. Definitions.

11 The following words and phrases when used in this chapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 * * *

15 "Normal regular repairs." As follows:

16 (1) The term shall include:

17 (i) The repair or replacement of materials or
18 components of property features for the purpose of
19 maintenance.

1 (ii) The replacement of existing property features
2 with new versions reasonably similar in function,
3 quality, material and dimension.

4 (2) As used in this definition, the term "property
5 features" includes, but is not limited to, roofing, siding,
6 flooring, heating and air conditioning systems and windows.

7 * * *

8 Section 2. Sections 8817(a) and 8861 of Title 53 are amended
9 to read:

10 § 8817. Changes in assessed valuation.

11 (a) General rule.--In addition to other authorization
12 provided in this chapter, the assessors may change the assessed
13 valuation on real property when a parcel of land is subdivided
14 into smaller parcels or when improvements are made to real
15 property or existing improvements are removed from real property
16 or are destroyed. The recording of a subdivision plan shall not
17 constitute grounds for assessment increases until lots are sold
18 or improvements are installed. The painting of a building or the
19 normal regular repairs to a building [aggregating \$2,500 or less
20 in value annually] shall not be deemed cause for a change in
21 valuation by the assessors under the authority of this section.

22 * * *

23 § 8861. [Abstracts of building and demolition permits to be
24 forwarded] Submission of permit and substantial
25 improvement information to the county assessment
26 office and civil penalty.

27 (a) Permit.--Every municipality, third-party agency or the
28 Department of Labor and Industry responsible for the issuance of
29 building permits or demolition permits shall forward a copy of
30 each [building] permit to the county assessment office on or

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

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

28 (1) In the case of continuing noncompliance after notice
29 by a municipality or the Department of Labor and Industry,
30 institute an action in mandamus before the court of common

1 pleas to compel compliance with subsection (a). Should the
2 court determine that the noncompliance is intentional, the
3 court shall award any costs, disbursements, reasonable
4 attorney fees and witness fees relating to the action to the
5 assessment office.

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

16 (b) Substantial improvement.--If a person makes improvements
17 to any real property, other than painting of or normal regular
18 repairs to a building, aggregating more than [\$2,500] \$4,000 in
19 value and a building permit is not required for the
20 improvements, the property owner shall furnish the following
21 information to the board:

22 (1) the name and address of the person owning the
23 property;

24 (2) a description of the improvements made or to be made
25 to the property; and

26 (3) the dollar value of the improvements.

27 (b.1) County improvement certification form.--The county
28 commissioners may, by ordinance, require that all persons making
29 substantial improvements to property as set forth in subsection
30 (b) submit to the county assessment office a county improvement

1 certification form setting forth the information in subsection
2 (b) prior to beginning any substantial improvement, regardless
3 of whether a building permit is required. The county may provide
4 for the electronic submission of the form and a fee no greater
5 than \$5. The county may cooperate with a municipality, third-
6 party agency or the Department of Labor and Industry in the
7 distribution of forms.

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

12 Civil penalty.--

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

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

28 (3) If timely notification of the intent to contest the
29 civil penalty is given, the person contesting the civil
30 penalty shall be provided with a hearing in accordance with 2

1 Pa.C.S. Chs. 5 Subch. B (relating to practice and procedure
2 of local agencies) and 7 Subch. B (relating to judicial
3 review of local agency action).

4 (d) Existing provisions preserved.--Nothing in this section
5 shall supersede or preempt any ordinance, resolution or other
6 requirement of a county to submit information on substantial
7 improvements in effect on the effective date of this subsection.

8 (e) Substantial improvement value.--Beginning January 1 of
9 the year immediately following the effective date of this
10 subsection and each January 1 thereafter, the amount set forth
11 in subsection (b) shall be increased by the percentage change in
12 the Consumer Price Index for All Urban Consumers (CPI-U) for the
13 Pennsylvania, New Jersey, Delaware and Maryland area, for the
14 most recent 12-month period that figures have been officially
15 reported by the United States Department of Labor, Bureau of
16 Labor Statistics immediately prior to the date the adjustment is
17 due to take effect. The chief assessor shall maintain an
18 accurate record of the adjusted amount applicable for each year.

19 Section 3. This act shall take effect in 60 days.