

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1636 Session of 2019

INTRODUCED BY FIEDLER, CEPHAS, SOLOMON, CALTAGIRONE, RABB, KINSEY, SCHLOSSBERG, HILL-EVANS, ROEBUCK, PASHINSKI, OTTEN, KENYATTA, SCHWEYER, McNEILL, STURLA, MULLINS, MARKOSEK, YOUNGBLOOD, RAVENSTAHL, McCLINTON, MULLERY, BULLOCK, KIM, FLYNN, A. DAVIS, BURGOS, FRANKEL, DeLUCA, DELLOSO, KRUEGER, INNAMORATO AND CIRESI, JUNE 14, 2019

REFERRED TO COMMITTEE ON APPROPRIATIONS, JUNE 14, 2019

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An
 2 act relating to tax reform and State taxation by codifying
 3 and enumerating certain subjects of taxation and imposing
 4 taxes thereon; providing procedures for the payment,
 5 collection, administration and enforcement thereof; providing
 6 for tax credits in certain cases; conferring powers and
 7 imposing duties upon the Department of Revenue, certain
 8 employers, fiduciaries, individuals, persons, corporations
 9 and other entities; prescribing crimes, offenses and
 10 penalties," providing for the Public School Building
 11 Emergency Repair and Renovation Grant Program; establishing
 12 the Public School Building Emergency Repair and Renovation
 13 Grant Fund; and making an appropriation.

14 The General Assembly of the Commonwealth of Pennsylvania
 15 hereby enacts as follows:

16 Section 1. The act of March 4, 1971 (P.L.6, No.2), known as
 17 the Tax Reform Code of 1971, is amended by adding an article to
 18 read:

19 ARTICLE XI-E

20 PUBLIC SCHOOL BUILDING EMERGENCY REPAIR

21 AND RENOVATION GRANT PROGRAM

1 Section 1101-E. Scope.

2 This article relates to the Public School Building Emergency
3 Repair and Renovation Grant Program.

4 Section 1102-E. Definitions.

5 The following words and phrases when used in this article
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Department." The Department of Education of the
9 Commonwealth.

10 "Eligible cost." The term includes the cost of all labor,
11 materials, necessary operational machinery and equipment, plans
12 and specifications, surveys, prefeasibility studies, engineering
13 and other professional services related to an emergency repair
14 and renovation project.

15 "Emergency repair and renovation projects." Eligible costs
16 associated with the improvement, repair, rehabilitation or
17 renovation of all or part of a public school building, which
18 include the following:

19 (1) Emergency repairs resulting from a natural or
20 manmade disaster.

21 (2) Lead abatement, remediation and removal.

22 (3) Asbestos abatement, remediation and removal.

23 (4) Heating, ventilation and air conditioning purchase,
24 repair or replacement.

25 (5) Electrical system repair or replacement.

26 (6) Roof and window repair or replacement.

27 (7) Plumbing repairs or replacement.

28 (8) Purchase, repair or replacement of indoor air
29 quality systems.

30 (9) Removal of the presence of toxins, chemicals and

1 health hazards, including mercury, radon, PCBs, mold, mildew,
2 rodents and pests.

3 (10) Repairs or renovations that ensure the building
4 envelopes of public school buildings protect occupants and
5 interiors from the elements and are structurally sound and
6 secure.

7 (11) Repairs or renovations that ensure the safety of
8 drinking water and water used for meal preparation in public
9 school buildings, which may include testing of the potability
10 of water for the presence of lead and other contaminants.

11 (12) Repairs or renovations that bring public school
12 facilities into compliance with applicable fire, health and
13 safety codes.

14 (13) Other improvements, actions, repairs or renovations
15 that will improve the physical health, welfare and safety of
16 students as approved by the department.

17 "Fund." The Public School Building Emergency Repair and
18 Renovation Grant Fund established under section 1104-E.

19 "School district." As defined in section 102 of the act of
20 March 10, 1949 (P.L.30, No.14), known as the Public School Code
21 of 1949.

22 Section 1103-E. Public School Building Emergency Repair and
23 Renovation Grant Program.

24 (a) Establishment.--The Public School Building Emergency
25 Repair and Renovation Grant Program is established and shall be
26 administered by the department.

27 (b) Application.--A school district may submit a single
28 application in writing to the department which identifies each
29 project for which grant funding is requested under this section.
30 The department may establish the form and manner in which an

1 application is submitted.

2 (c) Requirements of application.--An application submitted
3 under subsection (b) shall include:

4 (1) A detailed plan of each emergency repair and
5 renovation project for which the school district is seeking
6 funding.

7 (2) The total amount of grant funding requested.

8 (3) A statement indicating that the emergency repair and
9 renovation project is necessary to protect the health and
10 safety of the students in the school district.

11 (4) Any other information required by the department.

12 (d) Review.--Within 30 days of receipt of an application,
13 the department shall review and approve or deny the application.
14 If the application is approved, the department shall award the
15 grant and execute a grant agreement with the school district. If
16 the application is denied, the department shall forward the
17 reasons for denial to the applicant and allow the applicant to
18 reapply.

19 Section 1104-E. Public School Building Emergency Repair and
20 Renovation Grant Fund.

21 There is established in the State Treasury a special fund to
22 be known as the Public School Building Emergency Repair and
23 Renovation Grant Fund.

24 Section 1105-E. Use of money.

25 (a) Grants.--Money in the fund may only be used for grants
26 to school districts for emergency repair and renovation projects
27 approved under section 1103-E(d).

28 (b) Distribution.--Money in the fund shall be distributed as
29 follows:

30 (1) The sum of \$85,000,000 shall be allocated for grants

1 for emergency repair and renovation projects in a school
2 district of the first class.

3 (2) The sum of \$30,000,000 shall be used for grants for
4 emergency repair and renovation projects in school districts,
5 except school districts of the first class, that are in one
6 of the following categories:

7 (i) In financial recovery status under Subchapter C
8 of Article VI-A of the act of March 10, 1949 (P.L.30,
9 No.14), known as the Public School Code of 1949.

10 (ii) In financial watch status under Subchapter B of
11 Article VI-A of the Public School Code of 1949.

12 (iii) With 20% or more of school-age children
13 identified as in acute poverty by the American Community
14 Survey data, as used in section 2502.53 of the Public
15 School Code of 1949.

16 (3) The sum of \$10,000,000 shall be used for grants for
17 emergency repair and renovation projects in school districts
18 other than those identified in paragraphs (1) and (2).

19 (c) Prohibition.--The department may not award grants for
20 any of the following purposes:

21 (1) Construction of a new public school building.

22 (2) Payment of maintenance costs other than those
23 allowed in this article.

24 (3) Purchase, lease or upgrade of school district
25 vehicles.

26 (4) Improvement of a stand-alone facility which is not
27 used for the purpose of educating children, including
28 administrative or operations buildings or logistical support
29 facilities.

30 (d) Guidelines.--The department shall develop guidelines for

1 the following:

2 (1) Submitting applications for a grant.

3 (2) Reviewing applications and selecting projects for
4 the awarding of grants.

5 (3) Eligible uses of money by school districts that
6 receive grants.

7 (4) Minimum grant amounts.

8 Section 1106-E. Amount of grant.

9 Maximum grant amounts for a school district shall be as
10 follows:

11 (1) \$2,000,000 for school districts under section 1105-
12 E(b)(2).

13 (2) \$500,000 for school districts under section 1105-
14 E(b)(3).

15 Section 1107-E. Deposit and transfer of money.

16 On July 1, 2019, the sum of \$125,000,000 shall be transferred
17 from the General Fund for deposit into the fund for purposes of
18 awarding grants under this article.

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