

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 352 Session of 2019

INTRODUCED BY J. WARD, ARGALL, KILLION, K. WARD, YUDICHAK, STEFANO AND BROWNE, MARCH 4, 2019

AS AMENDED ON SECOND CONSIDERATION, SEPTEMBER 24, 2019

AN ACT

1 Authorizing local taxing authorities to provide for tax
2 exemption incentives for certain deteriorated industrial,
3 commercial, business and residential property and for new
4 construction in deteriorated areas of communities; providing
5 for an exemption schedule; and establishing standards and
6 qualifications.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Tax Exemption
11 and Mixed-Use Incentive Program Act.

12 Section 2. Construction.

13 This act shall be construed to authorize local taxing
14 authorities to provide for tax exemption incentives for new
15 construction in deteriorated areas of communities and
16 improvements to certain deteriorated industrial, commercial,
17 business and residential property. In addition, this act shall
18 be construed to allow for mixed-use housing and development in
19 accordance with zoning ordinances within designated areas. This
20 act supplements the act of July 9, 1971 (P.L.206, No.34), known

1 as the Improvement of Deteriorating Real Property or Areas Tax
2 Exemption Act, and the act of December 1, 1977 (P.L.237, No.76),
3 known as the Local Economic Revitalization Tax Assistance Act,
4 which implement section 2(b)(iii) of Article VIII of the
5 Constitution of Pennsylvania.

6 Section 3. Definitions.

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

10 "Adult entertainment." As defined in 68 Pa.C.S. § 5502
11 (relating to definitions).

12 "Blighted property." The term includes:

13 (1) A premises:

14 (i) ascertained to be a public nuisance due to
15 physical condition or use, regarded as a public nuisance
16 at common law and deemed to be a danger to public health,
17 safety and welfare or public nuisance as regulated by a
18 locally adopted property maintenance code or, if no such
19 code exists, any compatible code enacted by the act of
20 November 10, 1999 (P.L.491, No.45), known as the
21 Pennsylvania Construction Code Act; or

22 (ii) the condition of which contains an attractive
23 nuisance created by physical condition, use or occupancy,
24 including abandoned water wells, shafts, basements,
25 excavations and unsafe fences or other structures, or
26 which contains an unauthorized entry, unsafe equipment or
27 other safety risk.

28 (2) A dwelling that has been condemned or otherwise
29 deemed unfit for occupancy or use by the local authority
30 having jurisdiction due to dilapidated, unsanitary, unsafe or

1 vermin-infested condition or that is lacking in the
2 facilities and equipment as required by the Pennsylvania
3 Construction Code Act.

4 (3) A structure determined by the local authority having
5 jurisdiction to be a fire hazard or otherwise that could
6 easily catch fire or cause a fire and endanger public health,
7 safety and welfare.

8 (4) A vacant or unimproved lot or parcel of ground
9 located in a predominantly developed neighborhood that has
10 become a place for the accumulation of trash and debris or
11 haven for rodents and other vermin by reason of neglect or
12 lack of maintenance.

13 (5) A property that is vacant and has not been
14 rehabilitated within one year from receipt of notice for
15 corrective action as issued by the local authority having
16 jurisdiction, except a property where a valid construction
17 permit is in place.

18 (6) A vacant or unimproved lot or parcel of ground that
19 is subject to a municipal lien for the cost of demolition of
20 a structure previously located on the property and for which
21 no payments on the lien have been made for a period of 12
22 months.

23 (7) A vacant or unimproved lot or parcel of ground on
24 which the total municipal liens for delinquent real estate
25 and property tax or any other type of municipal claim are
26 greater than 150% of the fair market value of the property as
27 established by the board of assessment appeals or other body
28 with legal authority to determine the taxable value of the
29 property.

30 (8) A property that has been declared abandoned in

1 writing by the owner, including an estate that is in
2 possession of the property.

3 "Deteriorated area." An area designated by a municipal
4 corporation to consist of blighted property. The term includes
5 an impoverished area.

6 "Exemption schedule." The tax exemption schedule under
7 section 5.

8 "Impoverished area." Any area in this Commonwealth which is
9 certified as an impoverished area by the Department of Community
10 and Economic Development and the certification of which is
11 approved by the Governor. Certification shall be made on the
12 basis of Federal census studies and current indices of social
13 and economic conditions.

14 "Improvement." Repair, construction or reconstruction,
15 including alterations and additions, having the effect of
16 rehabilitating a blighted property so that it becomes habitable
17 or attains higher standards of safety, health, economic use or
18 amenity, or is brought into compliance with laws, ordinances or
19 regulations governing such standards. Ordinary upkeep and
20 maintenance shall not be deemed an improvement.

21 "Local taxing authority." A county, city, borough,
22 incorporated town, township, institution district or school
23 district having authority to levy real property taxes.

24 "Mixed-use housing and development." Any urban, suburban,
25 village development or single building that combines
26 residential, commercial, cultural, institutional or industrial
27 uses to provide more efficiency for the community in terms of
28 space, transportation and economic development.

29 "Municipal corporation." A city, borough, incorporated town
30 or township.

1 "Property maintenance code." A municipal ordinance which
2 regulates the maintenance or development of real property. The
3 term includes a building code, housing code and public safety
4 code.

5 "Serious violation." A violation of a State law or a
6 property maintenance code that poses an immediate imminent
7 threat to the health and safety of a dwelling occupant,
8 occupants in surrounding structures or passersby.

9 Section 4. Deteriorated areas.

10 (a) Real property tax exemption.--

11 (1) A local taxing authority may by ordinance or
12 resolution exempt from real property taxation the assessed
13 valuation of improvements to blighted properties and the
14 assessed valuation of new construction within a deteriorated
15 area in the amounts and in accordance with the provisions and
16 limitations specified in this act.

17 (2) If a deteriorated area is zoned for mixed-use
18 housing and development, improvements shall incorporate
19 mixed-use housing and development that benefit the efficiency
20 and economy of the community.

21 (3) The ordinance or resolution shall specify a
22 description of each deteriorated area, as well as the cost of
23 improvements per unit to be exempted, and the schedule or
24 taxes exempted as provided in this act.

25 (b) Boundaries.--Prior to the adoption of the ordinance or
26 resolution authorizing the granting of tax exemptions, the
27 municipal corporation must affix the boundaries of the
28 deteriorated area, wholly or partially located within its
29 jurisdiction, if any.

30 (c) Public hearing.--

1 (1) At least one public hearing shall be held by the
2 municipal corporation for the purpose of determining the
3 boundaries of a deteriorated area.

4 (2) At the public hearing the local taxing authorities,
5 planning commission or redevelopment authority and other
6 public and private agencies and individuals, knowledgeable
7 and interested in the improvement of deteriorated areas,
8 shall present their recommendations concerning the location
9 of boundaries of a deteriorated area for the guidance of the
10 municipal corporation. The recommendations shall take into
11 account the criteria required to establish an impoverished
12 area or blighted property.

13 (d) Adjacent property inclusions.--Property adjacent to a
14 deteriorated area may be included within the deteriorated area
15 if the local taxing authority determines that new construction
16 on the property would encourage, enhance or accelerate
17 improvement of the blighted properties within the deteriorated
18 area.

19 (e) Municipal cooperation.--

20 (1) Two or more municipal corporations may join together
21 for the purpose of determining the boundaries of a
22 deteriorated area and establishing the uniform maximum cost
23 per unit, and the municipal corporations shall cooperate
24 fully with each other for the purpose of implementing this
25 act.

26 (2) The local taxing authorities may, by implementing
27 ordinances or resolutions, agree to adopt tax-exemption
28 schedules contingent upon the similar adoption by an adjacent
29 local taxing authority or by a local taxing authority with
30 mutual jurisdiction, within the limitations provided under

1 this act.

2 (F) RESCINDING BLIGHTED AREA DESIGNATION.--A LOCAL TAXING <--
3 AUTHORITY MAY RESCIND AN ORDINANCE OR RESOLUTION ADOPTED UNDER
4 SUBSECTION (A) IF THE LOCAL TAXING AUTHORITY DETERMINES THAT THE
5 TAX EXEMPTION IN THE DETERIORATED AREA WITHIN THE BOUNDARIES
6 ESTABLISHED UNDER SUBSECTION (B) HAS ACCOMPLISHED THE GOAL OF
7 REVITALIZING THE DETERIORATED AREA. PROPERTY GRANTED TAX
8 EXEMPTION WITHIN THE BOUNDARIES OF THE DETERIORATED AREA PRIOR
9 TO THE ORDINANCE OR RESOLUTION BEING RESCINDED SHALL CONTINUE TO
10 RECEIVE THE TAX EXEMPTION GRANTED UNTIL THE TAX EXEMPTION IS
11 TERMINATED UNDER SECTION 5(B).

12 Section 5. Exemption schedule.

13 (a) General rule.--A local taxing authority granting a tax
14 exemption under this act may provide for tax exemption on the
15 assessment attributable to the actual cost of new construction
16 or improvements or up to any maximum cost uniformly established
17 by the municipal corporation. The maximum cost shall uniformly
18 apply to all eligible blighted property in the deteriorated area
19 within the local taxing authority's jurisdiction.

20 (b) Schedule.--Whether or not the assessment eligible for
21 exemption is based upon actual cost or a maximum cost, the
22 actual amount of taxes exempted shall be in accordance with the
23 following:

24 (1) For the first, second and third years for which new
25 construction or improvements would otherwise be taxable, 100%
26 of the eligible assessment shall be exempted.

27 (2) For the fourth year for which new construction or
28 improvements would otherwise be taxable, 90% of the eligible
29 assessment shall be exempted.

30 (3) For the fifth year for which new construction or

1 improvements would otherwise be taxable, 75% of the eligible
2 assessment shall be exempted.

3 (4) For the sixth year for which new construction or
4 improvements would otherwise be taxable, 60% of the eligible
5 assessment shall be exempted.

6 (5) For the seventh year for which new construction or
7 improvements would otherwise be taxable, 45% of the eligible
8 assessment shall be exempted.

9 (6) For the eighth year for which new construction or
10 improvements would otherwise be taxable, 30% of the eligible
11 assessment shall be exempted.

12 (7) For the ninth year for which new construction or
13 improvements would otherwise be taxable, 15% of the eligible
14 assessment shall be exempted.

15 (8) For the tenth year for which new construction or
16 improvements would otherwise be taxable, 10% of the eligible
17 assessment shall be exempted.

18 (9) After the tenth year, the exemption shall terminate.

19 (c) Limitation.--The exemption from taxes shall be limited
20 to the additional assessment valuation attributable to the
21 actual costs of new construction or improvements to blighted
22 property or not in excess of the maximum cost per unit
23 established by a municipal corporation.

24 (d) Sale or exchange.--The exemption from taxes shall be
25 upon the property exempted and shall not terminate upon the sale
26 or exchange of the property.

27 (e) Estimate.--A local taxing authority shall provide upon
28 request an estimate of the amount of assessment exempted for
29 each eligible property based on the exemption schedule under
30 subsection (b).

1 (f) Repayment.--

2 (1) A local taxing authority shall be entitled to a
3 return of its proportional share of taxes exempted under the
4 provisions of this act if, within five years following
5 completion of the new construction or improvements, there
6 exists on the property a serious violation of a State law or
7 a property maintenance code and the owner has taken no
8 substantial steps to correct the violation within six months
9 following notification of the violation and for which fines
10 or other penalties or a judgment to abate or correct were
11 imposed by a magisterial district judge or municipal court,
12 or a judgment at law or in equity was imposed by a court of
13 common pleas.

14 (2) At the time the agreement is entered into between a
15 local taxing authority and the person who desires tax
16 exemption, if the person has completed all requirements under
17 section 6, the local taxing authorities shall file a lien
18 against the tax-exempt properties at the rate of the
19 estimated amount of assessment under subsection (b). The lien
20 shall be forgiven by the local taxing authority at the end of
21 the fifth year following the completion of the new
22 construction or improvements, if there have been no serious
23 violations against the property that have not been corrected.
24 The lien on the property shall transfer under subsection (d)
25 in cases of sale or exchange of the property.

26 Section 6. Procedure for obtaining exemption incentives.

27 (a) Notification.--A person desiring tax exemption
28 authorized by an ordinance or resolution adopted under this act
29 shall notify the local taxing authority granting the exemption
30 in writing on an application form provided by the local taxing

1 authority, submitted at the time the person secures the building
2 permit or, if no building permit or other notification of new
3 construction or improvement is required, at the time the person
4 commences construction. The application shall include the
5 following information:

6 (1) Statement of tax obligations, signed by the
7 applicant and the local taxing authority and notarized.

8 (2) Outline of specifications for the new construction
9 or improvement, indicating with as much specificity as
10 practicable, the materials to be used for exterior and
11 interior finishes.

12 (3) An itemized cost estimate for the new construction
13 or improvement. The itemization must:

14 (i) Be on contractor letterhead.

15 (ii) Indicate the property address of the project.

16 (iii) Be signed by the applicant.

17 (4) Preliminary architectural drawings or blueprints for
18 the new construction or improvement.

19 (5) A recent appraisal of the property, if available.

20 (6) An applicable building permit application or
21 building permit.

22 (7) An income and expense report for the property, which
23 income and expense report should be submitted directly to the
24 county assessment office in order to protect the
25 confidentiality of the information.

26 (8) The final decision of the zoning authority or other
27 regulatory agency granting relief, if applicable.

28 (9) The signature of the applicant and the date of
29 signing.

30 (b) Estimate.--The amount of assessment deemed eligible for

1 tax exemption under subsection (c) shall be available for public
2 inspection and copying so that any subsequent purchaser is
3 informed of the amount of taxes to be paid after the 10-year
4 exemption period.

5 (c) County assessment office.--

6 (1) A copy of the exemption request shall be forwarded
7 to the county assessment office. The county assessment office
8 shall, after completion of the new construction or
9 improvement, assess separately the new construction or
10 improvement and calculate the amounts of the assessment
11 eligible for tax exemption in accordance with the limits
12 established by the local taxing authorities and notify the
13 taxpayer and the local taxing authorities of the reassessment
14 and amounts of the assessment eligible for exemption.

15 (2) Appeals from the reassessment and the amounts
16 eligible for the exemption may be taken by the taxpayer or
17 the local taxing authorities as provided by law.

18 (d) Amendment of ordinance.--The cost of new construction or
19 improvements to be exempted and the schedule of taxes exempted
20 existing at the time of the initial request for tax exemption
21 shall be applicable to that exemption request, and subsequent
22 amendment to the ordinance, if any, shall not apply to requests
23 initiated prior to adoption of the amendment.

24 Section 7. Eligibility requirements.

25 (a) General rule.--The completed new construction or
26 improvement must:

27 (1) Conform to zoning ordinance requirements. However,
28 if mixed-use development is permitted in a designated
29 deteriorated area, any improvement must meet any applicable
30 mixed-use housing and development standards.

1 (2) Increase the value of the property by at least 25%.

2 (3) Correct all code violations, if applicable.

3 (b) Ineligibility.--A property is ineligible for tax
4 exemption under section 5(a) if:

5 (1) The property receives other property tax abatement
6 or exemption incentives for new construction or improvement.

7 (2) The property receives tax relief through a State
8 program, except as provided in subsection (d).

9 (3) The property owner or developer is delinquent on
10 property taxes related to the subject property, unless the
11 delinquent taxes are paid prior to construction or payment of
12 delinquent taxes has been arranged with the local taxing
13 authority in accordance with an installment plan.

14 (4) The property owner has a legal or equitable interest
15 in other property for which property taxes are delinquent,
16 unless the delinquent taxes are paid prior to construction or
17 payment of delinquent taxes has been arranged with the local
18 taxing authority in accordance with an installment plan.

19 (5) New construction or improvement has commenced prior
20 to filing an application under section 6.

21 (6) The property includes an improvement under
22 subsection (c) that poses a health or safety risk to an
23 individual residing above the first floor.

24 (c) Restriction.--For an improvement under this act that
25 involves mixed-use housing and development, certain
26 establishments may not be sited on the first floor for health
27 and safety reasons. The establishments include, but are not
28 limited to, the following:

29 (1) Gas stations or automobile service stations.

30 (2) Drive-through establishments.

1 (3) Adult entertainment establishments.

2 (4) Storage trailers and outdoor storage of goods
3 associated with commercial use unless use of the structure is
4 necessary during construction.

5 (5) Junkyards.

6 (6) Recycling service centers.

7 (7) Animal hospitals and animal sales.

8 (8) Heavy manufacturing.

9 (9) Establishments that utilize biohazards.

10 (10) Establishments that sell firearms and other
11 weapons, unless the occupant is the owner of the
12 establishment.

13 (d) Exception.--The amount of assessment eligible for
14 exemption under this act shall be offset by the amount of
15 property tax rebate received under Chapter 13 of the act of June
16 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer
17 Relief Act.

18 (e) Limitations.--The property qualifying and receiving a
19 tax exemption under the program shall be ineligible for or
20 receive an additional tax exemption under this program for a
21 minimum of 15 years from the date the property received a tax
22 exemption under the program.

23 (f) Prohibitions.--For the period of time that a property
24 receives a tax exemption under the program, no purchase or sale
25 of the property or any portion thereof shall be structured in a
26 manner that excludes or exempts the transaction from a realty
27 transfer tax due to a taxing authority that would otherwise not
28 be excluded or exempt, except in the following cases:

29 (1) a sheriff sale or tax claim bureau sale;

30 (2) a corrective deed;

1 (3) a transfer by the mortgagor to the holder of a bona
2 fide mortgage in default in lieu of a foreclosure;

3 (4) a transfer to a judicial sale in which the
4 successful bidder is the bona fide holder of a mortgage; or

5 (5) any other transaction excluded from the realty
6 transfer tax under Article XI-C of the act of March 4, 1971
7 (P.L.6, No.2), known as the Tax Reform Code of 1971.

8 Section 8. Effective date.

9 This act shall take effect in 60 days.