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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 493 Session of  
2019

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INTRODUCED BY KEARNEY, HUTCHINSON, MARTIN, J. WARD AND SCHWANK,  
MARCH 29, 2019

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REFERRED TO LOCAL GOVERNMENT, MARCH 29, 2019

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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.