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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 477 Session of  
2021

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INTRODUCED BY J. WARD, HUTCHINSON, DUSH, SCHWANK AND KEARNEY,  
MARCH 31, 2021

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REFERRED TO LOCAL GOVERNMENT, MARCH 31, 2021

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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 a permit through electronic mail or any other means of  
8 electronic transmission or uploading of the permit in its  
9 existing form. The provision of permits or permit information to  
10 the assessment office as required by this section shall not be  
11 subject to the procedures of the act of February 14, 2008  
12 (P.L.6, No.3), known as the Right-to-Know Law. No agency, public  
13 official or public employee shall be liable for civil or  
14 criminal damages or penalties for complying with this section.

15 (a.1) Noncompliance.--

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

27 (2) If, after consultation, noncompliance with  
28 subsection (a) continues, the assessment office may, in the  
29 case of continuing noncompliance after notice by a  
30 municipality or third-party agency, institute an action in

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

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

12 (1) the name and address of the person owning the  
13 property;

14 (2) a description of the improvements made or to be made  
15 to the property; and

16 (3) the dollar value of the improvements.

17 (b.1) County improvement certification form.--The county  
18 commissioners may, by ordinance, require that all persons making  
19 substantial improvements to property as set forth in subsection  
20 (b) submit to the county assessment office a county improvement  
21 certification form setting forth the information in subsection  
22 (b) prior to beginning any substantial improvement, regardless  
23 of whether a building permit is required. The county may provide  
24 for the electronic submission of the form and a fee no greater  
25 than \$5. The county may cooperate with a municipality, third-  
26 party agency or the Department of Labor and Industry in the  
27 distribution of forms.

28 (c) [Penalty.--Any person that intentionally fails to comply  
29 with the provisions of subsection (b) or intentionally falsifies  
30 the information provided, shall, upon conviction in a summary

1 proceeding, be sentenced to pay a fine of not more than \$50.]

2 Civil penalty.--

3 (1) The board may assess a civil penalty of not more  
4 than \$100 upon a person for intentionally failing to comply  
5 with the provisions of subsection (b) or an ordinance enacted  
6 in accordance with subsection (b.1) or intentionally  
7 falsifying the information required.

8 (2) If a civil penalty is assessed against a person  
9 under paragraph (1), the board must notify the person by  
10 certified mail of the nature of the violation and the amount  
11 of the civil penalty and that the person may notify the board  
12 in writing within 10 calendar days that the person wishes to  
13 contest the civil penalty. If, within 10 calendar days from  
14 the receipt of that notification, the person does not notify  
15 the county board of assessment of the person's intent to  
16 contest the assessed penalty, the civil penalty shall become  
17 final.

18 (3) If timely notification of the intent to contest the  
19 civil penalty is given, the person contesting the civil  
20 penalty shall be provided with a hearing in accordance with 2  
21 Pa.C.S. Chs. 5 Subch. B (relating to practice and procedure  
22 of local agencies) and 7 Subch. B (relating to judicial  
23 review of local agency action).

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

28 (e) Substantial improvement value.--Beginning January 1 of  
29 the year immediately following the effective date of this  
30 subsection and each January 1 thereafter, the amount set forth

1 in subsection (b) shall be increased by the percentage change in  
2 the Consumer Price Index for All Urban Consumers (CPI-U) for the  
3 Pennsylvania, New Jersey, Delaware and Maryland area, for the  
4 most recent 12-month period that figures have been officially  
5 reported by the United States Department of Labor, Bureau of  
6 Labor Statistics immediately prior to the date the adjustment is  
7 due to take effect. The chief assessor shall maintain an  
8 accurate record of the adjusted amount applicable for each year.

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