

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 797 Session of 2021

INTRODUCED BY ROBINSON, ARGALL, SCAVELLO, GORDNER, YUDICHAK, STEFANO, MENSCH AND BOSCOLA, JUNE 24, 2021

SENATOR YUDICHAK, COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, AS AMENDED, DECEMBER 15, 2021

AN ACT

1 Amending the act of December 20, 2000 (P.L.949, No.130),
2 entitled "An act establishing Neighborhood Improvement
3 Districts; conferring powers and duties on municipal
4 corporations and neighborhood improvement districts;
5 providing for annual audits; and making repeals," further
6 providing for definitions, for creation of neighborhood
7 improvement district and for powers of neighborhood
8 improvement district management association.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. The definitions of "municipality," "neighborhood
12 improvement district" and "neighborhood improvement district
13 services" in section 3 of the act of December 20, 2000 (P.L.949,
14 No.130), known as the Neighborhood Improvement District Act, are
15 amended to read:

16 Section 3. Definitions.

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

20 * * *

1 "Municipality." With the exception of cities of the first
2 class, any county of the second class, city, borough,
3 incorporated town, township, home rule, optional plan or
4 optional charter municipality located within this Commonwealth.

5 * * *

6 "Neighborhood improvement district." A limited geographic
7 area within a municipality, in which a special assessment is
8 levied on all designated property, other than tax-exempt
9 property, for the purpose of promoting the economic and general
10 welfare of the district and the municipality, hereinafter
11 referred to as NID. Such districts shall be referred to
12 generally as neighborhood improvement district (NID) and
13 specifically as business improvement district (BID), residential
14 improvement district (RID), industrial improvement district
15 (IID), institutional improvement district (INID) or mixed-use
16 improvement district (MID), depending on the type district
17 established. [A designated property may not be included in more
18 than one neighborhood improvement district.]

19 * * *

20 "Neighborhood improvement district services." In the case of
21 neighborhood improvement district management associations
22 created for the purpose of making improvements or providing
23 expanded services within any neighborhood business improvement
24 districts established, the term shall include, but not be
25 limited to, those services which improve the ability of the
26 commercial establishments within the district to serve the
27 consumer, such as free or reduced-fee parking for customers,
28 transportation-related expenses, public relations programs,
29 group advertising, sponsorship of special events and district
30 maintenance and security services. For services provided within

1 any residential, industrial, institutional or mixed-use
2 neighborhood improvement district, the term shall include, but
3 not be limited to, those services which improve the ability of
4 property owners to enjoy a safer and more attractive
5 neighborhood through the provision of increased or expanded
6 services, including street lighting, street cleaning, street
7 maintenance, parks, recreational equipment and facilities, open
8 space and/or security services.

9 * * *

10 ~~Section 2. Sections 5(b), (c)(1) and (3)(vii), (d), (f)(2) <--~~
11 ~~and (g)(1) and (3) and 7(a)(8)(i) of the act are amended to~~
12 ~~read:~~

13 SECTION 2. SECTION 5(B), (C)(1) AND (3)(VII), (D), (F)(2) <--
14 AND (G)(1) AND (3) ARE AMENDED AND THE SECTION IS AMENDED BY
15 ADDING A SUBSECTION TO READ:

16 Section 5. Creation of neighborhood improvement district.

17 * * *

18 (b) Specific procedures.--

19 (1) A copy of everything required under this section, as
20 well as the date, location and time of any public hearing
21 required by this act, shall be provided by the municipal
22 corporation to all benefited property owners and lessees of
23 benefited property owners located in the proposed NID at
24 least 30 days prior to the first public hearing required by
25 this section.

26 (2) At least one public hearing, no earlier than 15 days
27 apart, for the purpose of receiving public comment from
28 [affected] benefited property owners within the proposed NID,
29 on the proposed NIDP, shall be held by the municipality
30 before the establishment of an NID. Notice of the hearing

1 shall be in accordance with paragraph (1) and advertised at
2 least ten days prior thereto in a newspaper of general
3 circulation in the municipality.

4 (3) Any objections by property owners within the
5 proposed NID must be made in writing by persons representing
6 the ownership of 40%, in numbers, of the benefited properties
7 within the NID. Objections must be signed by the property
8 owner, identify the address of any benefited property for
9 which objection is being made and filed in the office of the
10 clerk for the governing body of the municipality in which the
11 NID is proposed.

12 (c) Contents of preliminary plan.--The plan shall include
13 the following:

14 (1) A map indicating the boundaries, by street, of the
15 proposed NID[; however, a designated property may not be
16 included in more than one NID].

17 * * *

18 (3) In addition, the plan shall also:

19 * * *

20 (vii) Provide that a negative vote of at least 40%
21 of the benefited property owners within the NID proposed
22 in the final plan shall be required to defeat the
23 establishment of the proposed NID by filing objections
24 with the clerk for the governing body of the municipality
25 within 45 days of presentation of the final plan where
26 the governing body of municipality is inclined to
27 establish the NID.

28 (d) Final plan.--Prior to the establishment of an NID, the
29 municipality shall submit a revised final plan to benefited
30 property owners located within the proposed NID which

1 incorporates changes made to the plan based on comments from
2 affected property owners within the NID provided at the public
3 hearings or at some other time. Changes to the final plan which
4 differ from the preliminary plan shall also be so indicated in
5 an easily discernible method for the reader, including, but not
6 limited to, changes being in boldfaced or italicized type.

7 * * *

8 (f) Veto of final plan for NID.--

9 * * *

10 (2) If 40% or more of the [affected] benefited property
11 owners within the proposed NID fail to register their
12 disapproval of the final plan or amendment to the final plan
13 in writing with the clerk of the governing body of the
14 municipality in which the NID is proposed, the governing body
15 of the municipality may, following the 45-day period, enact a
16 municipal ordinance establishing an NID under this act or, in
17 the case of an amendment to the final plan, adopt any
18 amendments to the ordinance.

19 (g) Amendments to final plan.--

20 (1) The final plan may be amended by the NIDMA any time
21 after the establishment of an NID, pursuant to the provisions
22 of this act, upon the recommendation of the NIDMA board,
23 provided [there is concurrence with 60% of the property
24 owners within the NID.] the NIDMA board notifies in writing
25 benefited property owners of any amendment and the property
26 owners' right to file objections to the amendment with the
27 clerk of the governing body of the municipality. If, within
28 45 days of notification, property owners representing the
29 ownership of 40% or more of the benefited properties within
30 the NID disapprove the amendment, the plan shall not be

1 amended.

2 * * *

3 (3) The municipality shall provide public notice of the
4 hearing for any amendments requiring approval of the
5 governing body by publication of a notice in at least one
6 newspaper having a general circulation in the NID specifying
7 the time and the place of such hearing and the amendments to
8 be considered. This notice shall be published once at least
9 10 days prior to the date of the hearing.

10 * * *

11 (H) DEPOSIT OF REVENUE.--FOR A NEIGHBORHOOD IMPROVEMENT <--
12 DISTRICT CREATED IN A MUNICIPALITY THAT IS A COUNTY OF THE
13 SECOND CLASS, OR A HOME RULE MUNICIPALITY THAT WAS FORMERLY A
14 COUNTY OF THE SECOND CLASS, THE MUNICIPAL CORPORATION SHALL
15 INCLUDE IN THE ENABLING ORDINANCE A REQUIREMENT THAT A
16 PERCENTAGE OF THE GROSS REVENUES GENERATED BY THE NEIGHBORHOOD
17 IMPROVEMENT DISTRICT BE TRANSFERRED TO A RESTRICTED RECEIPTS
18 ACCOUNT OF AN AUTHORITY CREATED UNDER ARTICLE XXV-A OF THE ACT
19 OF JULY 28, 1953 (P.L.723, NO.230), KNOWN AS THE SECOND CLASS
20 COUNTY CODE, TO BE USED BY THE AUTHORITY EXCLUSIVELY FOR THE
21 PURPOSE OF MAINTAINING FACILITIES THAT THE AUTHORITY OWNS. THIS
22 SUBSECTION SHALL APPLY TO A NEIGHBORHOOD IMPROVEMENT DISTRICT
23 IMPLEMENTED BY A COUNTY OF THE SECOND CLASS, OR A HOME RULE
24 MUNICIPALITY THAT WAS FORMERLY THE COUNTY OF THE SECOND CLASS,
25 WHERE THE BENEFITED PROPERTIES ARE IN LARGE PART HOTELS, AS THAT
26 TERM IS DEFINED UNDER SECTION 1770.12(H) OF THE ACT OF AUGUST 9,
27 1955 (P.L.323, NO.130), KNOWN AS THE COUNTY CODE.

28 SECTION 3. SECTION 7(A)(8)(I) OF THE ACT IS AMENDED TO READ:
29 Section 7. Powers of neighborhood improvement district
30 management association.

1 (a) General powers.--An NIDMA shall have, in addition to any
2 other powers provided pursuant to the act of May 2, 1945
3 (P.L.382, No.164), known as the Municipality Authorities Act of
4 1945, where the NIDMA is an authority, or in addition to any
5 other powers provided pursuant to the charter establishing a
6 nonprofit development corporation or other nonprofit
7 corporation, where the NIDMA is a nonprofit development
8 corporation or other nonprofit corporation, the power to:

9 * * *

10 (8) Appropriate and expend NID funds which would include
11 any Federal, State or municipal funds received by the NIDMA.
12 The funds shall be expended in accordance with any specific
13 provisions contained in the municipal enabling ordinance
14 establishing the NID and may be used:

15 (i) To acquire by purchase or lease real or personal
16 property to effectuate the purposes of this act,
17 including making common improvements within the NID,
18 including, but not limited to, sidewalks, retaining
19 walls, street paving, parks, recreational equipment and
20 facilities, event facilities, open space, street
21 lighting, parking lots, parking garages, trees and
22 shrubbery, pedestrian walks, sewers, water lines, rest
23 areas and the acquisition, rehabilitation or demolition
24 of blighted buildings or comparable structures.

25 * * *

26 Section 3 4. This act shall take effect in 60 days.

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