

No. 1992-14

AN ACT

HB 41

Amending the act of May 22, 1933 (P.L.853, No.155), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," providing for certain catastrophic losses, for appeals from assessments where there has been a countywide revision of assessments and for refunds.

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

Section 1. Section 511(e) and (f) of the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, added October 11, 1984 (P.L.894, No.175), are amended and the section is amended by adding subsections to read:

Section 511. Board of Revision to Hear and Pass on Appeals.—***

(b.1) When a county has effected a countywide revision of the assessment which was used to develop the common level ratio last determined by the State Tax Equalization Board, the following shall apply:

(1) If a county changes its assessment base by applying a change in predetermined ratio, the board shall apply the percentage change between the existing predetermined ratio and newly established predetermined ratio to the county's common level ratio to establish the certified revised common level ratio for the year in which the assessment was revised.

(2) If the county performs a countywide revision of assessments by revaluing the properties and applying an established predetermined ratio, the board shall utilize the established predetermined ratio instead of the common level ratio for the year in which the assessment was revised and until such time as the common level ratio determined by the State Tax Equalization Board reflects the revaluing of properties resulting from the revision of assessments.

(e) Persons who have suffered catastrophic losses to their property shall have the right to appeal before the county commissioners, acting as a board of revision of taxes, or the board for the assessment and revision of taxes within the remainder of the county fiscal year in which the catastrophic loss occurred, or within six months of the date on which the catastrophic loss occurred, whichever time period is longer. The duty of the county commissioners, acting as a board of revision of taxes, or the board for the assessment and revision of taxes shall be to reassess the value of the property in the following manner: the value of the property before the catastrophic loss, based on the percentage of the taxable year for which the property stood at

its former value, shall be added to the value of the property after the catastrophic loss, based on the percentage of the taxable year for which the property stood at its reduced value. Any property improvements made subsequent to the catastrophic loss in the same tax year shall not be included in the reassessment described in this subsection for that tax year. Any adjustments in assessment under this subsection:

(1) shall be reflected by the appropriate taxing authorities in the form of a credit for the succeeding tax year; or

(2) upon application by the property owner to the appropriate taxing authorities, shall result in a refund being paid to the property owner at the time of issuance of the tax notice for the next succeeding tax year by the respective taxing authorities.

A reduction in assessed value for catastrophic loss due to inclusion or proposed inclusion as residential property on either the National Priority List under the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767), as amended, or the State Priority List under the act of October 18, 1988 (P.L.756, No.108), known as the "Hazardous Sites Cleanup Act," shall be in effect until remediation is completed.

(f) As used in this section, "catastrophic loss" means any loss due to mine subsidence, fire, flood or other natural disaster which affects the physical state of the real property and which exceeds fifty per centum (50%) of the market value of the real property prior to the loss. *The phrase "catastrophic loss" shall also mean any loss which exceeds fifty per centum (50%) of the market value of the real property prior to the loss incurred by residential property owners who are not deemed responsible parties under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or the "Hazardous Sites Cleanup Act" and whose residential property is included or proposed to be included as residential property on:*

(1) *the National Priority List by the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; or*

(2) *the State Priority List by the Department of Environmental Resources under the "Hazardous Sites Cleanup Act."*

(g) *Notwithstanding any other law regarding the assessment of real property due to catastrophic loss, the provision of subsections (e) and (f) relating to residential property affected by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or the "Hazardous Sites Cleanup Act" shall apply to all counties.*

Section 2. Section 518.2 of the act is amended by adding a subsection to read:

Section 518.2. Appeals to Court.—* * *

(b.1) *When a county has effected a countywide revision of the assessment which was used to develop the common level ratio last determined by the State Tax Equalization Board, the following shall apply:*

(1) *If a county changes its assessment base by applying a change in pre-determined ratio, the court shall apply the percentage change between the exist-*

ing predetermined ratio and newly established predetermined ratio to the county's common level ratio to establish the certified revised common level ratio for the year in which the assessment was revised.

(2) If the county performs a countywide revision of assessments by revaluing the properties and applying an established predetermined ratio, the court shall utilize the established predetermined ratio instead of the common level ratio for the year in which the assessment was revised and until such time as the common level ratio determined by the State Tax Equalization Board reflects the revaluing of properties resulting from the revision of assessments.

* * *

Section 3. This act shall take effect immediately.

APPROVED—The 3rd day of April, A. D. 1992.

ROBERT P. CASEY