

No. 2000-32

AN ACT

HB 728

Encouraging State agencies to locate facilities in a downtown area; and providing for report to General Assembly.

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

Section 1. Short title.

This act shall be known and may be cited as the Downtown Location Law.

Section 2. Legislative findings.

The General Assembly finds that:

(1) This Commonwealth has lost over 4,000,000 acres of farmland to development in the last 40 years.

(2) The phenomenon of urban flight and sprawl has led to a decline of traditional central and neighborhood business districts throughout this Commonwealth.

(3) The decline of these districts has a clear linkage to many problems facing our communities: crime, unemployment, shrinking tax bases and decaying infrastructure.

(4) It is important that priority be given to using urban areas in general.

(5) It is in the best interest of this Commonwealth to facilitate the revitalization of traditional central and neighborhood business districts within our communities.

(6) Federal agencies already have established a policy to use downtown locations.

Section 3. Definitions.

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

“Department.” The Department of General Services of the Commonwealth.

“Downtown area.” Either of the following:

(1) The central business district of a city, other than a city of the first class, borough, incorporated town or township or any commercial area within a neighborhood of a city, borough, incorporated town or township, in every case that serves as a commercial center within that community of this Commonwealth.

(2) In cities of the first class, the entire geographic area of the city.

“Secretary.” The Secretary of General Services of the Commonwealth.

“State agency.” An executive agency or independent agency as those terms are defined in 62 Pa.C.S. § 103 (relating to definitions).

Section 4. Powers and duties.

(a) Guidelines.—The department shall establish guidelines to encourage State agencies to locate all new office facilities in downtown areas. The guidelines shall include consideration of the following factors:

- (1) The requirements of the agency.
- (2) Servicing clientele needs.
- (3) Local economic considerations.
- (4) The availability of suitable space in a downtown area.
- (5) Competitiveness in the marketplace.
- (6) Cost to the Commonwealth.
- (7) Safety to persons using the office facility.
- (8) The availability of public transportation.

(b) Leases.—Prior to a State agency entering into a lease of real estate for office purposes, the State agency shall, in accordance with the department guidelines, consider locating the office facilities in a downtown area.

(c) Construction.—Whenever a State agency is planning to construct a building to be used for office purposes, the State agency shall, in accordance with the department’s guidelines:

(1) Consider the rehabilitation, reuse, or both, of existing structures within a downtown area. Consideration may include reasonable efforts to:

(i) Rehabilitate or rebuild the structure’s facade, if appropriate, in a way which maintains the architectural integrity of the building and streetscape according to the United States Secretary of the Interior’s standards for rehabilitation in Federal regulations.

(ii) Ensure that the structure meets the requirements of the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) in a manner which respects the architectural integrity of the building.

(2) Consider new construction on available land within a downtown area. Consideration may include reasonable efforts to:

(i) Have the scale and facade of the new structure maintain the architectural integrity of the existing streetscape.

(ii) Ensure that the structure meets the requirements of the Americans with Disabilities Act of 1990 in a manner which respects the architectural integrity of the neighboring building.

Section 5. Report to General Assembly.

(a) Report.—Four years after the effective date of this act and every year thereafter, the department shall submit a report to the Urban Affairs and Housing Committee of the Senate and the Urban Affairs Committee of the House of Representatives concerning the implementation and effectiveness of this act.

(b) **Baseline.**—Within 90 days after the effective date of this act, the department shall prepare a list of all office facilities currently owned or leased by State agencies. The list shall identify those office facilities located in a downtown area.

(c) **Contents.**—This report shall include, but not be limited to, the following:

(1) The total number of office facilities currently owned or leased by State agencies. The list shall identify those office facilities located in a downtown area as defined by this act. This list shall be compared with the total number of office facilities owned or leased by State agencies on the effective date of this act.

(2) The total number of leased and State-constructed office facilities reviewed by the department during the prior year and of that total:

(i) The number of leased and State-constructed facilities which were located in downtown areas as defined by this act.

(ii) The number of leases and State-constructed office facilities that included the restoration and reuse of an existing structure.

(iii) The number of leases and State-constructed office facilities that were not located in downtown areas and the reasons for not locating in a downtown area.

Section 6. Effective date.

This act shall take effect in 60 days.

APPROVED—The 22nd day of June, A.D. 2000.

THOMAS J. RIDGE