

Bill No.

4961-09

No.

25-09-RE

## A RESOLUTION

Amending the New Home Construction/Improvement Program Resolution enacted May 23, 1996 by the Board of Commissioners of Allegheny County at Agenda No. 700-96, subsequently amended by Resolutions Nos. 22-00, 6-01, 61-02, 04-04-RE, 49-05-RE and 07-08-RE, by providing for the continuation of the Allegheny County New Home Construction/Improvement Exemption Program.

**Whereas**, the New Home Construction Local Tax Abatement Act, Pa. Stat. Ann. Tit. 72 §4754-1 et seq., otherwise known as Act 202, authorizes local taxing authorities to exempt new residential construction from real estate taxation for specific periods of time when the construction is located on unimproved residential property; and

**Whereas**, the Improvement of Deteriorating Real Property or Areas Tax Exemption Act, Pa. Stat. An. Tit. 72 §4711-101 et seq., otherwise known as Act 42, authorizes local taxing authorities to exempt the assessed valuation of improvement of deteriorated properties from real estate taxation for specified amount and periods of time when the property is located in a deteriorated neighborhood; and

**Whereas**, on May 23, 1996, the Board of Commissioners of Allegheny County exercised the legal authority granted by Act 202 and Act 42 by formally adopting a resolution establishing the "New Home Construction/Improvement Exemption Program," an action which was confirmed through resolutions in 2000, 2001, 2002, 2004, 2005, and 2008 by Allegheny County Council to extend the deadline for the program; and

**Whereas**, in compliance with Resolution No. 49-05-RE, the County Manager has submitted a report to Council providing detailed information on the New Home Construction/Improvement Exemption Program; and

**Whereas**, Allegheny County Council finds that the continuation of the New Home Construction/Improvement Exemption Program will inure to the benefit of the citizenry of Allegheny County.

***The Council of County of Allegheny hereby resolves as follows:***

### ***Section 1.    Incorporation of the Preamble.***

The provisions set forth in the preamble to this Resolution are incorporated by reference as set forth in their entirety herein.

***Section 2. Amendment of New Home Construction/Improvement Program Resolution***

Section 8 of the New Home Construction/Improvement Program Resolution of May 23, 1996, adopted by the Board of County Commissioners of Allegheny County, and subsequently amended by Allegheny County Council, is hereby amended as follows:

***Section 8. EFFECTIVE DATE***

- A.*** The Improvement of Deteriorated Properties Abatement Program established pursuant to Act 42 in Section 3 of this Resolution shall commence January 1, 1996 and shall remain in effect until December 31, 2011.
- B.*** The New Home Construction Abatement Program established pursuant to Act 202 in Section 4 of this Resolution shall commence January 1, 1996 and shall remain in effect until December 31, 2011.
- C.*** Notwithstanding the above, any tax exemption granted in the fiscal year of the term of either the Improvement of Deteriorated Properties Abatement Program or the New Home Construction Abatement Program shall expire even though the entire exemption period for improvements or new construction shall not have expired.

***Section 3. Full Force and Effect***

Except for the changes set forth in Section 1 above, all provisions of the New Home Construction/Improvement Program Resolution of May 23, 1996, as amended, shall remain in full force and effect.

***Section 4. Severability. If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.***

***Section 5. Repealer. Any resolution or ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.***

***PRIMARYSPONSOR: CHIEF EXECUTIVE***

***CO-SPONSORS: COUNCIL MEMBER FINNERTY, ELLENBOGEN, GASTGEB,  
DROZD & MACEY***

Enacted in Council, this 7<sup>th</sup> day of July, 2009,  
Council Agenda No. 4761-08.

Rich Fitzgerald  
Rich Fitzgerald  
President of Council

Attest: [Signature]  
Allegheny County Council

Chief Executive Office July 16, 2009

Approved: [Signature]  
Dan Onorato  
Chief Executive

Attest: Donna Beltz  
Donna Beltz  
Executive Secretary

### **Summary of Legislation**

This Resolution will extend the expiration of the Improvement of Deteriorated Properties Abatement Program and the New Home Construction Abatement Program from December 31, 2009 to December 31, 2011.

**MEMORANDUM**

**OFFICE OF THE COUNTY MANAGER**

TO: Allegheny County Council

FROM:   
James M. Flynn, Jr.  
County Manager

DATE: June 25, 2009

RE: Proposed Resolution

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Attached is a Resolution Amending the New Home Construction/Improvement Program Resolution enacted May 23, 1996 by the Board of Commissioners of Allegheny County at Agenda No. 700-96, subsequently amended by Resolutions Nos. 22-00, 6-01, 61-02, 04-04-RE, 49-05-RE and 07-08-RE, by providing for the construction of the Allegheny County New Home Construction/Improvement Exemption Program.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

I am requesting that this item be placed on the agenda at the next Regular Meeting of Council.

ALLEGHENY COUNTY COUNCIL

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