

MOTION EXPRESSING THE SENSE OF COUNCIL OF ALLEGHENY COUNTY

Urging the Pennsylvania General Assembly to consider amending the New Home Construction Local Tax Abatement Act, 72 P.S. §§4754-1 through 4754-6, also known as Act 202.

WHEREAS, Act 202 was originally drafted to create an incentive for building single family dwellings by creating a property tax exemption for individuals who built new homes that meet the statutory guidelines and who apply for the exemption in a timely fashion; and

WHEREAS, as currently drafted, Act 202 requires that the application for this exemption be filed between the time at which the builder's permit is issued to construct the home and the time at which the occupancy permit is issued for the new homeowner; and

WHEREAS, in some situations, particularly in cases in which developers build large numbers of homes simultaneously and then sell the homes after completion, the time window for filing the exemption application is either partially or completely expired by the time the new owner becomes aware of the exemption's existence; and

WHEREAS, the Allegheny County Office of Property Assessments (OPA) is increasingly often left in the position of denying untimely 202 applications filed by individuals who were not informed of the program and/or their eligibility for the exemption by the builders from whom they purchased their new home; and

WHEREAS, appeals of these denials are being taken to the Property Appeals and Assessment Review Board with increasing frequency, creating an administrative burden for that Board;

NOW THEREFORE, IT IS MOVED, AND IT IS THE SENSE OF THE COUNCIL OF ALLEGHENY COUNTY, that the deadline for filing applications for Act 202 exemptions should be refined such that new owners may file for an Act 202 exemption for the up to six months after occupancy of their new home or to the end of the calendar year in which the assume occupancy of their new home, whichever is longer.

SPONSORED BY COUNCIL MEMBERS REA, CLEARY, BURN, FINNERTY, FRAZIER, DROZD, AND MARTONI

In Council May 2, 2006.

Read and Approved.



Rich Fitzgerald
President of Council

Attest:



John Mascio
Chief Clerk of Council