

No. 48-07-OR Bill No. 3478-07

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending § 5-207.07 (F) of the Administrative Code to redefine the duties of the Board of Property Assessment Appeals and Review by eliminating the ability to access property assessment data by owner name; and amending Ordinance No. 58-03-OR to render it consistent with the amended Administrative Code.

Whereas, Article X, Section 5 of the Home Rule Charter of Allegheny County establishes that the Board of Property Assessment Appeals and Review shall ensure access to public records regarding assessments; and

Whereas, the Allegheny County Board of Property Assessment Appeals and Review currently allows for computerized searches by Owner Name, Street Address, and Lot and Block Number; and

Whereas, the Home Rule Charter of Allegheny County does not mandate that the Allegheny County real estate website permit searches of property data by owner name; and

Whereas, a study of counties within the Commonwealth of Pennsylvania and various metropolitan regions throughout the United States indicate that few jurisdictions allow for computerized access to property data via owner name searches; and

Whereas, the County real estate website was created as a vehicle to allow public access to real property data for the purposes of structural and valuation comparison, rather than as a means to determine individual residences;

The Council of the County of Allegheny hereby enacts as follows:

Section 1.

Article 207, §207.07(F) of the Administrative Code of Allegheny County is hereby amended as follows:

Section 207.07 Powers and duties.

The new Appeals Board shall have the power and its duty shall be to:

- A. Hear all cases of appeals from assessments and tax exemption status determination in accordance with its rules and regulations governing appeals as provided in §5-207.06 of the Administrative Code;
- B. Contract, if necessary to fulfill its duties, with hearing officers to hear cases of appeals from assessments in accordance with the Assessment Appeals Standards and Practices Ordinance Sections as provided in Chapter 209 of this Administrative Code, and in which case such hearing officers shall:
 - (1) In the case of hearings related to commercial and complex multifamily properties, be state-certified general appraisers or have the equivalent professional appraisal expertise;
 - (2) In the case of hearings related to residential properties, be state-certified general or state-certified residential appraisers or be real estate industry professionals or lawyers with residential valuation expertise;
 - (3) Disclose all property in which they have any ownership or business interest;
 - (4) Recuse themselves from any decision regarding the taxable value of property in which they have any ownership or business interest; and
 - (5) While under contract with the Board of Property Assessment Appeal and Review, be prohibited from representing appellants before the Board of Property Assessment Appeals and Review and/or other hearing officers retained by the Board of Property Assessment Appeals and Review
 - (6) For a one-year period commencing upon the termination date of their contract, be prohibited from representing appellants before the Board of Property Assessment Appeals and Review and/or other hearing officers retained by the Board of Property Assessment Appeals and Review.
- C. Render decisions of appeal hearings;
- D. Hear and decide all appeals of the Office of Property Assessment's determination concerning the tax exempt status of any property;
- E. Provide reports of hearings for distribution to the entire Appeals Board. Reports shall include, but not be limited to, findings of fact, conclusions of law and a recommendation to the Appeals Board;
- F. Ensure access to public records regarding assessments in accordance with Article X, Section 5 of the Charter, provided:
 - (1) Such access shall not include the ability to search the Allegheny County Real Estate Website using the First, Last or Middle name of any property owner;

- G. Perform and exercise such other powers and duties as may be conferred or imposed upon it by applicable Law and the provisions of this Administrative Code;
- H. Adopt rules and regulations, within six months of formation, consistent with applicable laws; and
- I. Report annually to the Chief Executive and County Council regarding the activities of the Appeals Board.

Section 2.

Section 2 of Ordinance No. 58-03-OR, entitled "Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, providing that any property assessment data that is public information be provided on the Allegheny County website, free of charge," is hereby amended to read as follows:

The Allegheny County Real Estate Web Site shall have searching capabilities which shall include, but not be limited to, the ability to search by property address, block and lot number, ~~owner name~~, street, and municipality.

Section 3. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

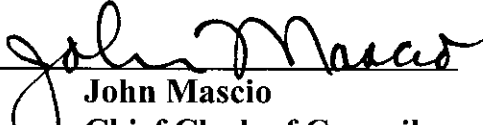
Section 4. Repealer. Any Resolution and Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

Enacted in Council, this 20th day of November, 2007

Council Agenda No. 3478-07.



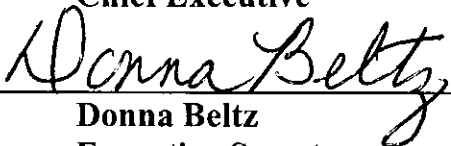
Rich Fitzgerald
President of Council

Attest: 

John Mascio
Chief Clerk of Council

Chief Executive Office  November 27, 2007

Approved: _____
Dan Onorato
Chief Executive

Attest: 

Donna Beltz
Executive Secretary

SUMMARY OF LEGISLATION

Request for Council to amend § 5-207.07 (F) of the Administrative Code to redefine the duties of the Board of Property Assessment Appeals and Review by eliminating the capability to search for properties by owner name on the Real Estate Website. The capability to search by Lot and Block/Parcel Number and Street Address will remain.

M E M O R A N D U M
OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

ALLEGHENY COUNTY COUNCIL

FROM: James M. Flynn, Jr.
County Manager

'07 OCT 18 AM 11:51



DATE: October 18, 2007

RE: Proposed Ordinance

Attached is an Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending § 5-207.07 (F) of the Administrative Code to redefine the duties of the Board of Property Assessment Appeals and Review by eliminating the ability to access property assessment data by owner name; and amending Ordinance No. 58-03-OR to render it consistent with the amended Administrative Code.

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

Please place this on the next agenda for County Council approval.

Thank you.