

Allegheny County Council

*County of Allegheny
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Committee Meeting Minutes

Thursday, April 27, 2006

6:00 PM

Conference Room One

Special Committee on Property Assessments

Rich Fitzgerald, Chair; Committee of the Whole

Roll Call: Present: Jim Burn, Susan Caldwell, Matt Drozd, Michael Finnerty, Brenda Frazier, Vince Gastgeb, Jan Rea, and Chair Rich Fitzgerald
Absent: Joan Cleary, John DeFazio, Dave Fawcett, Chuck Martoni, Rich Nerone, and William Robinson

I. Call to Order

Summary: *The meeting was called to order at 6:00 PM*

Invited Guests:

Jim Flynn, County Manager or Designee

Jerry Speer, Chair of PAAR Board

Isobel Storch, PAAR Board Solicitor

Mike Suley, Manager, Property Assessments

Summary: *Invited Guests Present: Derek Uber for Mr. Flynn; Kate Barkman for Mr. Speer; Ms. Storch; and Mr. Suley.*

Council Staff Present: John Mascio, Joe Catanese, and Jared Barker

II. Roll Call

Roll Call: Present: Jim Burn, Susan Caldwell, Joan Cleary, John DeFazio, Matt Drozd, Dave Fawcett, Michael Finnerty, Brenda Frazier, Vince Gastgeb, Chuck Martoni, Rich Nerone, Jan Rea, William Robinson, and Chair Rich Fitzgerald

III. Agenda Items

Motion

2461-06 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.

Sponsors: Jan Rea, Joan Cleary, Michael Finnerty, Jim Burn, Brenda Frazier, Matt Drozd and Chuck Martoni

Summary: *Ms. Rea provided the committee with a summary of the bill. She explained that the bill is a sense of Council motion that requests that the General Assembly lengthen the time available in which owners of newly constructed homes can apply for an exemption under the Act 202 program. She said as currently written, Act 202 requires that an application for this exemption be filed after the issuance of the building permit for the new home, but before the issuance of the occupancy permit.*

She said that In practice, the current deadline can lead to homeowners being rendered ineligible for the exemption when they buy their homes from a builder or developer after the home is completed and the occupancy permit issued, as commonly happens when large numbers of homes are built in housing developments, and then sold as buyers come forward. processing. The Act 202 exemption begins in the tax year after the property is occupied. Any person who purchases a property for which an application for

the exemption was made, or for which the exemption was approved, will have the rights and benefits of the application or approved abatement.

Mr. Finnerty spoke in favor of the bill, saying that he thought it would eliminate a lot of appeals. Mr. Suley explained the appeal process to the committee.

Ms. Storch said that people rely on information that they think is accurate, and they are trying to make sure that the right information gets to the right people. She spoke in favor of the bill. Ms. Barkman also spoke in favor of the bill.

The Chair asked why the county could not just do this on its own. Ms. Storch said that they could not because this is a state statute that has statewide implications and it over rules the county Home Rule Charter. Ms. Storch said that case law supports this when there is a break down in the administrative process. She said when this happens the municipality can extend and it is not considered to be an over ride of state law.

Mr. Gastgeb asked if we could change this in the Administrative Code. Mr. Suley said that he did not think council could do that since it is a state statute. He said that Act 202 applies to all counties within the commonwealth. Mr. Gastgeb asked for clarification from Mr. Suley as to whether the bill is asking to change this for all counties within Pennsylvania. Mr. Suley said yes.

Ms. Frazier spoke in favor of the bill and asked to be a co-sponsor. Mr. Burn and Mr. Drozd also asked to be co-sponsors of the bill.

Action: Released from the Committee

IV. Adjournment

Summary: The meeting adjourned at 6:50 PM