



Allegheny County Council

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Legislation Text

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An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Administrative Code of Allegheny County, Article 207, entitled “New Board of Property Assessment Appeals and Review,” §5-207.03, entitled “Qualifications of Board Members, appointment; terms: organization of Appeals Board, and §5-207.04, entitled “Compliance with County Procedures,” in order to establish uniform training requirements for members of the Board and any hearing officers retained by the Board.

Whereas, Article 207 of the Administrative Code of Allegheny County, first enacted in 2000, establishes the basic powers, duties and function of the Board of Property Assessment Appeals and Review (“BPAAR”); and

Whereas, Section 5-207.07.A. expressly indicates that “[t]he new Appeals Board shall have the power and its duty shall be to...[h]ear 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 this Administrative Code;”; and

Whereas, within Article 207, §207.03 also establishes qualifications for BPAAR members, while §5-207.07.B. authorizes BPAAR to “[c]ontract, 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...,” and §5-207.04 mandates that all BPAAR members and hearing officers must abide by general County procedures (including the Ethics Code, fiscal procedures, purchasing procedures, and personnel procedures); and

Whereas, it is the judgment of Council that existing County law clearly establishes both that (1) BPAAR has a statutory power and duty to hear appeals, and (2) has the ability to contract with hearing officers in the event that doing so becomes necessary to fulfill those duties; and

Whereas, it is also, however, the judgment of Council that no provision contained within Article 207 establishes any form of training requirement for BPAAR members or any hearing officer(s) that the Board may retain to assist it in its duties; and

Whereas, it is accordingly the desire of Council to establish uniform training requirements for any individual that will be conducting hearings on assessment appeals;

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

SECTION 1. Incorporation of the Preamble

The provisions of the preamble to this Ordinance are hereby incorporated in their entirety by reference herein.

SECTION 2. Amendment of the Code

The Administrative Code of Allegheny County, Article 207, entitled “New Board of Property Assessment

Appeals and Review,” Section 5-207.03, entitled “Qualifications of Board Members; appointment; terms: organization of Appeals Board” and Section 5-207.04, entitled “Compliance with County Procedures,” are hereby amended as follows:

ARTICLE 207

New Board of Property Assessment Appeals and Review

* * *

§ 5-207.03. Qualifications of Board Members; appointment; terms: organization of Appeals Board.

A. The Appeals Board shall consist of seven members. In making appointments to the Appeals Board, the racial, geographic, age and gender diversity of the County shall be considered. All members shall have been registered voters for at least the immediate year preceding appointment and shall remain Registered Voters for the duration of their terms. In addition to the foregoing, the members of the Appeals Board shall meet the following special qualifications: three of the members shall have not less than 10 years practical experience as a registered real estate broker, or real estate appraiser or assessor; one member shall have not less than ten years practical experience as a building construction engineer, civil engineer or general contractor or assessor; and one member shall have not less than 10 years experience as a practicing attorney at law with residential valuation expertise.

B. In order to maintain eligibility to serve on the Appeals Board, all members of the Board shall complete training as required pursuant to the terms of §5-207.04.B. of this Article within six (6) months of appointment, and in each even numbered year after the year in which they were appointed. Completion of such training shall also render members of the Appeals Board eligible to conduct appeal hearings, should any member(s) opt to do so. Failure of a board member to complete the training required under the terms of this Article shall result in disqualification of the member and shall create a vacancy. A new member shall be appointed to replace the disqualified member within 30 days of the effective date of the vacancy.

BC. Four members of the Appeals Board shall be appointed by the County Council. Three members of the Appeals Board shall be appointed by the Chief Executive, with the consent of at least a majority of the seated members of County Council. In order to achieve staggered terms, in the first year of its existence, by lot, three members shall serve a term of one year, two members shall serve a term of two years and the remaining members shall serve a term of three years. Thereafter, all terms shall be for three years. No member shall serve more than four consecutive terms. Reappointment must occur 30 days prior to the expiration of the current term. No member can serve as a member of the Appeals Board at the expiration of the term, unless reappointed.

€D. All appointments to fill vacancies happening in any manner other than by the expiration of a term shall be only for the remainder of the unexpired term. In each case, whether or not the vacancy happens by the expiration of a term or otherwise, all Appeals Board members so appointed shall meet the qualifications for serving on the Appeals Board set forth in § 5-207.03A above.

DE. The Appeals Board shall organize on the first business day of January of each year by electing one of its members as Chairman, one as Vice Chairman and one as Secretary.

EF. All of the members of the Appeals Board shall devote sufficient time to the duties of their office to fully discharge such duties but may hold employment or may engage in business outside of their position as

members of the Appeals Board.

FG. No member shall be employed by the County or an elected official of a municipality or a school district nor hold an elected public office nor be a member of a school board.

GH. Appeals Board members shall disclose all property in which they have any ownership or business interest and shall recuse themselves from any decision regarding the taxable value of such property.

HI. Members of the Appeals Board shall receive a per meeting stipend not to exceed in the aggregate \$10,939 annually per member. Thereafter, the annual per meeting stipend aggregate limit for Board members shall not exceed the annual per meeting stipend aggregate limit for members of Allegheny County Council, as established in §5-301.09.B of this Administrative Code.

§ 5-207.04. Compliance with County procedures. [Amended 4-16-2002 by Ord. No. 15-02]

A. All members of the Appeals Board and all employees and hearing officers assigned to work for the Appeals Board shall abide by the Accountability, Conduct and Ethics Code, by the County fiscal procedures set forth in Article VIII of this Administrative Code, by the purchasing policy and procedures set forth in Article IX of this Administrative Code, by the personnel procedures set forth in Article X of this Administrative Code. All hearing officers shall be required to display a name tag and badge number in plain view at each conducted appeal.

B. Training required. Members of the Board and any hearing officer appointed pursuant to the terms of §5-207.07.B. of this Administrative Code shall be authorized to hear appeals only if they have completed training in accordance with this Subsection, subject to the following conditions and exceptions:

1. The Appeals Board shall notify County Council and the Chief Executive of the training completion status for all Board members and hearing officers as part of the Board's regular reporting process under the terms of §5-207.07.I. In the event that a Board member is rendered ineligible for continued service on the Board under the terms of §5-207.03.B., the Board shall immediately notify both County Council and the Chief Executive of the vacancy.
2. A hearing officer shall be authorized to hear appeals only upon completion of training required under the terms of this Subsection and subsequent re-completion of such training at least once every two (2) calendar years, beginning in 2024.
3. A member of the board or hearing officer who holds an active Certified Pennsylvania Evaluator certification shall not be required to complete the training under the terms of this Subsection.
4. A member of the board or hearing officer who holds an inactive Certified Pennsylvania Evaluator certification shall not be required to complete the training under Subsection 5.a.
5. The training required pursuant to the terms of this Section shall be that established by the County Commissioners Association of Pennsylvania (CCAP), in coordination with the Assessors' Association of Pennsylvania (AAP), for individuals conducting assessment appeal hearings throughout the Commonwealth of Pennsylvania. Training may be conducted electronically or remotely, and the curriculum shall include the following, or such other modules as established by CCAP and AAP under the terms of Act 155 of 2018 for such purposes:
 - a. Three hours of training on the assessment valuation process in this Commonwealth; and

- b. Three hours of training on the legal and constitutional issues relating to the assessment process in this Commonwealth and the duties and responsibilities of board members; and
 - c. In the case of Board members, three hours of training on real estate exemptions.
6. Costs of the training for both Board members and hearing officers shall be paid via operating budget appropriation.

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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 or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.