

Amended Bill No. 13, Ordinance No. 12, Session 2017

ARTICLE 307
Exemption for Dwelling Improvements

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CROSS REFERENCES

Exemptions authorized - see 72 P.S. §4711 et seq.

307.01 DEFINITIONS.

As used in this article, the following words and phrases shall have the meanings set forth herein:

- (a) "City" means the City of York or designated department therein.
- (b) "Deteriorated property" means any dwelling unit located in a deteriorated neighborhood or a dwelling unit which has been, or, upon request, is certified by a health, housing or building inspection agency as unfit for human habitation, or other health or welfare purposes; or a dwelling unit which has been the subject of an order by such an agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances or regulations.
- (c) "Dwelling unit" means a house, double house or duplex, townhouse or row house, apartment, group of rooms or any building intended for occupancy as living quarters by an individual, a family or families or other groups of persons containing a kitchen or cooking equipment for the exclusive use of the occupant or occupants.
- (d) "Deteriorated neighborhood" means any area containing: unsafe, unsanitary or overcrowded buildings, vacant overgrown and unsightly lots of ground; a disproportionate number of tax delinquent properties; a lack of planning, proper light and air and open space; excessive land coverage; defective design or arrangement of building street or lot layouts; economically and socially

undesirable land uses; impoverished as certified to by the Commonwealth under the Neighborhood Assistance Act.

(e) "Improvement" means repair, construction or reconstruction, including alterations and additions, and construction of a new dwelling unit, having the effect of rehabilitating a structure so that it becomes habitable or attains higher standards of housing safety, health or amenity, or is brought into compliance with the laws, ordinances or regulations governing housing standards. Ordinary upkeep and maintenance shall not be deemed an improvement. "Improvement" shall include construction:

(1) To convert a multifamily structure to a single-family building, if the multi-family structure had originally been designed and built to serve as a single family house.

(2) To protect, preserve, retain or reestablish the historical integrity of a residential structure in the area established as the Historic District known as "Historic York" as outlined in Article 1731 and in sites established as being a part of the National Register-listed York Historic District also known as the National Register of Historic Places District in York City.

(f) "Residential construction" means the building or erection of dwelling units, as defined above, upon vacant land or land specifically prepared to receive such structure.

(g) "Due date" means the date when current year City, County and School District real estate taxes are last payable at face. The date is normally June 15 and November 1 respectively, but shall at no time be later than December 31.

(h) "Applicant" means:

(1) An owner of a residential property that originally had been built as a single family residence, but which has been operated as or converted into a multi-family residence to which the owner shall restore or reconvert back to a single family residence, or

(2) An owner of an historic single-family home in the Historic York District.

(i) "**Economic and** Community Development" means the Department of **Economic and** Community Development.

(j) "Fire Department" means the Department of Fire and Rescue Services.

(k) "Cost of a project" means any of the following expenses incurred for a project:

(1) Expenses for the acquisition, reconstruction, renovation, improvement, rehabilitation, reconversion or remodeling of a multi-family structure into a single-family structure or for the restoration and preservation of an historic single family home in the Historic York District (HARB) or in sites established as being a part of the National Register-Listed York Historic District.

(2) Costs and expenses associated with the preparation of plans, specifications, designs or studies to complete the project.

(Res. 133-2008. Passed 9-2-08.)

307.02 COUNCIL DETERMINATION.

Since Council has determined as a fact that Wards 1 through 15 or portions thereof, of the City of York, respectively, constitute "deteriorated neighborhoods" and "deteriorated areas" within the purview of Act 34 of 1971 and the definitions contained in this article, persons making improvements and doing residential construction for residential property in any of the foregoing deteriorated neighborhoods may apply for and receive tax exemption upon such improvements in the manner and in the amounts hereinafter provided.

(Ord. 36-2008. Passed 9-2-08.)

307.03 EXEMPTION FORM INFORMATION.

At the time a building permit is obtained for construction of the improvement and residential construction for which an exemption is requested, the taxpayer shall apply to the City for the

exemption. Requests for exemption shall be in writing and certified on forms prescribed by the City setting forth the following information:

- (a) The date the building permit was issued for such improvements and residential construction.
- (b) The type of improvements and residential construction.
- (c) The summary of the plan of the improvements and residential construction.
- (d) The cost of the improvements and residential construction.
- (e) The property has been inspected and verified by the Director of **Economic and** Community Development, and
- (f) Such additional information as the City may require.
(Ord. 36-2008. Passed 9-2-08.)

307.04 EXEMPTION AMOUNT AND TERMINATION.

- (a) For years one through ten for which improvements and residential construction would otherwise be taxable, one hundred percent (100%) of the eligible assessment shall be exempted. After the tenth year, the exemption shall terminate.
- (b) The exemption from taxes granted under this article shall be upon the property and shall not terminate upon the sale or exchange of the property.
- (c) If an eligible property is granted tax exemption pursuant to this article, the improvement shall not, during the exemption period, be considered a factor in assessing other properties. (Ord. 36-2008. Passed 9-2-08.)

307.05 EXEMPTION CONDITIONS AND LIMITATIONS.

The exemption from taxes shall be limited to the additional assessment valuation attributable specifically to the actual costs of improvements and residential construction to deteriorated property for improvements and residential construction constructed during 1975 and subsequent years. The exemption from taxes shall be limited to that portion of the increased assessment attributed to the improvements and residential construction and for which a separate assessment has been made by the County Board of Assessors and for which an exemption has been specifically requested. The date of the construction shall be deemed to be the date of the issuance of the building permit, improvement record, or other required notification of construction. No tax exemption shall be granted if the property owner does not obtain the necessary and proper permits prior to improving the property. No tax exemption shall be granted if the property does not comply with the minimum standards of the BOCA National Building Code as enforced by the City as they apply to dwelling units under this article. Nor shall any exemption be granted if property taxes or other lienable charges on any property covered by this article or if the property taxes or other lienable charges on any other property not covered by this article or not paid by the due date and determined by the City Treasurer. If property taxes so indicated above are not paid by the due date after an exemption is awarded, such exemption shall be terminated.

(Ord. 36-2008. Passed 9-2-08.)

307.06 FINAL INSPECTION; TAX EXEMPTION CERTIFICATE; VALUE AND TAX REDUCTION.

Upon completion of the improvement and residential construction, the taxpayer shall notify the Director of **Economic and** Community Development for the purpose of obtaining a final inspection to ascertain that minimum City Code standards have been met. Upon receipt of a real property assessment notice from the Board of Assessment Appeals, which reflects an increase in the assessed value of improvements, the taxpayer shall forward a copy of such notice to the Director of **Economic and** Community Development. After determination that all requirements of this article have been met, the Director of **Economic and** Community Development shall issue a tax exemption certificate to the taxpayer, with a copy to the Treasurer and the Business Administrator. The tax exemption certificate shall outline the amount of assessment reduction for each year to the exemption schedule specified in Section 307.04. The Treasurer is hereby authorized and required to reduce the assessed value for each of the years listed on the tax exemption certificate and recalculate the property's tax notice, City Tax only, before sending the tax notice to the taxpayer. (Ord. 36-2008. Passed 9-2-08.)

307.07 NOTICE TO TAXPAYERS.

The following shall be placed on the form application for a building permit:

NOTICE TO TAXPAYERS: By Ordinance No. 6, of Session 1975, as amended, you may be entitled to exemption from tax on your contemplated improvement by reassessment. An application for exemption may be secured from the Building Inspector or other properly designated official and must be filed at the time the building permit is secured.

(Ord. 36-2008. Passed 9-2-08.)

307.08 REVOCATION OF EXEMPTION FOR DWELLING IMPROVEMENTS.

The exemption from the real estate taxes provided in this article shall be forfeited by the applicant and/or any subsequent owner of the real estate for failure to pay nonexempt real estate taxes by their due date. Upon receipt of notice of nonpayment of nonexempt real estate taxes, the Zoning Officer/Building Official shall direct the City Treasurer to discontinue the exemption for dwelling improvements. The City Treasurer shall also discontinue the exemption for dwelling improvements for a property upon certification from the Business Administrator that the owner has become in arrears on payment of sewer and/or refuse fees to the degree that the city has begun special collection efforts as approved by Council and the property owner has failed to agree to and follow a payment plan approved by the city or the city has filed a lien against the property for the debt. **The exemption from real estate taxes provided in the article shall also be forfeited if the applicant and/or any subsequent owner appeals the assessment of the real estate during the life of the exemption.** (Ord. 133-2008. Passed 9-2-08.)

307.09 INCENTIVE GRANT PROGRAM FOR THE RECONVERSION OF MULTI-FAMILY DWELLINGS INTO SINGLE-FAMILY DWELLINGS AND RESTORATION AND PRESERVATION OF HISTORIC SINGLE FAMILY HOMES.

In order to help protect the public safety, health and welfare of the City, Council has determined to establish a grant program to assist in the eradication of blight in single family homes throughout the City and to ensure preservation and restoration of historic single family homes in the Historic York District. This program shall be hereafter known as the "Incentive Grant Program" for reconversion of multi-family dwellings into single family dwellings and for restoration and preservation of the historic single family homes in the Historic York District. The Incentive Grant Program shall work to reduce and eliminate blight, lessen density of residential dwellings in the City, enhance the quality of life in neighborhoods and improve the safety, health and welfare of the City by providing financial assistance in the form of grants to owners of multi-family structures for their conversion back to single family structures and for restoration and preservation of historic single family homes in the Historic York District. (Ord. 36-2008. Passed 9-2-08.)

307.09.01 APPLICATION FOR THE INCENTIVE GRANT PROGRAM.

An owner of a multi-family structure who plans to convert the structure back to a single-family structure or an owner of a historic single family home in the Historic York District that has plans for restoration and preservation of the structure may submit an application to **Economic and** Community Development requesting financial assistance for a project. The application must be on a form required by **Economic and** Community Development and must include all of the following:

- (a) The name and address of the applicant and any corresponding tax identification numbers.
- (b) A description of the project. The description shall include all of the following:
 - (1) A detailed narrative describing the project.
 - (2) A detailed statement of the cost of the project, including the amount and type of any debt, the loan provider, interest rate and other debt information.
 - (3) A statement of the amount of grant funds being requested.
- (c) A deed or other legal restriction requiring that the structure shall permanently remain a single-family structure.
- (d) Any other information required by **Economic and** Community Development.

(Ord. 36-2008. Passed 9-2-08.)

307.09.02 PROJECT REVIEW FOR THE INCENTIVE GRANT PROGRAM.

Upon receiving a completed application, **Economic and** Community Development shall review the application to determine if the applicant meets all of the following requirements:

- (a) That the cost of the project is reasonable.
- (b) That the project will meet the goals of the program by accomplishing any or all of the following: eliminating blight, lessening density of residential dwellings in the City, enhancing the quality of life in neighborhoods, improving the safety, health and welfare of the City, and helping preserve the cultural and historic nature and beauty of the Historic York District.
- (c) That the structure once converted, improved, restored and/or preserved will permanently remain a single-family structure.
- (d) That the financing for the project identifies a party other than the City that will hold responsibility for repayment of any debt.
- (e) That the applicant submitted satisfactory financial information concerning the project.
- (f) That the applicant holds no tax, sewer or refuse delinquencies with the City, the School District of the City of York, York County or the Commonwealth of Pennsylvania.
- (g) That the applicant does not have any outstanding Building Code, Property Maintenance Fire or any other code violations with the City of York.
- (h) That the applicant complied with all other criteria established by **Economic and** Community Development.

(Ord. 36-2008. Passed 9-2-08.)

307.09.03 GRANT APPROVAL.

(a) Upon completing the review required by Section 307.09.03 and determining that the applicant will meet all requirements, **Economic and** Community Development may approve any Incentive Grants under \$15,000.

(b) Incentive Grants of \$15,000 or higher shall go before the Loan Committee for a review and action as established by Section 137.15 of the City's Codified Ordinances.

(Ord. 36-2008. Passed 9-2-08.)

307.09.04 RULES AND REGULATIONS.

Economic and Community Development will establish any additional rules and regulations for the Incentive Grant Program. (Ord. 36-2008. Passed 9-2-08.)

**307.10 INCENTIVE LOAN PROGRAM FOR THE RECONVERSION OF
MULTI-FAMILY DWELLINGS INTO SINGLE-FAMILY DWELLINGS
AND RESTORATION AND PRESERVATION OF HISTORIC
SINGLE FAMILY HOMES.**

Purpose:

307.10.01 ESTABLISHMENT OF INCENTIVE LOAN PROGRAM.

The Council has determined the City must establish a low-interest loan program to assist in the eradication of blight in single-family homes throughout the City and to ensure preservation and restoration of historic single family homes in the Historic York District. This program shall be hereafter known as the “Incentive Loan Program” for reconversion of multi-family dwellings into single-family dwellings and for restoration and preservation of the historic single-family homes in the Historic York District. The Incentive Loan Program shall work to reduce and eliminate blight, lessen density of residential dwellings in the City, enhance the quality of life in neighborhoods and improve the safety, health and welfare of the City by providing financial assistance in the form of low-interest loans to owners of multi-family structures for their conversion back to single family structures and for restoration and preservation of historic single family homes in the Historic York District.

(Ord. 36-2008. Passed 9-2-08.)

307.10.02 APPLICATION FOR THE INCENTIVE LOAN PROGRAM.

An owner of a multi-family structure who plans to convert the structure back to a single-family structure or an owner of an historic single family home in the Historic York District that has plans for restoration and preservation of the structure may submit an application to **Economic and Community Development** requesting a low-interest loan for a project. The application must be on a form required by **Economic and Community Development** and must include all of the following:

- (a) The name and address of the applicant and any corresponding tax identification numbers.
 - (b) A description of the project. The description shall include all of the following:
 - (1) A detailed narrative describing the project.
 - (2) A detailed statement of the cost of the project, including the amount and type of any debt, the loan provider, interest rate and other debt information.
 - (3) A statement of the amount of loan funds being requested.
 - (c) A deed or other legal restriction requiring that the structure shall permanently remain a single-family structure.
 - (d) Any other information required by **Economic and Community Development**.
- (Ord. 36-2008. Passed 9-2-08.)

307.10.03 PROJECT REVIEW FOR THE INCENTIVE LOAN PROGRAM.

Upon receiving a completed application, **Economic and Community Development** shall review the application to determine if the applicant meets all of the following requirements:

- (a) That the cost of the project is reasonable.
- (b) That the project will meet the goals of the program by accomplishing any or all of the following: eliminating blight, lessening density of residential dwellings in the City, enhancing the quality of life in neighborhoods, improving the safety, health and welfare of the City, and helping preserve the cultural and historic nature and beauty of the Historic York District.
- (c) That the structure once converted, improved, restored and/or preserved will permanently remain a single-family structure.
- (d) That the financing for the project identifies a party other than the City that will hold responsibility for repayment of the debt.

- (e) That the applicant submitted satisfactory financial information concerning the project.
- (f) That the applicant holds no tax, sewer or refuse delinquencies with the City, the School District of the City of York, York County or the Commonwealth of Pennsylvania.
- (g) That the applicant does not have any outstanding Building Code, Property Maintenance Fire or any other code violations with the City of York.
- (h) That the applicant complied with all other criteria established by **Economic and** Community Development. (Ord. 36-2008. Passed 9-2-08.)

307.10.04 INCENTIVE LOAN APPROVAL.

- (a) Upon completing the review required by Section 307.10.03 and determining that the applicant will meet all requirements, **Economic and** Community Development may approve any low-interest Incentive Loan under \$15,000.
- (b) Low interest Incentive Loans of \$15,000 or higher shall go before the Loan Committee for a review and action as established by Section 137.15 of the City's Codified Ordinances. (Ord. 36-2008. Passed 9-2-08.)

307.10.05 INCENTIVE LOAN PROGRAM RULES AND REGULATIONS.

Economic and Community Development will establish any additional rules and regulations for the Incentive Loan Program. (Ord. 36-2008. Passed 9-2-08.)

307.11 FUNDING FOR THE INCENTIVE GRANT PROGRAM AND THE INCENTIVE LOAN PROGRAM.

- (a) The Mayor may establish specific line items within the annual recommended budget presented to Council to fund the Incentive Grant Program and the Incentive Loan Program according to the funding sources listed in this section. **Economic and** Community Development shall award grants and loans based in part on the amount of appropriation Council approves annually through the budget process. The line items shall include costs for staff oversight for the programs. Council may approve additional funding for each program above what the Mayor has proposed, in conformity with Section 307.05(c) of the City's Codified Ordinances, in addition to the funding sources outlined in this section.
- (b) The Mayor may sign agreements with banking institutions or other business entities to participate in the Incentive Grant Program or Incentive Loan Program by providing grant or low-interest loan funding that the City may match through either program.
- (c) The City may accept contributions earmarked to fund either the Incentive Grant Program or the Incentive Loan Program.
- (d) Funds repaid to the City as part of the Incentive Loan Program shall directly go back into that program to help fund additional loans.
- (e) The City may set aside Community Development Block Grant funding or other state, federal or other grant, loan or funding source proposed by the Mayor and approved by Council for the Incentive Grant Program or Incentive Loan Program. (Res. 132-2008. Passed 9-2-08.)

307.12 REPORTS.

Council shall receive ~~monthly~~ reports from Economic and Community Development on the Incentive Grants and Incentive Loans approved. The reports shall give the names and addresses of the recipients of the grants and loans and the amounts of the grants and loans.

(Res. 132-2008. Passed 9-2-08.)

307.13 FORGIVENESS OF LOANS.

Any request for forgiveness of loans approved through the Incentive Loan Program shall follow the process established by Section 137.15 and 137.16 of the Codified Ordinances.

(Res. 132-2008. Passed 9-2-08.)