

ARTICLE 308  
Local Economic Revitalization Tax Assistance (LERTA) Program

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CROSS REFERENCES

State law provisions - see 72 P.S. §4722 et seq.  
 Exemptions for dwelling improvements - see BUS. REG. & TAX. Art. 307  
 Building permit returns - see BLDG. Art. 1721  
 Commercial structures - see BLDG. Art. 1729

308.01 DEFINITIONS.

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

- (a) "Deteriorated property" means any industrial or commercial property and improvements thereon located in an investment opportunity area, as hereinafter provided, or any such property which has been the subject of an order by a government agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances or regulations.
- (b) "Improvement" means repair, construction or reconstruction, including alterations and additions, and construction of new structures having the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, use or amenity or is brought into compliance with laws, ordinances or regulations governing applicable standards. Ordinary upkeep and maintenance shall not be deemed an improvement. Improvements qualifying for exemption shall be those related to improvements to structures and related accessory uses.
- (c) "Due date" means the date when current year City real estate taxes are last payable at penalty. The date shall at no time be later than December 31, unless this date shall fall on a non-business day or holiday, then the due date shall be extended to the next regular business day. Payments made by mail and postmarked by the US Postal Service on or prior to the actual due date set by the City Treasurer shall be accepted as timely.  
(Ord. 19-2017. Passed 7-18-17.)

## 308.02 ELIGIBLE AREAS.

The investment opportunity area shall be the entire City.

## Exceptions:

- (a) Properties located in a Tax Increment District as set forth in the Pennsylvania Tax Increment Financing Act 113 of 1990, as amended, and Article 310. Any properties located in a Tax Increment District shall be eligible areas when the Tax Increment District terminates.
- (b) Properties located in a York City Revitalization and Improvement Zone that have received funding from the York City Revitalization and Improvement Zone Authority, and were not already enrolled in a LERTA exemption schedule under this Article at the time of the designation of the York City Revitalization and Improvement Zone. (Ord. 19-2017. Passed 7-18-17.)

## 308.03 ABATEMENT.

(a) The abatement from real estate taxes shall be limited to the additional assessment valuation attributed specifically to the reassessed value of improvements and construction on deteriorated property as outlined in the application approved by the City for improvements and construction.

(b) The abatement from real estate taxes shall be limited to that portion of the increased assessment attributed to the improvements and construction for which an abatement has been approved by the City and for which a separate assessment has been made by the York County Assessment Office.

(c) The schedule of real estate taxes to be abated shall be in accordance with the below schedule of improvements to be exempted each year:

<b>YEAR</b>	<b>PERCENTAGE</b>
First	100
Second	90
Third	80
Fourth	70
Fifth	60
Sixth	50
Seventh	40
Eighth	30
Ninth	20
Tenth	10

(Ord. 19-2017. Passed 7-18-17.)

**308.04 PROCEDURE FOR OBTAINING ABATEMENT.**

(a) At the time the applicant inquires about or applies for a building permit for construction and/or improvements from the City of York, the Department of Economic and Community Development shall inform the property owner of the existence of the Local Economic Revitalization Tax Assistance (LERTA) Program and shall provide interested individuals with program requirements and qualifications.

At minimum, 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 abatement from real estate tax on your contemplated improvement by reassessment. An application for abatement may be secured from the Building Inspector or other properly designated official and must be filed prior to or at the time the building permit is secured from the Permits Office.

(b) If the applicant confirms that they will not apply for an abatement under either of the City's real estate tax abatement programs for construction and/or improvements noted in the building permit application, this fact will be noted on the application.

(c) If the property owner decides to apply for the abatement, they must submit the required documentation and information on the forms provided by the City to the Department of Economic and Community Development prior to or at the same time as picking up their permit.

(d) Requests for abatements shall be in writing and submitted on forms prescribed by the City setting forth the following information:

- (1) The types of improvements and construction.
- (2) The summary of the plan of the improvements and construction.
- (3) The estimated cost of the improvements and construction.
- (4) Documentation of the original assessment prior to improvements,
- (5) A copy of the building permit issued for planned construction and improvements.
- (6) If requested by the City, an inspection report of the property by the Department of Economic and Community Development, and
- (7) Any additional information as the City may request.

(e) The Department of Economic and Community Development shall process the application and may schedule an inspection of the property to determine existing deficiencies which at the completion of the project must be corrected.

(f) Upon completion of the improvements, the property owner shall notify the Department of Economic and Community Development for the purpose of obtaining a final inspection to ascertain that minimum City Code standards have been met.

(g) The Department of Economic and Community Development shall conduct an inspection to ensure that the property now meets minimum City Code standards and shall promptly notify the property owner of the result of their inspection.

(h) Upon certification that the City Code standards have been met, the property owner shall then request a reassessment of the property from the York County Assessment Office, which reflects an increase in the assessed value of improvements.

(i) Should the property owner disagree with the assessment of the York County Assessment Office and wish to appeal, the Assessment Appeal Request must be filed with the York County Assessment Office with 30 days of the date of the "Notice of Change in Assessment."

(j) Once notice is received from the County Assessment Office, the property owner shall forward a copy of the "Notice of Change in Assessment" to the Department of Economic and Community Development.

(k) After determination that all requirements of this article have been met, the Director of Economic and Community Development shall issue a "Letter of Approval" which shall include the effective date of the City abatement to the property owner, with a copy to the City Treasurer and the York City Business Administrator.

(l) The Department of Economic and Community Development shall also send to the City Treasurer a copy of the LERTA application with all supporting documentation.

(m) The City Treasurer shall prepare a spreadsheet of the reduction in assessment value for each year of the abatement period as specified herein and shall provide such information to the County and York City School District as required by these taxing entities.

(n) The City Treasurer shall recalculate the York City real estate taxes on an annual basis based on the applicable assessment value and the millage rate and reissue the tax bill before sending it to the property owner. (Ord. 19-2017. Passed 7-18-17.)

#### 308.05 ABATEMENT CONDITIONS AND LIMITATIONS.

(a) No tax abatement shall be granted if the property owner does not obtain the necessary and proper permits prior to improving the property.

(b) No tax abatement shall 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 owned by one or more of the property owners are not paid by the due date as determined by the City Treasurer.

(c) The date of the issuance of the building permit shall be deemed to be the beginning date of the improvement period.

(d) If an eligible property is granted a tax abatement pursuant to this article, the improvement shall not, during the abatement period, be considered as a factor in assessing other properties.

(e) The abatement from taxes granted under this article shall be upon the property and shall not terminate upon the sale or exchange of the property during the ten-year abatement period.

(f) The granting of a City real estate tax abatement is limited to an abatement of York City real estate taxes only. It does not assure that additional abatements will be granted by York County or the York City School. Different requirements and procedures may apply. (Ord. 19-2017. Passed 7-18-17.)

### 308.06 REVOCATION OF ABATEMENT

(a) The abatement from 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 real estate taxes related to this property or the owner's other properties in the City by their due date. Upon nonpayment of real estate taxes, the City Treasurer shall discontinue the abatement.

(b) The City Treasurer shall also discontinue the real estate tax abatement 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.

(c) The abatement from real estate taxes provided in the article shall also be forfeited if the property owner and/or any subsequent owner appeals the real estate assessment during the abatement period. (Ord. 19-2017. Passed 7-18-17.)

### 308.07 CONFLICT AND SEVERABILITY.

(a) Any ordinance or part of any ordinance which conflicts with the provisions of this article is hereby repealed.

(b) The provisions of this article are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences. It is hereby declared to be the intent of Council that this article would have been adopted if such illegal, invalid or unconstitutional section, clause or sentence had not been included herein. (Ord. 19-2017. Passed 7-18-17.)

### 308.08 EFFECTIVE DATE AND EXCEPTIONS.

This article shall become effective immediately upon approval by the Mayor. The York City Department of Economic and Community Development and the York City Redevelopment Authority may grant exceptions to the procedure specified in Section 308.04 for projects that are already in development by the entities noted above as of the date of approval by the Mayor. (Ord. 19-2017. Passed 7-18-17.)