

Amended Bill No. 17, Ordinance No. 15, Session 2014

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) "Investment opportunity area" means the entire City.
- (b) "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.
- (c) "Improvement" means repair, construction or reconstruction, including alterations and additions, having the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity or is brought into compliance with laws, ordinances or regulations governing such standards. Improvements qualifying for exemption shall be those related to improvements to structures and related accessory uses. Ordinary upkeep and maintenance shall not be deemed an improvement.
- (d) "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.
(Ord. 26-2000. Passed 12-19-00.)

308.02 ELIGIBLE AREAS.

The investment opportunity area shall be the entire City.

- 1) **Exceptions:** 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. (Ord. 26-2000. Passed 12-19-00.)
- 2) 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.

308.03 EXEMPTION.

(a) The amount to be exempted from real estate taxes shall be limited to that portion of the additional assessment attributable to the actual cost of improvements in accordance with the exemption schedule established within this article.

(b) The exemption from real estate taxes shall be limited to that improvement for which an exemption has been requested in the manner set forth in this article and for which a separate assessment has been made by the Board of Assessment Appeals.
(Ord. 26-2000. Passed 12-19-00.)

308.04 EXEMPTION SCHEDULE.

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

<u>Length (Year)</u>	<u>Portion (Percent)</u>
First	100
Second	90
Third	80
Fourth	70
Fifth	60
Sixth	50
Seventh	40
Eighth	30
Ninth	20
Tenth	10

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

(c) The exemption from taxes granted under this article shall be upon the property and shall terminate upon the sale or exchange of the property.
(Ord. 26-2000. Passed 12-19-00.)

308.05 PROCEDURE FOR OBTAINING EXEMPTION.

(a) At the time a building permit for the construction of an improvement is applied for, the Bureau of Permits and Health Licensing shall notify the applicant by printed notice of the possibility of tax exemption under this article. When the building permit is issued, the taxpayer shall apply for their exemption to the Bureau of Permits and Health Licensing by using forms provided. This form shall include a description of improvements to be made.

(b) The Bureau of Permits and Health Licensing shall process the application by first scheduling an inspection of the property to determine existing deficiencies which at the completion of the project must be corrected.

(c) Upon completion of the improvements the taxpayer shall notify the Bureau of Permits and Health Licensing that the work is done and shall also submit a statement of the actual documented cost of the improvements.

(d) The Bureau of Permits and Health Licensing shall conduct an inspection to ensure that the property now meets minimum Code standards.

(e) The Bureau of Permits and Health Licensing shall notify the Board of Assessment Appeals that the work has been completed and of the actual cost of the improvements.

(f) The Board shall promptly notify the taxpayer, the City and the School Board of the amount of assessment eligible for exemption.

(g) The taxpayer shall submit a copy of the reassessment notice to the Bureau of Permits and Health Licensing, who in turn shall submit to the City Treasurer and to the School Board a certificate of exemption which details the assessed market value not to be taxed for each year under this program.

In addition, the Bureau of Permits and Health Licensing shall also send to the School Board and City Treasurer a copy of the application for exemption along with the certification that the work has been completed and that the City has approved the application for exemption.

(h) The City Treasurer upon receipt of the tax bill from the County shall pull the effected tax bill and reduce it by the amount shown on the above-mentioned certificate.

(i) Any applicant whose real estate tax or other lienable charge for any property in the City is not paid by the due date and determined by the City Treasurer shall forfeit all eligibility under this program. (Ord. 26-2000. Passed 12-19-00.)

308.06 CONFLICT.

Any ordinance or part of any ordinance which conflicts with the provisions of this article is hereby repealed. (Ord. 26-2000. Passed 12-19-00.)

308.07 SEVERABILITY.

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. 26-2000. Passed 12-19-00.)

308.08 REVOCATION OF LERTA PRIVILEGES.

The exemption 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 nonexempt real estate taxes by their due date. Upon receipt of notice of nonpayment of nonexempt real estate taxes, the City Treasurer shall discontinue the LERTA exemption.

(Ord. 26-2000. Passed 12-19-00.)

308.09 EFFECTIVE DATE.

This article shall become effective immediately upon approval by the Mayor.

(Ord. 26-2000. Passed 12-19-00.)