
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1396 Session of
2017

INTRODUCED BY DEASY, READSHAW, KINSEY, CALTAGIRONE, DeLUCA,
DAVIS, D. COSTA, McNEILL, V. BROWN, BIZZARRO, MATZIE,
PASHINSKI AND ROZZI, MAY 18, 2017

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 18, 2017

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in assessments of persons and
3 property, providing for real estate tax deferral for elderly
4 homeowners.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Subchapter C heading of Chapter 85 of Title 53 of
8 the Pennsylvania Consolidated Statutes is amended to read:

9 SUBCHAPTER C

10 [(Reserved)]

11 REAL ESTATE TAX DEFERRAL FOR ELDERLY HOMEOWNERS

12 Section 2. Subchapter C of Chapter 85 of Title 53 is amended
13 by adding sections to read:

14 § 8551. Scope of subchapter.

15 This subchapter relates to deferrals of real estate taxes for
16 certain elderly homeowners.

17 § 8552. Authority.

18 All political subdivisions shall grant tax deferrals in the

1 manner provided in this subchapter.

2 § 8553. Eligibility and length of deferral.

3 (a) Deferral for five years.--The following claimants shall
4 be eligible for a real estate tax deferral of five years:

5 (1) A sole homeowner who has reached at least 65 years
6 of age.

7 (2) Joint homeowners whose ages add up to at least 130
8 years.

9 (b) Permanent deferral.--The following claimants shall be
10 eligible for a permanent real estate tax deferral:

11 (1) A sole homeowner who has reached at least 75 years
12 of age.

13 (2) Joint homeowners whose ages add up to at least 150
14 years.

15 (c) Income eligibility.--A claimant shall be eligible for a
16 tax deferral if the claimant and the claimant's spouse have a
17 household income not exceeding the maximum household income
18 eligibility limitations under Chapter 13 of the act of June 27,
19 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer
20 Relief Act.

21 (d) Ineligible homeowners.--Three or more joint homeowners
22 and corporate homeowners shall not be eligible for a real estate
23 tax deferral under this subchapter.

24 § 8554. Application procedure.

25 (a) Initial application.--An individual eligible for a tax
26 deferral under this subchapter may apply annually to the
27 political subdivision. In the initial year of application, the
28 following information shall be provided in the manner required
29 by the political subdivision:

30 (1) A statement of request for the tax deferral.

1 (2) A certification that the applicant or the applicant
2 and his or her spouse jointly are the owners in fee simple of
3 the homestead upon which the real property taxes are imposed.

4 (3) A certification that the applicant's homestead is
5 adequately insured under a homeowner's policy to the extent
6 of all outstanding liens.

7 (4) Receipts showing timely payment of the immediately
8 preceding year's nondeferred real property tax liability.

9 (5) Proof of income eligibility under section 8574
10 (relating to income eligibility).

11 (6) Proof of age requirement under section 8552
12 (relating to authority).

13 (7) Any other information required by the political
14 subdivision.

15 (b) Subsequent years.--After the initial entry into the
16 program, a claimant shall remain eligible for tax deferral in
17 subsequent years if the claimant continues to meet the
18 eligibility requirements of this subchapter.

19 § 8555. Attachment and satisfaction of lien.

20 (a) Nature of lien.--All taxes deferred under this
21 subchapter shall constitute a prior lien on the homestead of the
22 claimant in favor of the political subdivision and shall attach
23 as of the date and in the same manner as other real estate tax
24 liens. The deferred taxes shall be collected as other real
25 estate tax liens, but the deferred taxes shall be due, payable
26 and delinquent only as provided under subsection (b).

27 (b) Payment.--

28 (1) All or part of the deferred taxes may at any time be
29 paid to the political subdivision.

30 (2) If the deferred taxes are not paid by the claimant

1 or the claimant's spouse during his or her lifetime or during
2 their continued ownership of the homestead, the deferred
3 taxes shall be paid either:

4 (i) prior to the conveyance of the homestead to any
5 third party; or

6 (ii) prior to the passing of the legal or equitable
7 title, either by will or by statute, to the heirs of the
8 claimant or the claimant's spouse.

9 (3) The surviving spouse of a claimant shall not be
10 required to pay the deferred taxes by reason of his or her
11 acquisition of the homestead due to death of the claimant as
12 long as the surviving spouse maintains his or her domicile in
13 the property. The surviving spouse may continue to
14 participate in the tax deferral program in subsequent years
15 provided he or she is eligible under the provisions of this
16 subchapter.

17 § 8556. Preemption.

18 This subchapter preempts any State or local regulation or law
19 that provides for the deferral of real estate taxes for elderly
20 homeowners or that is in any manner inconsistent with this
21 subchapter.

22 Section 3. The following acts and parts of acts are repealed
23 insofar as they are inconsistent with this act:

24 (1) The act of May 16, 1923 (P.L.207, No.153), referred
25 to as the Municipal Claim and Tax Lien Law.

26 (2) The act of July 7, 1947 (P.L.1368, No.542), known as
27 the Real Estate Tax Sale Law.

28 (3) The act of June 28, 1967 (P.L.122, No.32), entitled
29 "An act authorizing and empowering city treasurers of cities
30 of the second class A to sell at public sale, lands or real

1 estate upon which the taxes, assessed and levied by the city,
2 are delinquent and unpaid; fixing the interests of all taxing
3 authorities where such lands are purchased by the city;
4 providing for the distribution of moneys received as income
5 from or resale of such lands; and providing for a method of
6 reselling such lands purchased, by the city, or by the city
7 at any sale for the nonpayment of taxes, free and clear of
8 all mortgages, ground rents, interest in or claims against
9 said lands; authorizing an agreement between cities of the
10 second class A purchasing property at treasurer's sales and
11 all other taxing authorities having an interest in such lands
12 with respect to the distribution of rents, income and the
13 proceeds of the resale of such lands."

14 (4) The act of October 11, 1984 (P.L.876, No.171), known
15 as the Second Class City Treasurer's Sale and Collection Act.

16 (5) 11 Pa.C.S.

17 (6) Any and all other acts.

18 Section 4. This act shall take effect in 60 days.