

City of Philadelphia



(Bill No. 090706)

AN ORDINANCE

Amending Title 2 of The Philadelphia Code, entitled “City-County Consolidation,” by abolishing the Board of Revision of Taxes, by creating an Office of Property Assessment which shall have the powers, functions and duties of the Board of Revision of Taxes with respect to the initial making of property assessments; by assigning certain duties to the Department of Records (as the successor to the Recorder of Deeds) with respect to filing certain information with the new Office of Property Assessment; by creating a new Board of Property Assessment Appeals (“Board”), which shall have the powers, functions and duties of the Board of Revision of Taxes with respect to appeals from property assessments; and by creating a Board of Property Assessment Appeals Nominating Panel to nominate candidates for appointment to the Board; and providing for submission of such amendment for the approval or disapproval of the qualified electors of the City of Philadelphia; fixing the date of a special election for such purpose; prescribing the form of ballot question to be voted on; and authorizing the appropriate officers to publish notice and to make arrangements for the special election; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 2 of The Philadelphia Code is hereby amended to read as follows:

TITLE 2. CITY-COUNTY CONSOLIDATION.

CHAPTER 2-100. CITY-COUNTY CONSOLIDATION.

* * *

§2-113. Board of Revision of Taxes.

[A duty is hereby imposed on the Board of Revision of Taxes to reassess annually every parcel of real property in the City. No assessment of a parcel of real property for any year shall be forwarded to the Director of Finance until every parcel of real property in the City has been reassessed for that year.] *The Board of Revision of Taxes shall cease to exist after September 30, 2010, and, effective October 1, 2010, all powers, functions and duties previously exercised and performed by the Board of Revision of Taxes shall be exercised and performed by the Board of Property Assessment Appeals and the Office of Property Assessment, all as provided in Chapter 2-300.*

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CHAPTER 2-300. PROPERTY ASSESSMENT.

§2-301. Board of Property Assessment Appeals Nominating Panel.

(1) *The Board of Property Assessment Appeals Nominating Panel (“Nominating Panel”) is hereby created. It shall consist of seven members, one each appointed by the Mayor, the Council President, the Philadelphia Bar Association, the Building Industry Association of Philadelphia, the Housing Association of Delaware Valley, the Greater Philadelphia Association of Realtors, and the Southeast Chapter of the Assessors’ Association of Pennsylvania. If any of the designated appointing organizations ceases to exist, or formally notifies the other organizations that it declines to participate, the remaining members of the Nominating Panel shall by a majority vote replace the appointing organization with another organization of a similar nature.*

(2) *The Nominating Panel shall nominate candidates for appointment to the Board of Property Assessment Appeals, and for that purpose shall follow the procedure set forth in Section 3-1003 of the Philadelphia Home Rule Charter, provided that at least thirty days before making nominations, the Nominating Panel by public notice shall solicit applicants to serve on the Board, and provided further that the Nominating Panel shall make nominations only from among those who have applied.*

§2-302. Board of Property Assessment Appeals; Composition and Appointment.

(1) *The Board of Property Assessment Appeals (“Board of Appeals” or “Board”) is hereby created, effective immediately.*

(2) *The Board of Appeals shall consist of seven members, all of whom shall be residents of the City. Two of the members shall have at least ten years’ experience as, and currently be, a real estate appraiser or real estate assessor certified by the Commonwealth of Pennsylvania, and two of the other members shall have at least ten years’ experience as a practicing attorney at law with residential or commercial valuation expertise. The remaining members shall have relevant qualifications, so long as at least one is a homeowner and/or commercial property owner within the City.*

(3) *The members of the Board of Appeals shall be appointed by the Mayor, with the advice and consent of a majority of all the members of the Council, from among the nominations submitted to the Mayor by the Board of Property Assessment Appeals Nominating Panel.*

(4) *Except as provided for initial terms, members shall be appointed to terms of five years. Members shall serve until their successors have been appointed and qualified, except that 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.*

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(5) *Of the seven members first appointed, one shall be appointed to a term of two years, two shall be appointed to terms of three years, two shall be appointed to terms of four years, and two shall be appointed to terms of five years. Initial terms shall begin on October 1, 2010.*

(6) *Members may only be removed for cause. To remove a member, the Mayor shall present the member with a written statement of the reasons proposed for removal. The Mayor shall forward a copy of such statement to the Council. If the member wishes to contest removal, the member shall, within ten days after receiving the written statement from the Mayor, notify in writing the Mayor and the President of Council. The Council shall promptly thereafter provide the member an opportunity for a hearing before the Council. Following such hearing, or if the member waives the opportunity for a hearing, Council may remove the member by a resolution adopted by the vote of two-thirds of all the members of the Council.*

(7) *The Board of Appeals shall by majority vote select a Chair, a Vice-Chair and a Secretary from among its members.*

(8) *Except as Council may otherwise ordain from time to time, the Chair of the Board of Appeals shall receive an annual salary of fifty thousand dollars (\$50,000), the Secretary shall receive an annual salary of forty-five thousand dollars (\$45,000), and each remaining member of the Board shall receive one hundred fifty dollars (\$150) for each day the member attends a Board hearing or meeting or both, up to a maximum of forty thousand dollars (\$40,000) per year.*

(9) *The Board of Appeals shall retain such employees as are required to conduct the work of the Board.*

§2-303. Board of Property Assessment Appeals; Powers and Duties.

(1) *The Board of Appeals shall provide for hearings, and make decisions, in all cases of appeals from assessments made in calendar year 2010 and thereafter. Hearings shall be before either a member or members of the Board of Appeals, or before hearing officers appointed by the Board.*

(2) *Following a hearing, and before the decision, the member(s) of the Board who heard the appeal or the hearing officer, as the case may be, shall provide a written or oral report of the hearing to every member of the Board who did not hear the appeal and who participates in the decision. The report shall include a recommendation to the Board and the basis of such recommendation.*

(3) *The Board of Appeals shall promulgate and make available on the City's official website Assessment Appeals Standards and Practices Regulations that are consistent with applicable law, and that are based on industry standards as determined by nationally*

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recognized assessment and appraisal industry organizations. Such regulations shall address, among such other matters as the Board deems appropriate, the following:

(a) *What may be appealed to the Board of Appeals, including, but not limited to, eligibility for and the amount of tax exemptions and property tax abatements.*

(b) *The procedure for filing and hearing appeals.*

(c) *The rules of evidence applicable to appeals.*

(d) *The methodology by which appeals decisions are to be made.*

(e) *The format and content of decisions by the Board of Appeals.*

(f) *A reasonable time period in which appeals must be heard after filing.*

(g) *A requirement that notice of hearings be given to all parties with enough time to allow adequate preparation by participants.*

(4) *The Board of Appeals shall, every six months, file a written report on its activities with Council and post the report on the City's internet website.*

(5) *The Board of Appeals shall make available on-line the results of each appeal within seven (7) days of the Board's decision. Such results shall include, at a minimum, the following information for the property that is the subject of the appeal: the property address; the name of the property owner; the assessed value of the property for the past five (5) years; and the resulting assessment from the decision rendered by the Board of Appeals.*

(6) *The Board of Appeals shall perform and exercise such other powers and duties as may be conferred or imposed upon it by law or ordinance.*

§2-304. Office of Property Assessment; Creation; Principal Officers.

(1) *The Office of Property Assessment is hereby created within the Executive/Administrative branch of City government, effective immediately.*

(2) *The Mayor, with the advice and consent of a majority of all the members of the Council, shall appoint a Chief Assessment Officer who shall direct the work of the Office of Property Assessment.*

(3) *The Chief Assessment Officer shall serve for a term of four years, with the initial term commencing July 1, 2010, and shall be exempt from civil service, but may only be removed for cause under the procedure set forth in subsection 2-302(6).*

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(4) *The Chief Assessment Officer shall appoint such other employees as are required to conduct the work of the Office, but the number and compensation of such employees shall be subject to the approval of the Mayor. The Chief Assessment Officer shall be treated as the head of a department for purposes of the appointment of deputies under Section 3-701 of the Philadelphia Home Rule Charter, and the Office of Property Assessment shall be treated as a department for purposes of determining the number of such deputies who may be exempt from civil service under Section 7-301 of the Philadelphia Home Rule Charter. All employees whose work responsibilities include determining real property assessments and valuations shall have relevant and appropriate qualifications, including any state-regulated certifications, as determined by the Civil Service Commission in consultation with the Chief Assessment Officer.*

(5) *The Chief Assessment Officer shall be an International Association of Assessing Officers (IAAO) Certified Assessment Evaluator (CAE), or hold the highest-ranking Commonwealth appraiser's license, shall have had a minimum of ten years of progressively responsible professional experience in the management of property valuation, and shall have a firm command of assessment and taxation practices.*

§2-305. Office of Property Assessment; Chief Assessment Officer; Powers and Duties.

(1) *Beginning with assessments made in calendar year 2011 and thereafter, the Office of Property Assessment shall make and supervise the making of all assessments and valuations of all subjects of real property taxation.*

(2) *Except as Council may ordain from time to time, the Chief Assessment Officer shall:*

(a) *Make or supervise the making of all assessments and valuations of all subjects of taxation in accordance with law, ordinance, and industry standards.*

(b) *Ensure the annual revisions and equalization of all such assessments and valuations.*

(c) *Certify all assessments after their revision and equalization.*

(d) *Promulgate and make available on the City's official website Assessment Standards and Practices Regulations that with respect to assessments made in calendar year 2011 and thereafter:*

(i) *Set forth a methodology for the valuation of properties for taxation purposes.*

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(ii) *Set standards for property assessments that shall include, at a minimum, an acceptable limit on the deviation of the Common Level Ratio from the Predetermined Ratio, an acceptable limit on the Coefficient of Dispersion, and an acceptable range for the Price-Related Differential. The measurements against the standards shall be calculated following nationally recognized practices.*

(iii) *Require an annual reassessment through a professionally developed and maintained Computer Assisted Mass Appraisal (CAMA) system.*

(iv) *Require that the annual reassessment be applied to all properties, including tax exempt properties, public utility property, and residential trailers.*

(v) *Establish standards for recommending tax exemption for properties.*

(vi) *Establish procedures for changing values on an administrative basis (for example, in the event of catastrophic loss or errors in data).*

(e) *Ensure access to public records regarding assessments in accordance with applicable law, and see to it that such records are made available on the City's official website.*

(f) *Ensure that notices of changes in assessments shall be sent to the Revenue Department upon their certification.*

(g) *Serve as the City's contact for information and complaints, other than appeals, about assessment policies and practices.*

(h) *Ensure that annual revisions and equalizations are done in accordance with law, ordinance, and industry standards.*

(i) *Be responsible for the numbering of all buildings, houses, condominiums, or other structures located within the City, in accordance with applicable law or ordinance.*

(j) *Ensure the establishment and maintenance of records of an adequate description of properties to assist in the determination of the value of those properties, and to permit inspection thereof by the public at all times during office hours.*

(k) *Consider and determine applications for tax abatement and tax exemption.*

(l) *Ensure the defense of assessed values.*

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(m) *Maintain a register which shall show the present valuation and assessment of all real property and, from time to time as the same are made, all additions thereto and changes thereof, together with the name of all persons responsible for any changes in the assessment or valuation of any such property and reason for such changes.*

(n) *Receive from the Department of Records a report of every deed or conveyance of land entered in the office for recording, which record shall set forth the following information: the recording date of the deed or conveyance; the names of the grantor and grantee in the deed; the consideration paid; and the location of the property. It shall be the further duty of the Department of Records at intervals to file such reports in the Office of Property Assessment together with a certificate appended thereto that such record is correct.*

(o) *Maintain an on-line database which includes, at a minimum, the following information about each property within the City: the characteristics of the property; ownership information; certified values for the last five (5) years, showing the baseline assessment of the property as well as the effect of any changes based on an exemption or abatement; tax information, including the property's real estate tax and tax balances; zoning designation; and the existence of special conditions or certifications regarding the property, including whether the property is subject to any historical designations.*

(p) *Perform such other duties as may be assigned or delegated by the Mayor.*

(q) *Have all powers and duties of the former Board of Revision of Taxes not assigned by this Chapter to the Board of Property Assessment Appeals.*

§2-306. Provisions of General Applicability.

(1) *The Board of Property Assessment Appeals and the Office of Property Assessment shall function in accordance with all applicable provisions of the Philadelphia Home Rule Charter.*

(2) *The provisions of this Chapter shall be subject to all provisions relating to or governing tax assessments set forth in the statute governing the making of assessments in Counties of the First Class (72 P.S. §5341.1 et seq.), all applicable provisions of the General County Assessment Law (72 P.S. §5020-101 et seq.), and all other applicable laws.*

(3) *The provisions of Section 2-110 of The Philadelphia Code shall apply in connection with adoption of this Chapter.*

§2-307. Transfer of Existing Employees.

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(1) *Those persons employed by or assigned to the Board of Revision of Taxes on the date the Board of Revision of Taxes ceases to exist shall become employees of or shall be assigned to the Board of Property Assessment Appeals, if they are regularly occupied in connection with the functions and duties transferred to that Board, or employees of or assigned to the Office of Property Assessment, if they are regularly occupied in connection with the functions and duties transferred to that Office.*

(2) *The Board of Revision of Taxes shall work with the appropriate officers of the City to ensure an orderly transition of employees and responsibilities.*

SECTION 2. This Ordinance shall be submitted to the qualified electors of the City of Philadelphia for their approval or disapproval at a special election to be held on May 18, 2010, and shall not take effect unless so approved. There shall be placed on the ballot the following question to be answered “Yes” or “No” by the qualified electors participating in the election:

Shall the Board of Revision of Taxes be abolished, and its powers, functions and duties be reassigned to a new Office of Property Assessment (with respect to the making of assessments) and to a Board of Property Assessment Appeals (with respect to appeals from such assessments), with the members of the Board appointed from nominations made by a Board of Property Assessment Appeals Nominating Panel?

SECTION 3. The Clerk of Council is hereby directed to have printed in pamphlet form, in sufficient number for general distribution, the proposed amendment to Chapter 2-100 of The Philadelphia Code, together with the ballot question set forth in Section 2 of this Ordinance.

SECTION 4. The Clerk of Council is hereby directed to cause to be published in three (3) newspapers of general circulation in the City and in the Legal Intelligencer the proposed amendment to Chapter 2-100 of The Philadelphia Code, together with the ballot question set forth in Section 2 of this Ordinance, once a week during the three (3) weeks preceding the election on May 18, 2010; and further, at such other time and in such other manner as he may consider desirable.

SECTION 5. The Mayor is hereby authorized and directed to issue a proclamation giving at least thirty (30) days’ notice of such election. The Clerk of Council shall cause a copy of the proclamation to be published, together with the notice provided for in Section 4 of this Ordinance.

SECTION 6. The appropriate officers are authorized and directed to take such action as may be required for the holding of an election on the ballot question set forth in

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Section 2 of this Ordinance as provided for by the laws of the Commonwealth of Pennsylvania.

SECTION 7. The Clerk of Council is directed to provide a certified copy of this Ordinance to the Philadelphia City Commissioners immediately upon its adoption into law.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 17, 2009. The Bill was Signed by the Mayor on January 23, 2010.



Michael A. Decker
Chief Clerk of the City Council