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**OFFICE**

# MEMO

To: HARRISBURG CITY COUNCIL  
From: Kirk Petroski, City Clerk  
LEGISLATIVE APPROVAL FORM

Date:

**LEGISLATIVE APPROVAL FORM/CERTIFICATE OF ACCEPTANCE**

**BILL NO. 19 -2020**

**RESOLUTION NO. -2020**

**THE ABOVE LISTED ITEM WAS WRITTEN AND PREPARED FOR FINAL INTRODUCTION AT THE HARRISBURG CITY SOLICITOR ' S OFFICE ON:**

**Isaac S. Gaylord**  
**Deputy City Solicitor**

**11/23/20**  
**Date**

**Requested by Department/Bureau: Mayor & City Council**

**Department/Bureau Contact Person: Mayor & City Council**

**For Action on or before:**

**The attached was received in the Office of the City Clerk for introduction on**

\_\_\_\_\_

**Received by:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**BILL NO. \_\_\_\_ - 2020**

Moved by: \_\_\_\_\_

An Ordinance amending Chapter 5-503, Tax Abatement and Exemptions of Title 5, Licensing and Taxation Code, to adjust real estate tax incentives to better provide for the development of affordable housing units in the City of Harrisburg.

**WHEREAS**, Chapter 5-503 Tax Abatement and Exemptions provides for real estate tax abatements for certain construction projects; and

**WHEREAS**, the City desires to establish Title 12, Affordable Housing, to institute a unified structure to provide incentives for the development of affordable housing dwelling units in the City of Harrisburg; and

**WHEREAS**, the City of Harrisburg (the “City”) recognizes the need to increase the supply of affordable housing to enhance social and economic opportunities for those residing within the City; and

**WHEREAS**, the City is committed to advancing the creation of suitable residential units that are well-maintained, attractive and stable by creating an alternative set of regulations for residential development which leads to the creation of affordable housing; and

**WHEREAS**, the City’s Planning Bureau has recommended a zoning amendment which allows for increased density and other zoning relief in the Residential Light, Residential Medium and Commercial General Zoning Districts for certain types of Residential Principal Uses to encourage the development of affordable housing; and

**WHEREAS**, the City believes that establishing Title 12, Affordable Housing, in conjunction with the proposed amendment to the Zoning Code and this proposed amendment to

31 the Licensing and Taxation Code will create a unified system to encourage the development of  
32 affordable housing; and

33

34 **WHEREAS**, the City finds that easing the qualifying conditions necessary for a  
35 development to receive certain tax abatements will encourage the development of affordable  
36 housing within the City, increasing the public good.

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38 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
39 **HARRISBURG, AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME, AS**  
40 **FOLLOWS:**

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42 Ch. 1-201.1.C PROVIDES “AMENDMENTS TO EXISTING LEGISLATION ARE TO BE UNDERLINED;  
43 DELETIONS ARE TO BE INDICATED BY [BRACKETING]. ADDITIONS TO PROPOSED LEGISLATION WHICH  
44 AMENDS EXISTING LEGISLATION SHALL BE CAPITALIZED; DELETIONS SHALL BE INDICATED BY  
45 STRIKING (—).”

46

47 **SECTION 1. AMENDMENT TO THE LICENSING AND TAXATION CODE.**

48 Part 5 of Title 5 of the Codified Ordinances for the City of Harrisburg is hereby amended  
49 as follows:

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“TITLE 5, LICENSING AND TAXATION CODE

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54 PART 5 (5-500), REAL ESTATE TAXES

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56 \*\*\*\*

57

CHAPTER 5-503

58

TAX ABATEMENTS AND EXEMPTIONS

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60 § 5-503.1. Definitions

61 As used in this chapter, unless otherwise expressly stated or clearly indicated by the context, the  
62 following terms shall have the meanings indicated:

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QUALIFIED AFFORDABLE HOUSING DEVELOPMENT

Any new construction of housing that qualifies as an Affordable Housing Development pursuant to Chapter 12-101 of Title 12, Affordable Housing Certification of the Codified Ordinances of the City of Harrisburg, and which has received a Certificate of Qualification pursuant to that Chapter.

\*\*\*\*

§5-503.3. Qualifying Conditions.

\*\*\*\*9

- C. (1) Section 503-3A and B shall not apply to improvement projects.
- (2) Section 503-3B shall not apply to qualified affordable housing developments.

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§5-503.8. Affordable Housing Incentive and Obligations.

A. For a qualified affordable housing development project to also qualify for an exemption under this Chapter the owner of the property also must comply with the requirements of Chapter 12-101, Affordable Housing Certification, including the terms of the related Affordable Housing Development Agreement. Failure to maintain Certification as a qualified affordable housing development under Chapter 12-101 will forfeit any remaining period of tax exemption authorized by this Chapter.

B. Upon written notification from the City that a certificate of qualification for a qualified affordable housing development has been revoked or suspended pursuant to Chapter 12-101, Affordable Housing Certification, the LERTA Administrator shall cause the exemption authorized by this Chapter to be suspended for failing to maintain a qualifying condition.

93 C. The LERTA Administrator shall notify the owner of record of any qualified affordable  
94 housing development of a suspension authorized by this section by First Class Mail at  
95 least thirty (30) days prior to any such suspension taking effect.

96 D. After the LERTA Administrator suspends an abatement pursuant to this subsection the  
97 owner of record of the qualified affordable housing development shall have the  
98 opportunity, within ninety (90) days of notice of the suspension, to present competent  
99 evidence to the LERTA Administrator that the conditions causing the suspension have  
100 been cured. Only a Certificate of Qualification issued pursuant to Chapter 12-101,  
101 Affordable Housing Certification shall constitute competent evidence to the LERTA  
102 Administrator when determining whether to lift or continue a suspension.

103 E. Nothing in this subsection shall prevent the LERTA Administrator from exercising any  
104 authority granted pursuant to section 5-503 or any other authority granted to the LERTA  
105 Administrator to review, monitor, and enforce the provisions of this Part.

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107 §5-503.89. Termination and Contingency.

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111 **SECTION 2.** DELEGATION. Appropriate City officials are authorized to take such actions as  
112 are necessary to effectuate this ordinance, including but not limited to, the implementation of  
113 rules and regulations to carry out the purpose of this ordinance.

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115 **SECTION 3.** SEVERABILITY. If any provision, sentence, clause, section or part of this  
116 ordinance or the application thereof to any person or circumstance is for any reason found to be  
117 unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality,  
118 illegality or invalidity shall not affect or impair any of the remaining provisions, sentences,  
119 clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Council of  
120 the City of Harrisburg that this ordinance would have been adopted had such unconstitutional,  
121 illegal or invalid provision, sentence, clause, section or part not been included herein.

122

123 **SECTION 4.** REPEALER. All ordinances or provisions of ordinances in conflict with the  
124 provisions of this ordinance are hereby repealed in so far as they are inconsistent herewith.

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126 **SECTION 5.** EFFECTIVE DATE. This ordinance shall take effect in accordance with the law.

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128 Seconded by: \_\_\_\_\_

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130 Passed by Council: \_\_\_\_\_

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132 Signed by the Mayor: \_\_\_\_\_