Legislation Text

File #: 130182-A, **Version:** 1

Amending Chapter 19-1800 of The Philadelphia Code, entitled "School Tax Authorization," by amending Section 19-1806, entitled "Authorization of Realty Use and Occupancy Tax," to further authorize the tax and to set the rate for such tax, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1.   Chapter 19-1800 of The Philadelphia Code is amended to read as follows:

CHAPTER 19-1800. SCHOOL TAX AUTHORIZATION

*   *   *

§ 19-1806. Authorization of Realty Use and Occupancy Tax.

*   *   *

(2)   Imposition of the Tax.

*   *   *

(b) The Board of Education of the School District of Philadelphia is authorized to impose a tax for general school purposes on the use or occupancy of real estate within the School District of Philadelphia during the tax years beginning July 1, 2001, July 1, 2002, July 1, 2003, July 1, 2004, July 1, 2005, July 1, 2006, July 1, 2007, July 1, 2008, July 1, 2009, July 1, 2010, July 1, 2011, July 1, 2012, *July 1, 2013,* and thereafter for the purpose of carrying on any business, trade, occupation, profession, vocation, or any other commercial or industrial activity. This tax is imposed on the user or occupier of real estate.

*   *   *

(4)   Rate and Computation of Tax.

(a)   Rate.

*   *   *

(iii) The tax authorized by this Section shall be measured by the assessed value of the real estate, for the tax year beginning July 1, 2012, [and thereafter,] at the rate [each year] not to exceed five dollars and fifty-one cents ($5.51) per one hundred ($100) dollars of the assessed value of the real estate as

most recently returned by the Office of Property Assessment, except that, for the tax year beginning July 1, 2012, only, the tax shall be calculated based on the assessed value of the real estate as returned by the Office of Property Assessment in 2011.

(b) Computation.   [The] *For tax years subject to subsection (a), above, the* tax to be paid by the user or occupier shall be computed as follows:

*   *   *

(c) Computation for Tax Years beginning on or after July 1, 2013. The tax to be paid by the user or occupier, for the tax year beginning July 1, 2013, and for all tax years thereafter, shall be computed as follows:

(.1) First, calculate the following product:

$$\frac{\text{Sq. ft. occupied or used}}{\begin{array}{c}\text{Total sq. ft. available}\\\text{for use or occupancy}\\\text{on the real estate}\end{array}} \quad x \quad \text{Assessed Value}$$

(.2) Next, subtract the Exemption Amount from the foregoing product.

(.3) If the foregoing difference is less than zero, the tax liability is zero.   Otherwise, multiply the foregoing difference by the following:

$$\text{Tax Rate} \quad x \quad \frac{\text{Days of actual use or occupancy}}{360}$$

(.4) For purposes of this subsection (c):

(A) Assessed Value shall mean the assessed value of the real estate as most recently returned by the Office of Property Assessment prior to the start of the Tax year.

(B) The Exemption Amount shall be $177,000 per property.   Where there are multiple taxpayers using or occupying a property, the Exemption Amount shall be allocated equally among all such taxpayers, so that each taxpayer's Exemption Amount shall be $177,000 divided by the number of taxpayers using or occupying the property.   Every landlord shall provide to the tenants of a property the number of users or occupiers of the property.

(C) The Tax Rate shall be one and thirteen hundredths percent (1.13%).

* * *

SECTION 2. The provisions of this Ordinance are severable. In particular, if any word, phrase or provision of Section 19-1806(4)(c) of The Philadelphia Code ("Computation for Tax Years beginning on or after July 1, 2013"), added by Section 1 of this Ordinance, is determined to be unlawful, it is the intent of Council to have adopted the remainder of Section 19-1806(4)(c) without the unlawful word, phrase or provision.

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Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.