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CHAPTER 51. INDUSTRIAL DEVELOPMENT ASSISTANCE

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Authority

The provisions of this Chapter 51 issued under section 7 of the Industrial Development Assistance Law (73 P. S. § 357), unless otherwise noted.

Source

The provisions of this Chapter 51 adopted September 29, 1972, effective September 30, 1972, 2 Pa.B. 1795; renumbered from 13 Pa. Code Chapter 3, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (135463) to (135468) and (161453) to (161454).

GENERAL PROVISIONS**§ 51.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Industrial Development Assistance Law (73 P. S. §§ 351—358).

Agency—A nonprofit corporation, organization, association or agency which is designated as an industrial development agency, by proper resolution of the governing body, as the agency authorized to make application to and receive industrial development assistance grants from the Department.

Governing bodies—A county, city, borough, town or township. The body empowered to enact ordinances or to adopt resolutions for the governance of the county, city, borough, town and township.

Grant—The industrial development assistance grant.

Source

The provisions of this § 51.1 adopted September 29, 1972, effective September 30, 1972, 2 Pa.B. 1795.

§ 51.2. Authority for grants.

Section 5 of the act (73 P. S. § 355) authorizes the Department to make grants to recognized industrial development agencies, to assist the agencies in the financing of their operational costs for the purposes of making studies, surveys and investigations, the compilation of data and statistics, and in the carrying out of planning and promotional programs.

Source

The provisions of this § 51.2 adopted September 29, 1972, effective September 30, 1972, 2 Pa.B. 1795.

§ 51.3. Purpose of program.

The purpose of the Industrial Development Assistance Program is to provide, from the Commonwealth, a part of the funds necessary for research, planning, and promotional activities relating to local industrial development on a county-wide or regional, that is, intercounty, basis.

Source

The provisions of this § 51.3 adopted September 29, 1972, effective September 30, 1972, 2 Pa.B. 1795.

ELIGIBILITY**§ 51.11. County organizations.**

In each county of this Commonwealth one organization shall be eligible to receive financial assistance for the industrial development promotional purposes set forth in the act.

Source

The provisions of this § 51.11 adopted September 29, 1972, effective September 30, 1972, 2 Pa.B. 1795.

§ 51.12. Resolutions of governing bodies.

(a) Agencies shall be designated by resolution of the board of county commissioners, except in first class counties, as the organization representing the entire county under this program. It is necessary that the governing bodies of townships, towns, boroughs or cities representing a total of 50% or more of the population of the county, as determined by the latest decennial United States Census, concur in the resolution. A suggested county resolution form is attached hereto and made a part of this regulation as Exhibit A. Similarly, a suggested concurring resolution form is attached hereto and made a part of this regulation as Exhibit B.

EXHIBIT A

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF _____, PENNSYLVANIA

RESOLUTION NO. _____

DATE OF ADOPTION _____

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania has enacted the Industrial Development Assistance Law (Act of May 31, 1956, being Act No. 635 of the 1955 Regular Session) for the purpose of promoting the welfare of the people of the Commonwealth by the rendering of financial assistance to industrial development agencies engaged in promoting the development and expansion of business, industry and commerce in the respective counties of the Commonwealth; and

WHEREAS, pursuant to the provisions of the Industrial Development Assistance Law only one such industrial development agency shall be designated and qualified in each county to receive such financial assistance in accordance with the provisions of said law; and

WHEREAS, to so qualify for such financial assistance an industrial development agency must be designated for that purpose by the Board of County Commissioners of the county which such industrial development agency is to represent and such designation must be concurred in by resolutions of the governing bodies of cities, boroughs, towns or townships within the respective county having in the aggregate over 50 per centum of the population of said county; and

WHEREAS, (insert name of nonprofit corporation, organization, association or agency which is to be designated industrial development agency) with its principal office at (address of agency) has requested that the Board of Commissioners of the County of _____, Pennsylvania designate it as the industrial development agency to represent the said county for the purposes of the Industrial Development Assistance Law; and

WHEREAS, it having been found that (insert name of nonprofit corporation, organization, association or agency which is to be designated industrial development agency) is a duly constituted industrial development agency as that term is defined in the Industrial Development Assistance Law.

NOW THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED,

Section 1. That, subject to the concurrence by proper resolution of the governing bodies of such cities, boroughs, towns, or townships within the County of _____ having in the aggregate over 50 per centum of the population of said county, the (insert name of nonprofit corporation, organization, association or agency which is to be designated industrial development agency) is hereby designated as the Industrial Development Agency for the County of _____ with full power and authority to represent said County in all matters relevant to and for all purposes of the Industrial Development Assistance Law.

Duly adopted at a regular meeting of the Board of Commissioners of the County of held _____, 19 ____.

CERTIFICATE

I, the undersigned, being the Chief Clerk of the Board of Commissioners of the County of _____ Pennsylvania, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted at a regular and lawful meeting of said Board held _____ 19 ____ , as the same appears on the minutes of said Board in its Minute Book Volume.

WITNESS my hand this _____ day of _____, 19 ____ .

Chief Clerk

(SEAL OF THE COUNTY OF _____)

EXHIBIT B

RESOLUTION NO. _____ DATE OF ADOPTION _____

RESOLUTION OF THE (COUNCIL) (BOARD OF COMMISSIONERS) (BOARD OF SUPERVISORS) OF THE (CITY) (BOROUGH) (TOWN) (TOWNSHIP) OF _____ CONCURRING IN THE RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF _____, PENNSYLVANIA, DESIGNATING (INSERT NAME OF NON-PROFIT CORPORATION, ORGANIZATION, ASSOCIATION OR AGENCY WHICH IS TO BE DESIGNATED INDUSTRIAL DEVELOPMENT AGENCY) AS THE INDUSTRIAL DEVELOPMENT AGENCY FOR THE COUNTY OF _____ IN ALL MATTERS RELEVANT TO AND FOR ALL PURPOSES OF THE INDUSTRIAL DEVELOPMENT ASSISTANCE LAW.

WHEREAS, by Resolution No. _____ dated _____ the Board of Commissioners of the County of _____, Pennsylvania has designated (*Insert name of nonprofit corporation, organization, association or agency which is to be designated Industrial Development Agency*) as the Industrial Development Agency to represent the County of _____ in all matters relevant to and for all purposes of the Industrial Development Assistance Law; and

WHEREAS, (*Insert name of nonprofit corporation, organization, association or agency which is to be designated Industrial Development Agency*) may only act as the Industrial Development Agency for the County of _____ upon concurrence in the above stated Resolution of the Board of Commissioners of the County of _____ by the governing bodies of (Cities) (Boroughs) (Towns) (Townships) within the county having in the aggregate over 50 per centum of the population of said County; and

WHEREAS, the (Council) (Board of Commissioners) (Board of Supervisors) of the (City) (Borough) (Town) (Township) of _____ desires that the (*Insert name of nonprofit corporation organization, association or agency which is to be designated Industrial Development Agency*) act as the Industrial Development Agency for the County of _____, Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED and it is hereby resolved,

Section 1. That the (Council) (Board of Commissioners) (Board of Supervisors) of the (City) (Borough) (Town) (Township) of _____ concurs in Resolution No. _____ dated _____ of the Board of Commissioners of the County of _____ and hereby approves the designation of (*Insert name of nonprofit corporation, organization, association or agency which is to be designated Industrial Development Agency*) as the Industrial Development Agency to represent the County of _____ in all matters relevant to and for all purposes of the Industrial Development Assistance Law.

CERTIFICATE

I, the undersigned, being the Secretary of the (Council) (Board of Commissioners) (Board of Supervisors) of the (City) (Borough) (Town)(Township) of _____, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted at a regular and lawful meeting of said (Council) (Board of Commissioners) (Board of Supervisors) held _____, 19 _____, as the same appears on the minutes of said (Council) (Board of Commissioners) (Board of Supervisors).

WITNESS my hand this _____ day of _____, 19 _____.

Secretary

(SEAL OF THE (CITY) (BOROUGH) (TOWN) (TOWNSHIP))

(b) In the case of the first class counties, agencies shall be designated only by resolution of the governing bodies of townships, towns, boroughs or cities representing a total of 50% or more of the population of the county, as determined by the latest decennial United States Census.

Source

The provisions of this § 51.12 adopted September 29, 1972, effective September 30, 1972, 2 Pa.B. 1795.

§ 51.13. Multicounty organizations.

Two or more counties may designate one agency to serve them jointly under the Industrial Development Assistance Program.

Source

The provisions of this § 51.13 adopted September 29, 1972, effective September 30, 1972, 2 Pa.B. 1795.

§ 51.14. Agencies of county governments not created.

The designating resolutions of the governing bodies do not have the effect of creating an agency of county government, but rather, provide a means through which the people of the county may express themselves formally in designating an industrial development organization, already in existence or to be formed, to act for them in taking advantage of the grant made possible by the act.

Source

The provisions of this § 51.14 adopted September 29, 1972, effective September 30, 1972, 2 Pa.B. 1795.

APPLICATION PROCEDURE

§ 51.21. Application forms.

(a) Application for the grants shall be made upon a completed Industrial Development Assistance Grant Application in duplicate. The form, available from the Department, requests information on past industrial development promotional activities and on proposed uses of matching grants.

(b) Two copies of the appropriate resolutions and concurring resolutions shall be submitted along with the application forms.

Source

The provisions of this § 51.21 adopted September 29, 1972, effective September 30, 1972, 2 Pa.B. 1795.

§ 51.22. Approval of application.

Grants shall be allocated after approval of the application by the Department.

Source

The provisions of this § 51.22 adopted September 29, 1972, effective September 30, 1972, 2 Pa.B. 1795.

§ 51.23. Evidence of matching funds.

Prior to receiving the grant, the agency shall give evidence that it will match with its own funds the grant available from the Commonwealth.

Source

The provisions of this § 51.23 adopted September 29, 1972, effective September 30, 1972, 2 Pa.B. 1795.

PAYMENT OF GRANTS**§ 51.31. Reimbursement.**

(a) At the end of each 3-month period, the agency shall provide evidence of the expenditures and accomplishments during the period, on a completed Statement for Reimbursement available from the Department.

(b) After approval, the grant allocated for the 3-month period shall be paid to the agency.

Source

The provisions of this § 51.31 adopted September 29, 1972, effective September 30, 1972, 2 Pa.B. 1795.

§ 51.32. Grant limitation.

Grants shall be limited to a maximum of 1/10 of \$1 for each inhabitant of the county or counties represented by the designated agency.

Source

The provisions of this § 51.32 adopted September 29, 1972, effective September 30, 1972, 2 Pa.B. 1795.

§ 51.33. Program projects.

(a) The grants available through the act are not to replace but are to supplement funds normally raised or to be made available for industrial development promotional work in counties or groups of counties. Activities financed by matching funds shall strengthen and broaden the industrial and economic promotional programs and activities of Commonwealth areas.

(b) The following are examples of activities which might be undertaken by an agency with assistance funds:

- (1) Planning, printing and mailing of folders, brochures, area booklets of a promotional nature and the use of other advertising media.

(2) Surveys and studies of data pertaining to natural resources and raw materials.

(3) Preparation of studies or analyses of such industrial location factors as population, distribution, markets, labor and wages and community facilities.

(4) Engineering surveys and planning of industrial sites and districts.

(5) Preparation of maps and aerial views of industrial sites, highways, railroad facilities, rivers, streams, electric power, gas distribution systems, and the like.

(6) Salaries, wages and office expenses used in connection with activities related to the general industrial development program and salaries and expenses, except entertainment, in prospect solicitation and visitation by qualified representatives of the industrial development organization.

(7) Activities and projects that would prove to be useful in the overall promotion of the development and expansion of commerce and industry in the area.

Source

The provisions of this § 51.33 adopted September 29, 1972, effective September 30, 1972, 2 Pa.B. 1795.

§ 51.34. Grant declaration.

An executed grant declaration between the Department and the agency shall be required for payment of grants.

Source

The provisions of this § 51.34 adopted September 29, 1972, effective September 30, 1972, 2 Pa.B. 1795.

§ 51.35. Grant audit.

(a) Upon submission of the Final Statement for Reimbursement the agency shall submit a completed Audited Financial Statement.

(b) The grant amount allocated for the final 3-month period may not be paid to the agency unless a completed Audited Financial Statement is submitted and approved by the Department.

Source

The provisions of this § 51.35 adopted November 9, 1979, effective November 10, 1979, 9 Pa.B. 3745.

§ 51.36. Antidiscrimination compliance.

The agency shall agree that it shall comply with all applicable antidiscrimination laws, regulations and standards in carrying out the activities for which the grant is made.

Source

The provisions of this § 51.36 adopted November 9, 1979, effective November 10, 1979, 9 Pa.B. 3745.

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