COMMONWEALTH COURT OF PENNSYLVANIA

South Hills Village Associates LP v. Allegheny County Board of Assessment Appeals

No. 145-146 C.D. 2024; 147-148 C.D. 2024, Commonwealth Court of Pennsylvania (February 19, 2026)

SUMMARY

The Pennsylvania Commonwealth Court affirmed orders denying South Hills Village Associates LP’s motions for interest on refunds of real estate tax overpayments. The court held that the special interest provision in the Second Class County Assessment Law, applicable to Allegheny County, prevails over the conflicting general provision in the Local Taxpayers Bill of Rights. The court also rejected the taxpayer’s argument that applying the Allegheny County provision violated Pennsylvania’s constitutional Uniformity Clause.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Patricia A. McCullough; Renée Cohn Jubelirer, President Judge; Patricia A. McCullough, Judge; Anne E. Covey, Judge; Michael H. Wojcik, Judge; Lori A. Dumas, Judge; Stacy Wallace, Judge; Matthew S. Wolf, Judge
JURISDICTION	Commonwealth Court of Pennsylvania
DECIDED	February 19, 2026
DOCKET	145-146 C.D. 2024; 147-148 C.D. 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from four orders of the Court of Common Pleas of Allegheny County denying the taxpayer's motions to award interest on real-estate-tax overpayment refunds.
STANDARD OF REVIEW	In a tax assessment appeal, reversal is warranted for an abuse of discretion, an error of law, or a decision unsupported by the evidence; legal questions are reviewed de novo under a plenary scope of review.
PRECEDENTIAL VALUE	Published opinion; binding precedent of the Commonwealth Court of Pennsylvania, subject to review by the Pennsylvania Supreme Court.
PARTIES	South Hills Village Associates LP v. Allegheny County Board of Assessment Appeals, Allegheny County, Pennsylvania, Bethel Park

School District, Bethel Park Borough, Upper St. Clair School District, Upper St. Clair Township, Allegheny County

TOPICS

property tax · tax refunds · statutory interpretation · constitutional law · tax

PRACTICE AREAS

taxation · property tax · appellate litigation · statutory interpretation · constitutional law

QUESTIONS PRESENTED

1. Whether Section 17(a) of the Second Class County Assessment Law or Section 8426(a) of the Local Taxpayers Bill of Rights governs the date from which interest is calculated on real estate tax refunds resulting from assessment reductions in Allegheny County.
2. Whether applying the Second Class County Assessment Law's interest provision violates the Uniformity Clause of the Pennsylvania Constitution.

HOLDINGS

1. Section 17(a) of the Second Class County Assessment Law is the specific provision governing interest on refunds resulting from assessment reductions in Allegheny County and prevails over the conflicting general provision in Section 8426(a) of the Local Taxpayers Bill of Rights. Interest therefore does not become assessable until one year after the taxing authorities receive notice of the assessment reduction.
2. Applying the Second Class County Assessment Law's interest provision does not violate the Uniformity Clause because the clause requires uniform taxation within the territorial limits of the taxing authority, not identical assessment methodologies or administrative procedures among different counties.

KEY QUOTATIONS

> *"When two statutory provisions are irreconcilable, Pennsylvania's principles of statutory interpretation dictate that a special provision prevails unless the general provision was enacted later and manifests an intention that it should prevail."* (at 5)

> *"Thus, contrary to Taxpayer's argument, the Uniformity Clause does not mandate that Allegheny County's assessment methodologies, tax rates, and administrative procedures mirror the systems used by other Pennsylvania counties."* (at 14)

FACTUAL BACKGROUND

South Hills Village Associates LP owned four parcels comprising the South Hills Village property in Upper St. Clair Township and Bethel Park, Allegheny County. After the taxpayer challenged the 2020 assessments, the parties settled the assessments for tax years 2020 through 2023, reducing the combined assessment from approximately $60 million to approximately $45 million. The taxing bodies issued refunds, but the parties disputed whether interest was owed and whether interest should run from the date of overpayment or one year after notice of the assessment reduction.

PROCEDURAL HISTORY

The taxpayer appealed 2020 real estate tax assessments, and the parties settled the assessment appeals for tax years 2020 through 2023. The trial court adopted the settlement, ordered assessment reductions, and the taxing bodies issued refunds. After the parties bifurcated the unresolved interest issue, the trial court denied the taxpayer's motions for interest and adopted the legal analysis in the taxing bodies' briefs. The taxpayer appealed to the Commonwealth Court, which affirmed.

DISPOSITION

affirmed

CASES CITED

- Tech One Associates v. Board of Property Assessment, Appeals & Review of Allegheny County, 53 A.3d 685, 696 (Pa. 2012)
- Clifton v. Allegheny County, 969 A.2d 1197, 1209 n.17 (Pa. 2009)
- Maurice A. Nernberg & Associates v. Coyne, 920 A.2d 967, 970 (Pa. Cmwlth. 2007)
- Milan v. Department of Transportation, 620 A.2d 721, 723 n.2 (Pa. Cmwlth. 1993)
- Commonwealth v. Fulton, 876 A.2d 342, 345 (Pa. 2002)
- Pennsylvania Associated Builders and Contractors, Inc. v. Department of General Services, 932 A.2d 1271, 1281 (Pa. 2007)
- City of Pittsburgh v. Ivy School of Professional Art, Inc., 390 A.2d 893, 895 (Pa. Cmwlth. 1978)
- Shields v. Council of Borough of Braddock, 111 A.3d 1265, 1271 (Pa. Cmwlth. 2015)
- McKinney v. Board of Commissioners of Allegheny County, 385 A.2d 596, 600 (Pa. Cmwlth. 1978)
- Woolworth Co. v. City of Pittsburgh, 284 A.2d 143, 146 (Pa. Cmwlth. 1971)
- Commonwealth v. Ruffin, 16 A.3d 537, 540 (Pa. Super. 2011)
- Taylor v. Pennsylvania State Police, 132 A.3d 590, 603 n.15 (Pa. Cmwlth. 2016)
- Wertz v. Chapman Township, 709 A.2d 428, 433 n.8 (Pa. Cmwlth. 1998), aff’d, 741 A.2d 1272 (Pa. 1999)
- Eat’n Park Restaurants Business Trust v. Commonwealth, 821 A.2d 160, 165 (Pa. Cmwlth. 2003)
- Okkerse v. Prudential Property and Casualty Insurance Co., 625 A.2d 663, 667 (Pa. Super. 1993)
- Commonwealth v. Bowen, 55 A.3d 1254, 1269 (Pa. Super. 2012)
- Commonwealth v. Vega-Reyes, 131 A.3d 61, 64 (Pa. Super. 2016)
- Commonwealth v. Philadelphia & E.R. Co., 30 A. 145 (Pa. 1894)
- Martel v. Allegheny County, 216 A.3d 1165, 1173 (Pa. Cmwlth. 2019)
- Allegheny County v. Gagliardi, No. 2359 C.D. 2007 (Pa. Cmwlth. Feb. 6, 2009)
- PPL Holtwood, LLC v. Pike County Board of Assessment, 846 A.2d 201, 204-05 (Pa. Cmwlth. 2004)

- Mosley v. Workers' Compensation Appeal Board (City of Pittsburgh), 937 A.2d 607, 609-10 (Pa. Cmwlth. 2007)
- Commonwealth ex rel. Fox v. Fox, 212 A.2d 912, 914 (Pa. Super. 1965)
- Borough of Collegeville v. Philadelphia Suburban Water Company, 105 A.2d 722, 730 (Pa. 1954)
- Moore v. Berks County Board of Assessment Appeals, 888 A.2d 40 (Pa. Cmwlth. 2005)
- Appeal of Sullivan, 37 A.3d 1250 (Pa. Cmwlth. 2012)
- Carl v. Southern Columbia Area School District, 400 A.2d 650, 653 (Pa. Cmwlth. 1979)
- Downingtown Area School District v. Chester County Board of Assessment Appeals, 913 A.2d 194, 199 (Pa. 2006)