

Bond Case Briefs

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Fish v. Township of Lower Merion

Supreme Court of Pennsylvania - December 21, 2015 - A.3d - 2015 WL 9282331

Taxpayers sought declaratory judgment, challenging township's imposition of its business privilege tax on taxpayers' lease revenue and application of registration requirements for any "business, trade, occupation or profession."

The Court of Common Pleas found in favor of township. Taxpayers appealed. The Commonwealth Court affirmed in part and reversed in part. Review was allowed.

The Supreme Court of Pennsylvania held that Township's application of business privilege tax to businesses whose sole income consisted of rent payments on leased real property was not barred by provision of Local Tax Enabling Act precluding "any tax" on leases or lease transactions. Prohibition on lease taxes did not encompass a similar proscription as to privileges related to leases; disapproving *Cheltenham Twp. v. Cheltenham Cinema, Inc.*, 548 Pa. 385, 697 A.2d 258, and *F.J. Busse Co. v. City of Pittsburgh*, 443 Pa. 349, 279 A.2d 14.