

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 823

PRINTER'S NO. 3060

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

February 28, 2011

PRIME SPONSOR

Representative Scavello

HISTORY OF BILL

Referred to LOCAL GOVERNMENT, Feb. 28, 2011

Reported as committed, April 27, 2011

First consideration, April 27, 2011

Laid on the table, April 27, 2011

Removed from table, June 15, 2011

Laid on the table, June 15, 2011

Removed from table, Sept. 27, 2011

Second consideration, Sept. 28, 2011

Re-committed to APPROPRIATIONS, Sept. 28, 2011

Re-reported as committed, Oct. 3, 2011

Third consideration and final passage, Oct. 3, 2011 (197-2)

In the Senate

Referred to LOCAL GOVERNMENT, Oct. 11, 2011

Reported as amended, Feb. 8, 2012

First consideration, Feb. 8, 2012

Re-referred to APPROPRIATIONS, March 5, 2012

Re-reported as committed, March 26, 2012

DESCRIPTION AND PURPOSE OF BILL

House Bill 823 amends the Pennsylvania Municipalities Planning Code (Act 247 of 1968) regarding notice to school districts on proposed residential developments. The legislation also establishes new Article XI-A entitled Wastewater Processing Cooperative Planning.

The legislation adds section 508.1 to Article V (Subdivision and Land Development) and adds subsection 711(f) to Article VII (Planned Residential Development) to require that each month a municipality notify in writing the superintendent of a school district in which a plan for a residential development was finally approved by the municipality during the preceding month. The notice shall include, but not be limited to, the location of the development, the number and types of units to be included in the development, and the expected construction schedule of the development.

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House Bill 823 establishes new Article XI-A regarding notification of and review by wastewater systems officials. Section 1102-A requires notification to wastewater systems officials by a person who files an application for development, plat approval, planned residential development, or a construction permit under section 502 of the Pennsylvania Construction Code Act. Article XI-A does not apply to the following:

1. An application that involves new construction or alteration or renovation of a one-family or two-family dwelling;
2. An application that has an approved sewer module; or
3. An application for which the Department of Environmental Protection has issued a determination that sewage planning is not required or has granted an exemption from sewage planning.

A person required to make notification shall provide written notification of filing the application to the wastewater system official serving the property identified in the application. A copy of the written notification shall be provided by the person to the municipality. No application subject to notification may be deemed by the municipality to be administratively complete until the municipality receives a copy of the written notification.

Upon receipt of the notification required by section 1102-A, the wastewater system official shall review the notification to determine the impact of the application on the wastewater system. Review by the wastewater system official shall be completed within 30 days of receipt, subject to a 15 day extension. If the municipality does not receive notice from the wastewater system official by the time prescribed, the municipality shall proceed with the application as if the application is in compliance with the requirements of the wastewater system.

Upon completion of the review, the wastewater system official shall notify the applicant and the municipality in writing of its findings, which shall include a statement regarding the expected impact of the application on the current wastewater system. If the application will cause the wastewater system to exceed its permitted capacity or will result in necessary upgrades to the system's infrastructure, the wastewater system official shall include the following:

1. Specific reasons causing the system to exceed capacity or require upgrades
2. The actions required by the applicant to address such impact, which shall be limited to obtaining approval of a sewage plan revision for new development, applying for a waiver or exemption, or providing calculations demonstrating the expected sewage flow.

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Except for applications which are exempt under section 1102-A, a municipality may not grant final approval of an application for development, plat approval or planned residential development unless final approval is conditioned upon receipt of a waiver of or an approved exemption from sewage planning or written approval of the application is received from the wastewater system official. A municipality may not approve an application for a construction permit under the Pennsylvania Construction Code Act.

The act shall take effect in 60 days.

FISCAL IMPACT:

House Bill 823 will have no fiscal impact on Commonwealth funds.

With regard to notification of school districts in which a development plan received final approval, the legislation will have a minimal fiscal impact on local government funds.

Under new Article XI-A, wastewater system officials are required to review notification of the filing of an application from a land developer to determine the impact of an application on a wastewater system and report its findings to the applicant and municipality. However, if the wastewater system official does not provide notice to a municipality within the time prescribed, the application will be deemed to be in compliance.

The limited review and notification process required by House Bill 823 should not result in significantly increased costs and should be absorbed within a municipal authority's current budget. The Municipality Authorities Act (Chapter 56 of Title 53) allows municipal authorities to fix reasonable and uniform rates in the area served by its facilities.