

STATE PLANNING CODE

Act of May. 20, 1949, P.L. 1608, No. 485

Cl. 78

AN ACT

Merging and consolidating State housing with State planning; merging the State Board of Housing with the State Planning Board; establishing a State Planning Code; and repealing certain acts.

Compiler's Note: Section 301(a)(9) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that housing, community assistance and other functions under Act 485 are transferred from the Department of Community Affairs to the Department of Community and Economic Development.

TABLE OF CONTENTS

Section 1. Short Title.
Section 2. State Planning Board.
Section 3. Powers and Duties of the Board.
Section 3.1. Powers and Duties of the Department of Community Affairs.
Section 4. Eminent Domain.
Section 5. Cooperation of Other Agencies.
Section 6. Submission of Plans to Governor.
Section 7. Investigative Powers of the Department.
Section 8. Procedure and Appeal.
Section 9. Reports from Housing or Redevelopment Authorities.
Section 10. Supervision of Members of Authorities.
Section 11. Expenditure of Money.
Section 12. Repeal.
Section 13. Effective Date.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.--This act shall be known and may be cited as the "State Planning Code."

Section 2. State Planning Board.--The State Planning Board with which is hereby merged and consolidated the State Board of Housing shall be a departmental administrative board within the Department of Commerce and shall be deemed subject to all the provisions of "The Administrative Code of 1929," as now or hereafter amended, which apply generally to departmental administrative boards.

Compiler's Note: The Department of Commerce, referred to in this section, was renamed the Department of Community and Economic Development by Act 58 of 1996.

Section 3. Powers and Duties of the Board.--The State Planning Board shall have the power to--

(1) Conduct and stimulate research and to collect, compile and analyze data bearing upon all industrial, commercial, social and physical factors which may influence the present and future welfare of the State, including industrial and agricultural productivity, resources of soil, minerals, water and forest products, population growth, employment, income, transportation, housing, recreational facilities, protection from floods and other natural hazards, public construction, stream pollution,

highway protection, and other fields vital to the public welfare.

(2) Prepare and from time to time perfect, plans or programs for the physical and economic development of the State by the State, its agencies and political subdivisions. Such plans or programs, with any accompanying maps, plats, charts, descriptive matter, and administrative or legislative proposals shall show the board's recommendations for the development of the State and may include, among other subjects, plans or programs for the encouragement of industry and commerce, for community development, and for parkways, bridges, waterways, port facilities, flood prevention work, parks, reservations, forests, wild life refuges, airports, drainage or sanitary systems and works, motor vehicle routes, public buildings, and other public works which by reason of their function, size, extent, location, or legal status, are of State-wide, as distinguished from merely local concern, or the location, construction, or authorization of which falls, according to law, within the province of State agencies or officials and which are appropriate subjects of a State, as distinguished from merely local program or plan, and for the general location and extent of existing or proposed forests, agricultural areas, and other development areas, for purposes of conservation, food and water supply, sanitary or drainage facilities, highway protection, and the protection and encouragement of urban and rural development; also, a land utilization program, including the general classification and allocation of the land within the State amongst mineral, agricultural, soil conservation, water conservation, forestry, recreational, industrial, urbanization, housing, and other uses and purposes.

(3) Advise with the various State departments and bureaus and with local authorities and individuals with a view to the coordinating of all physical and economic development plans including plans for highway, airway and air terminals, parkways, parks, water supply development, flood control, land use, recreation areas, and forest reservations, and such other things as are related to an ordered and comprehensive development of the State by the State, its agencies and political subdivisions.

(4) Prepare, amend, and keep up to date, a long-term development program of all major State improvement projects. The public works program so prepared shall be a comprehensive construction and financial program covering a long-term period and shall be prepared in consultation with the several State departments for the purpose of assisting, by long-term budgeting of capital expenditures, in stabilizing industry and employment by promoting the planning and timing of public works within the State and by the elimination of unplanned, untimely, unnecessary and extravagant projects. All State departments, divisions and officials shall submit their respective long-term programs and proposals for improvements for the information of the board. The board shall encourage the preparation of detailed plans for construction projects by the departments, boards, commissions, and other agencies of the State. All plans for all projects as enumerated above and originating under whatsoever authority or department shall be presented to the State Planning Board for its information when first taken under consideration by such authority or department and in a preliminary form. The public works program shall be revised annually for the purpose of extending it one year in the future and a report thereon shall be submitted by the board to the Governor once a year, or more often if requested by the Governor. It shall also be the duty of the board to promote and encourage the development of similar

public works programs in the various political subdivisions of the State and to coordinate local public works programs where joint action is required.

(5) ((5) repealed Feb. 2, 1966, 1965 P.L.1899, No.604)

(6) Collect, analyze and publish information relating to the proper economic and physical development of the State and the conservation of its natural resources, and make such recommendations thereon to the Governor as it may deem proper and advisable.

(7) ((7) repealed Feb. 2, 1966, 1965 P.L.1899, No.604)

(8) ((8) repealed Feb. 2, 1966, 1965 P.L.1899, No.604)

(9) ((9) repealed Feb. 2, 1966, 1965 P.L.1899, No.604)

(10) ((10) repealed Feb. 2, 1966, 1965 P.L.1899, No.604)

(11) ((11) repealed Feb. 2, 1966, 1965 P.L.1899, No.604)

(12) ((12) repealed Feb. 2, 1966, 1965 P.L.1899, No.604)

(13) ((13) repealed Feb. 2, 1966, 1965 P.L.1899, No.604)

(14) ((14) repealed Feb. 2, 1966, 1965 P.L.1899, No.604)

(15) ((15) repealed Feb. 2, 1966, 1965 P.L.1899, No.604)

Section 3.1. Powers and Duties of the Department of Community Affairs.--The Department of Community Affairs shall have the power to:

(1) Cooperate with county, municipal and regional planning commissions, zoning commissions, parks or recreation boards, community development groups, and similar agencies created for the purposes of aiding and encouraging an orderly productive and coordinated development of the State, and encourage and assist in their creation; and also, to cooperate with planning boards and similar bodies of other states and of the Federal government in formulating comprehensive regional plans and in the solution of regional problems. The department also shall cooperate with and enlist the support of civic bodies, corporations and individuals in the attainment of these and similar objectives.

(2) Study housing conditions and needs throughout the Commonwealth and devise ways and means of eliminating conditions of bad housing, such as slums or unsafe, unsanitary, inadequate, or overcrowded dwellings, or a combination of these conditions, accompanied and aggravated by an acute shortage of decent, safe and sanitary dwellings, and of securing economies in the construction or renovation of dwellings so that additional safe and sanitary houses may become available.

(3) Collect or develop and distribute information relating to housing, to improved methods of construction, planning and financing of housing, to the administration of public housing authorities, and to the construction, maintenance and operation of projects by such authorities.

(4) Suggest and assist in the preparation of legislation relating to housing conditions and needs, building codes, health and sanitation standards, and advise and assist municipalities in the formulation of ordinances relating thereto.

(5) Develop, administer or assist in the administration of any State program for the providing of housing.

(6) Exercise such jurisdiction and powers of supervision over housing authorities and their projects and redevelopment authorities and their projects as provided for in this act or as otherwise prescribed by law.

(7) Encourage, approve, supervise and control the organization and operation of limited dividend housing companies and their projects.

(8) Recommend or approve areas, which areas may be within, adjacent to, or separate and apart from, areas of bad housing, as designated by the department, within which the development

of housing projects by limited dividend housing companies may be undertaken.

(9) Cooperate with local or regional housing officials, agencies or authorities, as well as with those of other states and of the Federal government.

(10) Promulgate rules and regulations to enforce and effectuate the purposes of this act.

(3.1 added Feb. 2, 1966, 1965 P.L.1899, No.604)

Section 4. Eminent Domain.--The Department of Community Affairs shall have the power, in the name of the Commonwealth, to exercise the right of eminent domain in the manner provided by law for the exercise of such right by cities or counties, as the case may be, of the same class as the city or county in which such department has approved the initiation of a project. Title to any property acquired by the department through eminent domain shall be an absolute or fee simple title unless a lesser title shall be designated in the eminent domain proceedings. If any of the real property in the area which is to be acquired has, prior to such acquisition, been devoted to another public use, it may nevertheless be acquired by condemnation: Provided, That no real property belonging to a city, county, borough, town or township, or to the Commonwealth, may be acquired without its consent. No real property belonging to a public utility corporation may be acquired without the approval of the Pennsylvania Public Utility Commission.

(4 amended Feb. 2, 1966, 1965 P.L.1899, No.604)

Section 5. Cooperation of Other Agencies.--The State Planning Board may request from the various State departments and other agencies and authorities of the Commonwealth and its political subdivisions and their agencies and authorities such available information as it may require in its work, and all these agencies and authorities shall, within a reasonable time, furnish such requested information to the board.

Section 6. Submission of Plans to Governor.--The board, at any time, may submit its plans or programs or any portion thereof to the Governor, with recommendation for official approval, but it shall annually submit to the Governor a report on its program and activities.

Section 7. Investigative Powers of the Department.--The Secretary of Community Affairs or any duly authorized representative, when authorized to do so by the secretary, may hold public hearings, and in conducting public hearings may administer oaths and take affidavits. The secretary or his duly authorized agents shall have the power to make personal inspections of all places concerned in the performance of their duties.

(7 amended Feb. 2, 1966, 1965 P.L.1899, No.604)

Compiler's Note. The Secretary of Community Affairs, referred to in this section, was abolished by Act 58 of 1996 and his functions were transferred to the Secretary of Community and Economic Development.

Section 8. Procedure and Appeal.--All actions of the department shall be taken subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with the provisions of the "Administrative Agency Law" approved the fourth day of June, one thousand nine hundred forty-five (Pamphlet Laws 1388), or any amendment or reenactment thereof, relating to adjudication procedure.

(8 amended Feb. 2, 1966, 1965 P.L.1899, No.604)

Section 9. Reports from Housing or Redevelopment Authorities.--The department may require a Housing or

Redevelopment Authority to file periodical reports in addition to annual reports, but not oftener than quarterly, covering its operations and activities. Such reports shall be in a form prescribed by the department. The department may, from time to time, require from such an authority or any member thereof and authorities and members are directed to give, specific answers to questions upon which the department may require information in order to effectuate the purposes of this act.

(9 amended Feb. 2, 1966, 1965 P.L.1899, No.604)

Section 10. Supervision of Members of Authorities.--If it shall appear to the department that any member or employee of a Housing Authority or of an Urban Redevelopment Authority has had any undisclosed interest in any property included in any project of such authority or in any contract for materials or services furnished to such authority, the department shall call the fact to the attention of the Attorney General that appropriate action may be taken to surcharge such member or employee.

(10 amended Feb. 2, 1966, 1965 P.L.1899, No.604)

Section 11. Expenditure of Money.--The State Planning Board is hereby authorized and empowered to use and expend any funds coming into its hands for the purposes of this act and it is authorized and empowered to accept and use any funds provided by the United States Government or any agency thereof or of gifts made for such purposes.

Section 12. Repeal.--The following acts and their amendments are hereby repealed.

The act, approved the thirtieth day of July, one thousand nine hundred and thirty-six (Pamphlet Laws 81), entitled "An act to create a State Planning Board; prescribing its powers and duties; imposing certain duties upon political subdivisions; and making an appropriation."

The act, approved the fifth day of June, one thousand nine hundred and thirty-seven (Pamphlet Laws 1705), entitled, as amended "An act to promote public health, morals, safety, and welfare by providing for the supervision and encouragement of housing; creating a State Board of Housing, a departmental administrative board within the Department of Commerce; providing for the organization of the board, the appointment and removal of its members; enumerating its duties and powers, including the powers to conduct investigations, issue subpoenas, apply to courts for punishment of contempts, make orders, rules and regulations, prescribe forms, require reports, supervise the operations of limited dividend housing companies and housing and redevelopment authorities and their members and employes; cooperate with local officials and bodies and with the Federal government; acquire property by eminent domain for limited dividend housing companies; commence actions to prevent violations of law and to surcharge members of authorities, supervise rental charged by limited dividend companies, charge fees for services; and generally to carry out the purposes of this act; providing for the selection and compensation of the board's employes, providing for appeals from its orders; and making an appropriation."

All other acts or parts of acts inconsistent herewith are hereby repealed.

Section 13. Effective Date.--This act shall become effective immediately upon final enactment.