

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1071 Session of
2015

INTRODUCED BY WARNER, EVANKOVICH, COHEN, DUNBAR, MILLARD,
LONGIETTI, DIAMOND, MURT, LAWRENCE, BLOOM, THOMAS, A. HARRIS,
ZIMMERMAN, GABLER AND TURZAI, APRIL 27, 2015

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 29, 2015

AN ACT

1 Amending the act of July 9, 2013 (P.L.362, No.54), entitled "An
2 act providing for permit extensions; and making a repeal,"
3 further providing for the definition of "approval" and for
4 existing approval.

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

7 Section 1. The definition of "approval" in section 2 of the
8 act of July 9, 2013 (P.L.362, No.54), known as the Development
9 Permit Extension Act, is amended to read:

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Approval." Any of the following:

15 (1) [Except] except as provided in [paragraph]

16 paragraphs (2) [,] AND (3) and ~~(4)~~, any government agency
17 approval, agreement, permit, including a building permit or
18 construction permit, or other authorization or decision:

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1 (i) allowing a development or construction project
2 to proceed; or

3 (ii) relating to or affecting development, granted
4 pursuant to a statute, regulation or ordinance adopted by
5 a municipality, including the following:

6 (A) 37 Pa.C.S. (relating to historical and
7 museums).

8 (B) 53 Pa.C.S. (relating to municipalities
9 generally).

10 (C) 68 Pa.C.S. Pt. II Subpt. B (relating to
11 condominiums).

12 (D) 68 Pa.C.S. Pt. II Subpt. C (relating to
13 cooperatives).

14 (E) 68 Pa.C.S. Pt. II Subpt. D (relating to
15 planned communities).

16 (F) The act of March 7, 1901 (P.L.20, No.14),
17 referred to as the Second Class City Law, as it
18 relates to development and construction.

19 (G) The act of May 16, 1923 (P.L.207, No.153),
20 referred to as the Municipal Claim and Tax Lien Law.

21 (H) The act of April 9, 1929 (P.L.177, No.175),
22 known as The Administrative Code of 1929.

23 (I) The act of June 23, 1931 (P.L.932, No.317),
24 known as The Third Class City Code, as it relates to
25 development and construction.

26 (J) The act of June 24, 1931 (P.L.1206, No.331),
27 known as The First Class Township Code, as it relates
28 to development and construction.

29 (K) The act of May 1, 1933 (P.L.103, No.69),
30 known as The Second Class Township Code, as it

1 relates to development and construction.

2 (L) The act of June 22, 1937 (P.L.1987, No.394),
3 known as The Clean Streams Law.

4 (M) The act of June 1, 1945 (P.L.1242, No.428),
5 known as the State Highway Law, as it relates to the
6 issuance of highway occupancy permits which are
7 regulated under 67 Pa. Code Ch. 441 (relating to
8 access to and occupancy of highways by driveways and
9 local roads) or which are affected by other laws or
10 regulations.

11 (N) The act of April 21, 1949 (P.L.665, No.155),
12 known as the First Class City Home Rule Act, as it
13 relates to development and construction.

14 (O) The act of July 28, 1953 (P.L.723, No.230),
15 known as the Second Class County Code.

16 (P) The act of August 9, 1955 (P.L.323, No.130),
17 known as The County Code.

18 (Q) The act of July 15, 1957 (P.L.901, No.399),
19 known as the Optional Third Class City Charter Law,
20 as it relates to development and construction.

21 (R) The act of January 24, 1966 (1965 P.L.1535,
22 No.537), known as the Pennsylvania Sewage Facilities
23 Act.

24 (S) The act of February 1, 1966 (1965 P.L.1656,
25 No.581), known as The Borough Code, as it relates to
26 development and construction.

27 (T) The act of July 31, 1968 (P.L.805, No.247),
28 known as the Pennsylvania Municipalities Planning
29 Code.

30 (U) The act of July 9, 1971 (P.L.206, No.34),

1 known as the Improvement of Deteriorating Real
2 Property or Areas Tax Exemption Act.

3 (V) The act of October 4, 1978 (P.L.851,
4 No.166), known as the Flood Plain Management Act.

5 (W) The act of October 4, 1978 (P.L.864,
6 No.167), known as the Storm Water Management Act.

7 (X) The act of November 26, 1978 (P.L.1375,
8 No.325), known as the Dam Safety and Encroachments
9 Act.

10 (Y) The act of November 10, 1999 (P.L.491,
11 No.45), known as the Pennsylvania Construction Code
12 Act.

13 (Z) The act of December 20, 2000 (P.L.724,
14 No.99), known as the Municipal Code and Ordinance
15 Compliance Act.

16 (Z.1) The act of June 22, 2001 (P.L.390, No.29),
17 known as the Conservation and Preservation Easements
18 Act.

19 (Z.2) The former act of May 16, 2002 (P.L.315,
20 No.46), known as the Community Services Block Grant
21 Act.

22 (Z.3) The act of February 22, 2008 (P.L.36,
23 No.4), entitled "An act authorizing the Department of
24 General Services, with the concurrence of the
25 Department of Environmental Protection, to lease to
26 VTE Philadelphia, LP, or its nominee, land within the
27 bed of the Delaware River in the City of
28 Philadelphia; and affirming the authority of the
29 General Assembly to enact certain conveyances."

30 (Z.4) The act of February 22, 2008 (P.L.41,

1 No.5), entitled "An act authorizing the Department of
2 General Services, with the concurrence of the
3 Department of Environmental Protection, to lease to
4 NCCB Associates, LP, or its nominee, land within the
5 bed of the Delaware River in the City of
6 Philadelphia; and affirming the authority of the
7 General Assembly to enact certain conveyances."

8 (Z.5) Soil erosion and sediment control plans
9 approved by a local soil conservation district under
10 25 Pa. Code Ch. 102 (relating to erosion and sediment
11 control).

12 (Z.6) The National Historic Preservation Act
13 (Public Law 89-665, 80 Stat. 915), to the extent the
14 Commonwealth has been empowered to administer,
15 approve or otherwise authorize activities under that
16 act.

17 (Z.7) The Federal Water Pollution Control Act
18 (62 Stat. 1155, 33 U.S.C. § 1251 et seq.), to the
19 extent the Commonwealth has been empowered to
20 administer, approve or otherwise authorize activities
21 under that act[.];

22 (2) [In] in cities of the first class and agencies
23 established by such cities, the term shall include only the
24 issuance of a building permit, a zoning use and registration
25 permit and any administrative approval, including an approval
26 by a board or commission, that is a condition precedent to
27 issuance of a building permit or zoning use and registration
28 permit to an owner of property[.]; OR <--

29 ~~(3) [Creating] creating additional units and common~~ <--
30 ~~elements [out of] by converting convertible real estate in a~~

1 ~~condominium or planned community[.]; or~~

2 ~~(4) any other authorization provided for by statute,~~
3 ~~regulation or ordinance, relating to or affecting~~
4 ~~development.~~

5 [(3) CREATING ADDITIONAL UNITS AND COMMON ELEMENTS OUT <--
6 OF CONVERTIBLE REAL ESTATE IN A CONDOMINIUM OR PLANNED
7 COMMUNITY.]

8 (3) ANY AUTHORIZATION TO CREATE ADDITIONAL UNITS AND
9 COMMON ELEMENTS OUT OF CONVERTIBLE REAL ESTATE IN A
10 CONDOMINIUM OR PLANNED COMMUNITY OR OTHERWISE RELATING TO THE
11 RIGHT TO CONVERT CONVERTIBLE REAL ESTATE OR WITHDRAW
12 WITHDRAWABLE REAL ESTATE PURSUANT TO 68 PA.C.S. PT. II SUBPT.
13 B OR D.

14 * * *

15 Section 2. Section 3(a) of the act is amended to read:

16 Section 3. Existing approval.

17 (a) Automatic suspension.--[The expiration date of an
18 approval by a government agency] For an approval that is granted
19 for or in effect [during] between the beginning of the extension
20 period and July 2, 2013, whether obtained before or after the
21 beginning of the extension period, the running of the period of
22 the approval shall be automatically suspended [during the
23 extension period] until July 2, 2016.

24 * * *

25 Section 3. This act shall take effect in 60 days.