



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 823

PRINTERS NO. 3335

PRIME SPONSOR: Scavello

COST / (SAVINGS)

FUND	FY 2011/12	FY 2012/13
School District Funds	\$0	\$0
Municipal Funds	Minimal	Minimal
Municipal Authority Funds	Minimal	Minimal

SUMMARY: This legislation provides for notice to school districts on proposed residential developments. It also provides for notice to wastewater officials of proposed development and for review of applications to determine the effect on wastewater systems. This legislation would take effect in 60 days.

ANALYSIS: Amends the "Pennsylvania Municipalities Planning Code" regarding notice to school districts on proposed residential developments. It provides for notice to wastewater officials of proposed development and for review of applications to determine the effect on wastewater systems.

Proposed Residential Developments: This legislation would require municipalities each month to notify in writing the superintendent of a school district in which a development plan received final approval by the municipality in the preceding month. The notice shall include, but is not limited to, the location of the development, the number and types of units to be built, and the expected construction schedule.

Wastewater Processing Planning: The legislation also amends the Code and adds Article XI-A, "Wastewater Processing Cooperative Planning" for municipalities utilizing a county wastewater treatment authority incorporated in a Second Class A County. This new article would require that a person who files an application for land development or a construction permit under Section 502 of the PA Construction Code Act shall provide written notice of the filing of the application to the wastewater system official serving the property. A copy of the notice shall also be provided to the municipality. Failure to provide a copy to the municipality would deem the application incomplete.

The following applicants are exempt from the notification:

- one or two family home,
- an application that has an approved sewer module, or
- an application for which PA DEP has issued a determination that sewage planning is not required or has granted an exemption from sewage planning

Wastewater System Review: Upon receipt of the notice, the wastewater official shall review the notice to determine the impact of the application on the wastewater system. The review shall be completed within 30 days of receipt of the notification. An additional 15 days may be granted by the municipality for "good cause shown." If the municipality fails to receive notice from the wastewater official within the allotted time period, the municipality shall proceed with the application.

Upon completion of the review, the wastewater official shall notify the applicant and the municipality in writing of its findings. The findings shall include a statement regarding the expected impact of the application on the current wastewater system. If it is determined that the application will cause the wastewater system to exceed its permitted capacity or will result in necessary upgrades to the wastewater system, the written statement shall include:

- Specific reasons causing the wastewater system to exceed its permitted capacity or the need for upgrades.
- The actions required to be taken by the applicant to address such impact, which shall be limited to:
 1. obtaining approval of a sewage plan revision for new development as required by the PA Sewage Facilities Act (Act 537 of 1966),
 2. applying for a waiver or exemption of sewage planning, or
 3. providing calculations demonstrating the expected sewage flow.

Approval of Applications: 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; or
- Approve an application for a construction under Section 502 of the PA Construction Code Act (Act 45 of 1999).

FISCAL IMPACT: This legislation may have a minimal fiscal impact on municipal funds due to the requirement that the municipality must notify a school district in which a development plan received final approval.

The review and notification process required by the legislation may have a minimal fiscal impact on municipal authority funds. This legislation would have no adverse impact on Commonwealth funds.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: April 4, 2012

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.