



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 823

PRINTERS NO. 3792

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.

Notice to School Districts: Each month municipalities shall notify, in writing, the superintendent of a school district in which a development plan receives final approval by the municipality in 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 built, and the expected construction schedule.

Notice to Certain Wastewater System Officials: This legislation provides that any person who files an application with a municipality for land development or a building permit shall provide written notification of the filing with the wastewater system official serving the property. A copy of the notice to the wastewater system official shall be provided to the municipality.

These provisions do not apply to:

- (i) an application that involves new construction or alteration or renovation of a one or two family dwelling;
- (ii) an application that has an approved sewer module; or
- (iii) an application for which the Department of Environmental Protection (DEP) has issued a determination that sewage planning is not required or has granted an exemption from sewage planning.

Upon receipt of the required notification, the wastewater system official shall review the notification to determine the impact of the application on the wastewater system. The wastewater system official may request additional information, including a copy of the application, from the applicant.

The review by the wastewater system official shall be completed within 30 days of receipt of the required notification unless another statute provides a shorter time period, in which case the shorter time period shall apply. For good cause shown, the wastewater system official may request and the municipality shall grant an extension of up to 15 days. If a municipality does not receive any notice from the wastewater system official within the time periods noted, 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 wastewater system's infrastructure, the written notice of the wastewater system official shall include specific reasons that are causing the wastewater system to exceed its permitted capacity or the necessity for upgrades to the system's infrastructure.

Any person aggrieved by a decision of a wastewater system official shall be entitled to seek the remedies provided under the Pennsylvania Sewage Facilities Act (Act 537 of 1965).

These provisions shall apply to applications for land development and building permits if the property will utilize wastewater treatment service provided by a county wastewater treatment authority incorporated in a county of the second class A.

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 fiscal impact on Commonwealth funds.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: June 26, 2012

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