



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 1484

PRINTERS NO. 3209

PRIME SPONSOR: **Stevenson**

### COST / (SAVINGS)

FUND	FY 2011/12	FY 2012/13
Municipal Funds	\$0	\$0

**SUMMARY:** Amends the "PA Municipalities Planning Code" regarding mailed notice and electronic notice of certain public meetings. This legislation would take effect in 60 days.

**ANALYSIS:** This legislation would amend several provisions of the "PA Municipalities Planning Code" (MPC) regarding sending mailed notice and electronic notice to persons who have requested written notice of public meetings.

This legislation would add Section 109 to the Code. Under this section:

- (1) Mailed notice shall be required only if a landowner or an owner of a mineral interest in land within a municipality has made a request for mailed notice and has supplied the municipality with a stamped, self-addressed envelope prior to the public hearing.
- (2) Electronic notice shall be required only if a landowner or an owner of a mineral interest in land within a municipality has made a request that electronic notice be sent and has supplied the municipality with an email address prior to the public hearing and the municipality has the capability of generating an electronic notice. The requesting party may subsequently cancel their request for electronic notice.
- (3) The party requesting mailed notice shall be solely responsible for the number, accuracy and sufficiency of the envelopes supplied. The municipality shall not be liable if the requesting party fails to provide any change of address to the municipality.
- (4) The party requesting electronic notice shall be solely responsible for the accuracy and functioning of the email address provided to the municipality. The municipality shall not be liable if the requesting party fails to provide any change of email address to the municipality.

- (5) A municipality shall mail the notice or provide electronic notice not more than 30 and not less than seven (7) days prior to the scheduled date of the hearing.

HB1484/PN3209

-2-

- (6) For each public hearing for which a mailed notice or electronic notice has been requested, the municipal secretary shall prepare, sign and maintain a list of all mailed notices, mailing dates, electronic notice and electronic notice dates. The signed list shall constitute a presumption that the notice was given.
- (7) The mailed notice shall be deemed received by a requesting party on the date deposited in the United States mail.
- (8) The electronic notice shall be deemed received by a requesting party on the date the municipality electronically notifies the owner.
- (9) Failure of a landowner or an owner of a mineral interest to receive a requested mailed notice or electronic notice shall not be deemed to invalidate any action or proceedings under this act.

"Electronic notice" is defined as notice given by a municipality through the internet to a landowner or an owner of a mineral interest in land of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

"Mailed notice" is defined as notice given by a municipality by first class mail to a landowner or an owner of a mineral interest in land of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

Provisions regarding mailed notice and electronic notice will apply to sections of the MPC governing the adoption and amendment of:

- Municipal, multi-municipal and county comprehensive plans,
- Official maps,
- Subdivision and land development ordinances, and
- Zoning ordinances.

**FISCAL IMPACT:** This legislation would have no adverse fiscal impact on Commonwealth or municipal funds.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** May 3, 2012

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