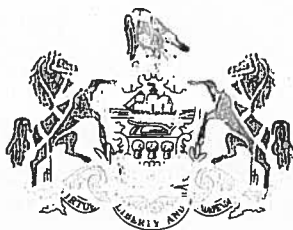


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House of Representatives

Commonwealth of Pennsylvania
Harrisburg

COMMITTEES

LOCAL GOVERNMENT,
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MEMORANDUM

TO: All House Members

FROM: Representative Thomas C. Creighton *T.C.C.*

DATE: May 25, 2011

SUBJECT: Cosponsorship – Review of Development Plans

I plan to introduce legislation which would amend the Pennsylvania Municipalities Planning Code (MPC) and the Municipal Authorities Act (MAA) by making minor changes regarding the review and oversight of development plans. I believe these changes will help contractors and developers with the timely pursuit of their projects, but will have minimal effect on municipalities.

The first change would amend the MPC to require municipalities to provide a list of at least three (3) approved professionals (all from different firms) who would be available to review development plans. This change addresses the situation where, for example, the consideration of development plans is delayed because the municipal engineer is overloaded with work and too busy to review the plans quickly. Under this bill the applicant would be permitted to choose one of the three approved professionals to review their plan and proceed with their project.

The second change involves the amount of financial security that may be retained as public improvements are completed, certified by the municipal engineer and dedicated to the municipality. Currently, municipalities may require financial security not to exceed 110% of the cost of required public improvements to insure that the public improvements are completed as approved by the municipality. As the public improvements are completed the party posting the financial security may request that the governing body release portions of the financial security. Section 509(j) of the MPC states that prior to the final release of financial security at the time of completion and

certification by its engineer, the municipality may require retention of 10% of the financial security. Some municipalities have interpreted this section as requiring the submission of 10% of 'new' financial security, not merely retaining 10% of the original 110%. In these cases the municipality is requiring 20% in financial security which is not the intent of the MPC. My proposal would remove the sentence indicating that the municipality may require retention of 10% in an attempt to avoid this confusion.

The third change would extend from 30 days to 180 days the time period for a property owner to dispute the amount of review fees. The MPC currently only grants a property owner 30 days after the receipt of a bill to notify the municipality that they intend to dispute the fees. Failure to dispute a bill within 30 days results in a waiver of the right to arbitration of that bill. Considering that this 30-day period runs in the midst of a busy project and perhaps with a holiday involved, my legislation would provide additional time for a property owner to file their intention to dispute review fees.

Finally, a companion bill would bring the Municipal Authorities Act in Title 53 into conformance with the MPC with respect to the changes cited above. The changes describe herein are supported by the Pennsylvania Builders Association.

If you would like to cosponsor this legislation, please contact Suzanne Stuck at [sstuck@pahousegop.com](mailto:ssstuck@pahousegop.com) or 787-3879.