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<b>President</b> John Olson <i>Wayne Pike BIA</i>	<b>Vice President</b> Thomas McCosby <i>Lawrence County BA</i>	<b>Secretary</b> Dean Hilliard <i>Central Susquehanna BA</i>	<b>Treasurer</b> Don Olsommer <i>Wayne Pike BIA</i>	<b>Secretary</b> Andréa Bledsoe <i>York BA</i>	<b>Immediate Past President</b> Cathy Sloan <i>HBA of Berks County</i>
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October 2, 2023

Testimony

Submitted on behalf of the Pennsylvania Builders Association

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## Riparian Buffers and HB1275

Before the:

House Environmental Resources and Energy Committee

Presented by:

Stephen Fleming, P.E

President, Biltbold Building Company



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Chairman Vitali, Chairman Causer, members of the House Environmental Resources and Energy Committee,

Thank you for the opportunity to testify before you this morning on behalf of the Pennsylvania Builders Association, the only statewide trade association advocating on behalf of the residential development community. My name is Stephen Fleming, I am the President of Biltbold Building Company, a custom home building and development company. I am also the current President of the Home Builders of Metro Harrisburg, and it is in that capacity that I am pleased to address you this morning regarding House Bill 1275 - Riparian Buffers.

Additionally, I am a board member of the Greater Harrisburg Association of Realtors, a licensed Real Estate Broker and Licensed Civil Engineer (P.E.). Prior to my career in home building and real estate, I was a consulting engineer in the land development and municipal sectors for over 16 years.

Today, I'm here to discuss House Bill 1275 which will significantly change the way Riparian Buffers are regulated within the State. Currently, riparian buffers are regulated under PA Code Chapter 102.14 which requires certain buffers be provided when disturbing more than one acre of property along a watercourse which requires a permit under Chapter 102. The current regulation provides for defined and detailed requirements as to what must be done, when and where.

House Bill 1275 proposes a significant expansion of the existing requirements. The new bill proposes an expansion in the form of the width of the buffers which are proposed to double or more depending upon the circumstances.

Mandatory buffer requirements do not allow for site specific conditions to be considered throughout Pennsylvania, prohibiting site design professionals from performing soil surveys to determine hydrological soil groups and slope variances that are the appropriate measures used to determine adequate buffer widths.



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The mandatory “one size fits all” buffer requirements will cause millions of dollars in direct loss for businesses and lost tax revenue, in the form of real property taxes to municipalities, school districts and counties each year and proscribe additional costs on homeowners related to the long-term operations and maintenance of the buffers.

DEP maintains final approval over all site development plans that use Best Management Practices to control erosion and sedimentation runoff during earth disturbance activities.

The new bill expands upon the instances that a property owner must go to the expense to design, permit, install, and formerly maintain said buffers beyond the disturbance of one acre to any activity that would require a building permit, grading permit, or any type of municipal approval.

House Bill 1275 expands restrictions of use of the property itself, requiring the filing of a formal conservation easement and deed restrictions to prevent such things as fertilization. Additionally, the bill includes requirements to replace each mature tree with an equal number of trees to its diameter. For example, a 36” tree would require the planting of 18 new 2” caliper trees.

The requirements in House Bill 1275 are an outright taking of people's private property and presents a significant increase in development and long-term ownership cost of property.

The National Association of Home Builders estimates<sup>1</sup> that for every \$1,000 dollar increase in median national home price of \$425,786– 140,436 more households are unable to afford a new home mortgage. In Pennsylvania those numbers are more sobering – the median home price is \$560,152, \$130,000 more than the national average. For every \$1000 added to the cost of a new home in

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<sup>1</sup> [NAHB Priced-Out Estimates for 2023](#)



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Pennsylvania, 2,528 further households will be unable to afford a new home mortgage.

On behalf of the Pennsylvania Builders Association and the more than 255,000 members and employees it represents, I thank you again for the opportunity to testify today and would be happy to take your questions.