

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2776 Session of
2010

INTRODUCED BY QUINN, BARRAR, CHRISTIANA, CLYMER, FREEMAN,
KAUFFMAN, M. KELLER, KILLION, OBERLANDER AND SWANGER,
OCTOBER 12, 2010

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, OCTOBER 12, 2010

AN ACT

1 Providing for the extension of certain permits and approvals
2 affecting the physical development of real property located
3 in municipalities; and repealing certain provisions relating
4 to permit extensions in The Fiscal Code.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Real Property
9 Development Permit and Approval Extension Act.

10 Section 2. Legislative findings.

11 The General Assembly finds and declares as follows:

12 (1) There exists a state of national recession, which
13 has drastically affected various segments of the
14 Commonwealth's economy including, but not limited to, the
15 banking, real estate and construction sectors.

16 (2) As a result of the crisis in the real estate finance
17 sector of the economy, real estate developers and
18 redevelopers, including homebuilders and commercial, office

1 and industrial developers, have experienced an industry-wide
2 decline, including reduced demand, canceled orders, declining
3 sales and rentals, price reductions, increased inventory,
4 fewer buyers who qualify to purchase homes, layoffs and
5 scaled-back growth plans.

6 (3) The process of obtaining planning board and zoning
7 board approvals for subdivisions, site plans and variances
8 can be difficult, time consuming and expensive, both for
9 private applicants and government bodies.

10 (4) Due to the current inability of builders and their
11 purchasers to obtain financing, under existing economic
12 conditions, more and more once-approved permits and approvals
13 are expiring or lapsing and, as these permits and approvals
14 lapse, lenders must reappraise and thereafter substantially
15 lower real estate valuations established in conjunction with
16 approved projects, thereby requiring the reclassification of
17 numerous loans, which in turn, affects the stability of the
18 banking system and reduces the funds available for future
19 lending, thus creating more severe restrictions on credit and
20 leading to a vicious cycle of default.

21 (5) As a result of the continued downturn of the economy
22 and the continued expiration of permits and approvals which
23 were granted by the Commonwealth and its municipalities, it
24 is possible that thousands of government actions will be
25 undone by the passage of time.

26 (6) Obtaining an extension of a permit or an approval
27 under existing statutory or regulatory provisions can be both
28 costly in terms of time and financial resources and
29 insufficient to cope with the extent of the present financial
30 situation.

1 (7) It is the purpose of this act to prevent the
2 wholesale abandonment of approved projects and activities due
3 to the present unfavorable economic conditions by tolling the
4 term of these permits and approvals for a period of time,
5 thereby preventing a waste of public and private resources
6 and continuing real property development projects which may
7 help to eradicate previously blighted structures.

8 Section 3. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Approval." A permit or other government authorization or
13 approval for construction, erection, removal, demolition or
14 change in exterior dimension of any structure on the land or for
15 use or occupancy of any structure or land, including, but not
16 limited to:

17 (1) construction or erection of a structure;

18 (2) construction of an addition to a structure;

19 (3) altering, modifying, repairing or improving a
20 structure;

21 (4) demolishing, moving or removing a structure;

22 (5) installing any trailer, regardless of the method of
23 support;

24 (6) clearing, grubbing or disturbing the earth of any
25 land in excess of 5,000 square feet; or

26 (7) making a change of occupancy or any new use
27 commenced on any land or in any structure.

28 This term does not include any approval in the nature of a
29 license or contractual agreement.

30 Section 4. Extension of certain permits and approvals.

1 (a) General rule.--Except as provided in subsection (e), any
2 permit or approval issued by a municipality or by the
3 Commonwealth under:

4 (1) the act of June 1, 1945 (P.L.1242, No.428), known as
5 the State Highway Law;

6 (2) the act of November 26, 1978 (P.L.1375, No.325),
7 known as the Dam Safety and Encroachments Act, specifically,
8 any permit issued under 25 Pa. Code § 105.99 (relating to
9 dams in subdivision developments);

10 (3) section 5 of the act of June 22, 1937 (P.L.1987, No.
11 394), known as The Clean Streams Law;

12 (4) the act of January 24, 1966 (1965 P.L.1535, No.
13 537), known as the Pennsylvania Sewage Facilities Act;

14 (5) the act of October 4, 1978 (P.L.864, No.167), known
15 as the Storm Water Management Act; or

16 (6) any approvals pursuant to an ordinance of a city of
17 the first class, city of the second class or any other
18 municipality that chooses to opt into this act that pertains
19 to land use, including, but not limited to, building permits;
20 which expires after the effective date of this section and
21 before January 1, 2013, shall be extended once for one full
22 calendar year upon written request of the holder of the permit
23 or approval and payment of a fee to the issuing authority that
24 may, in the discretion of the issuing authority, be not more
25 than 50% of the original permit or approval fee, but in no
26 circumstances more than \$7,500.

27 (b) Optional extensions.--A municipality, other than a city
28 of the first class or a city of the second class, may, in its
29 discretion and in accordance with subsection (a), extend permits
30 or approvals issued by the municipality pertaining to land use.

1 (c) Independence from Commonwealth extensions.--Regardless
2 of any action by the Commonwealth to extend a permit or
3 approval, no municipality other than a city of the first class
4 or a city of the second class shall be required to extend any
5 permit or approval pertaining to the subject matter of the
6 Commonwealth's extension.

7 (d) Extension of authority for riparian land leases.--

8 (1) The time period relating to obtaining a building
9 permit under section 1(i) of the act of February 22, 2008
10 (P.L.36, No.4), entitled "An act authorizing the Department
11 of General Services, with the concurrence of the Department
12 of Environmental Protection, to lease to VTE Philadelphia,
13 LP, or its nominee, land within the bed of the Delaware River
14 in the City of Philadelphia; and affirming the authority of
15 the General Assembly to enact certain conveyances," shall be
16 extended until January 1, 2011, or one year from the
17 effective date of this subsection, whichever is later.

18 (2) The time period relating to obtaining a building
19 permit under section 1(i) of the act of February 22, 2008
20 (P.L.41, No.5), entitled "An act authorizing the Department
21 of General Services, with the concurrence of the Department
22 of Environmental Protection, to lease to NCCB Associates, LP,
23 or its nominee, land within the bed of the Delaware River in
24 the City of Philadelphia; and affirming the authority of the
25 General Assembly to enact certain conveyances," shall be
26 extended until January 1, 2011, or one year from the
27 effective date of this subsection, whichever is later.

28 (e) Exceptions.--The provisions of subsection (a) shall not
29 apply to:

30 (1) Any permit or approval issued for real property that

1 potentially impacts waters of this Commonwealth designated as
2 high quality or exceptional value watersheds or wetlands.

3 (2) Any other permit or approval issued under any
4 Federal or State law or regulation.

5 (3) Any permit or approval issued to comply with Federal
6 law or regulation, the duration or terms of expiration of
7 which is established by or pursuant to Federal law or
8 regulation.

9 Section 5. Construction.

10 Notwithstanding the provisions of this act to the contrary,
11 the Commonwealth or a municipality shall retain the authority:

12 (1) to suspend or revoke any permit or approval extended
13 for noncompliance with any condition or requirement
14 applicable to the permit or approval; and

15 (2) where granted by statute or regulation, to enforce
16 conditions on permits and approvals.

17 Section 6. Repeal.

18 Article XVI-I of the act of April 9, 1929 (P.L.343, No.176),
19 known as The Fiscal Code, is repealed.

20 Section 7. Effective date.

21 This act shall take effect immediately.