

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 784 Session of
2013

INTRODUCED BY EVANKOVICH, DENLINGER, GABLER, C. HARRIS,
F. KELLER, M. K. KELLER, KNOWLES, KORTZ, LAWRENCE, LONGIETTI,
LUCAS, METCALFE, OBERLANDER, SAINATO, KAMPF, GILLEN,
R. BROWN, HARKINS, HELM, REGAN AND SCAVELLO,
FEBRUARY 25, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 9, 2013

AN ACT

1 ~~Amending the act of April 9, 1929 (P.L.343, No.176), entitled, <--~~
2 ~~as amended, "An act relating to the finances of the State~~
3 ~~government; providing for the settlement, assessment,~~
4 ~~collection, and lien of taxes, bonus, and all other accounts~~
5 ~~due the Commonwealth, the collection and recovery of fees and~~
6 ~~other money or property due or belonging to the Commonwealth,~~
7 ~~or any agency thereof, including escheated property and the~~
8 ~~proceeds of its sale, the custody and disbursement or other~~
9 ~~disposition of funds and securities belonging to or in the~~
10 ~~possession of the Commonwealth, and the settlement of claims~~
11 ~~against the Commonwealth, the resettlement of accounts and~~
12 ~~appeals to the courts, refunds of moneys erroneously paid to~~
13 ~~the Commonwealth, auditing the accounts of the Commonwealth~~
14 ~~and all agencies thereof, of all public officers collecting~~
15 ~~moneys payable to the Commonwealth, or any agency thereof,~~
16 ~~and all receipts of appropriations from the Commonwealth,~~
17 ~~authorizing the Commonwealth to issue tax anticipation notes~~
18 ~~to defray current expenses, implementing the provisions of~~
19 ~~section 7(a) of Article VIII of the Constitution of~~
20 ~~Pennsylvania authorizing and restricting the incurring of~~
21 ~~certain debt and imposing penalties; affecting every~~
22 ~~department, board, commission, and officer of the State~~
23 ~~government, every political subdivision of the State, and~~
24 ~~certain officers of such subdivisions, every person,~~
25 ~~association, and corporation required to pay, assess, or~~
26 ~~collect taxes, or to make returns or reports under the laws~~
27 ~~imposing taxes for State purposes, or to pay license fees or~~
28 ~~other moneys to the Commonwealth, or any agency thereof,~~
29 ~~every State depository and every debtor or creditor of the~~
30 ~~Commonwealth," in permit extensions, further providing for~~

1 ~~existing approval.~~
2 PROVIDING FOR PERMIT EXTENSIONS; AND MAKING A REPEAL. <--

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 ~~Section 1. Section 1603 I(a) and (b) of the act of April 9, <--~~
6 ~~1929 (P.L.343, No.176), known as The Fiscal Code, added July 6,~~
7 ~~2010 (P.L.279, No.46), are amended and the section is amended by~~
8 ~~adding a subsection to read:~~

9 ~~Section 1603 I. Existing approval.~~

10 ~~(a) Automatic suspension. [The expiration date of an~~
11 ~~approval by a government agency that is granted for or in effect~~
12 ~~during the extension period, whether obtained before or after~~
13 ~~the beginning of the extension period, shall be automatically~~
14 ~~suspended during the extension period.] For any approval by a~~
15 ~~government agency that is granted for or in effect between the~~
16 ~~beginning of the extension period and July 2, 2013, whether~~
17 ~~obtained before or after the beginning of the extension period,~~
18 ~~the running of the period of the approval shall be automatically~~
19 ~~suspended until July 2, 2016.~~

20 * * *

21 ~~(a.2) Limitation. Any government approval granted after~~
22 ~~July 2, 2013, shall not be extended beyond the normal approval~~
23 ~~periods of the government agency without the permission or~~
24 ~~approval of the government agency.~~

25 ~~(b) Duration. [Nothing in this section shall shorten the~~
26 ~~term or duration an approval relating to development would have~~
27 ~~had in the absence of the enactment of this section.] The~~
28 ~~extension period established by this act shall be the maximum~~
29 ~~approval period authorized by this article and shall supersede~~
30 ~~the normal time period for approvals relating to development.~~
31 ~~Nothing in this section shall prohibit the [granting of]~~

1 ~~government agency from granting additional extensions as~~
2 ~~provided by law.~~

3 * * *

4 ~~Section 2. This act shall take effect immediately.~~

5 SECTION 1. SHORT TITLE.

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6 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE DEVELOPMENT
7 PERMIT EXTENSION ACT.

8 SECTION 2. 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."

13 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), ANY GOVERNMENT
14 AGENCY APPROVAL, AGREEMENT, PERMIT, INCLUDING A BUILDING
15 PERMIT OR CONSTRUCTION PERMIT, OR OTHER AUTHORIZATION OR
16 DECISION:

17 (I) ALLOWING A DEVELOPMENT OR CONSTRUCTION PROJECT
18 TO PROCEED; OR

19 (II) RELATING TO OR AFFECTING DEVELOPMENT, GRANTED
20 PURSUANT TO A STATUTE, REGULATION OR ORDINANCE ADOPTED BY
21 A MUNICIPALITY, INCLUDING THE FOLLOWING:

22 (A) 37 PA.C.S. (RELATING TO HISTORICAL AND
23 MUSEUMS).

24 (B) 53 PA.C.S. (RELATING TO MUNICIPALITIES
25 GENERALLY).

26 (C) 68 PA.C.S. PT. II SUBPT. B (RELATING TO
27 CONDOMINIUMS).

28 (D) 68 PA.C.S. PT. II SUBPT. C (RELATING TO
29 COOPERATIVES).

30 (E) 68 PA.C.S. PT. II, SUBPT. D (RELATING TO

1 PLANNED COMMUNITIES).

2 (F) THE ACT OF MARCH 7, 1901 (P.L.20, NO.14),
3 REFERRED TO AS THE SECOND CLASS CITY LAW, AS IT
4 RELATES TO DEVELOPMENT AND CONSTRUCTION.

5 (G) THE ACT OF MAY 16, 1923 (P.L.207, NO.153),
6 REFERRED TO AS THE MUNICIPAL CLAIM AND TAX LIEN LAW.

7 (H) THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),
8 KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

9 (I) THE ACT OF JUNE 23, 1931 (P.L.932, NO.317),
10 KNOWN AS THE THIRD CLASS CITY CODE, AS IT RELATES TO
11 DEVELOPMENT AND CONSTRUCTION.

12 (J) THE ACT OF JUNE 24, 1931 (P.L.1206, NO.331),
13 KNOWN AS THE FIRST CLASS TOWNSHIP CODE, AS IT RELATES
14 TO DEVELOPMENT AND CONSTRUCTION.

15 (K) THE ACT OF MAY 1, 1933 (P.L.103, NO.69),
16 KNOWN AS THE SECOND CLASS TOWNSHIP CODE, AS IT
17 RELATES TO DEVELOPMENT AND CONSTRUCTION.

18 (L) THE ACT OF JUNE 22, 1937 (P.L.1987, NO.394),
19 KNOWN AS THE CLEAN STREAMS LAW.

20 (M) THE ACT OF JUNE 1, 1945 (P.L.1242, NO.428),
21 KNOWN AS THE STATE HIGHWAY LAW, AS IT RELATES TO THE
22 ISSUANCE OF HIGHWAY OCCUPANCY PERMITS WHICH ARE
23 REGULATED UNDER 67 PA. CODE CH. 441 (RELATING TO
24 ACCESS TO AND OCCUPANCY OF HIGHWAYS BY DRIVEWAYS AND
25 LOCAL ROADS) OR WHICH ARE AFFECTED BY OTHER LAWS OR
26 REGULATIONS.

27 (N) THE ACT OF APRIL 21, 1949 (P.L.665, NO.155),
28 KNOWN AS THE FIRST CLASS CITY HOME RULE ACT, AS IT
29 RELATES TO DEVELOPMENT AND CONSTRUCTION.

30 (O) THE ACT OF JULY 28, 1953 (P.L.723, NO.230),

1 KNOWN AS THE SECOND CLASS COUNTY CODE.

2 (P) THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130),
3 KNOWN AS THE COUNTY CODE.

4 (Q) THE ACT OF JULY 15, 1957 (P.L.901, NO.399),
5 KNOWN AS THE OPTIONAL THIRD CLASS CITY CHARTER LAW,
6 AS IT RELATES TO DEVELOPMENT AND CONSTRUCTION.

7 (R) THE ACT OF JANUARY 24, 1966 (1965 P.L.1535,
8 NO.537), KNOWN AS THE PENNSYLVANIA SEWAGE FACILITIES
9 ACT.

10 (S) THE ACT OF FEBRUARY 1, 1966 (1965 P.L.1656,
11 NO.581), KNOWN AS THE BOROUGH CODE, AS IT RELATES TO
12 DEVELOPMENT AND CONSTRUCTION.

13 (T) THE ACT OF JULY 31, 1968 (P.L.805, NO.247),
14 KNOWN AS THE PENNSYLVANIA MUNICIPALITIES PLANNING
15 CODE.

16 (U) THE ACT OF JULY 9, 1971 (P.L.206, NO.34),
17 KNOWN AS THE IMPROVEMENT OF DETERIORATING REAL
18 PROPERTY OR AREAS TAX EXEMPTION ACT.

19 (V) THE ACT OF OCTOBER 4, 1978 (P.L.851,
20 NO.166), KNOWN AS THE FLOOD PLAIN MANAGEMENT ACT.

21 (W) THE ACT OF OCTOBER 4, 1978 (P.L.864,
22 NO.167), KNOWN AS THE STORM WATER MANAGEMENT ACT.

23 (X) THE ACT OF NOVEMBER 26, 1978 (P.L.1375,
24 NO.325), KNOWN AS THE DAM SAFETY AND ENCROACHMENTS
25 ACT.

26 (Y) THE ACT OF NOVEMBER 10, 1999 (P.L.491,
27 NO.45), KNOWN AS THE PENNSYLVANIA CONSTRUCTION CODE
28 ACT.

29 (Z) THE ACT OF DECEMBER 20, 2000 (P.L.724,
30 NO.99), KNOWN AS THE MUNICIPAL CODE AND ORDINANCE

1 COMPLIANCE ACT.

2 (Z.1) THE ACT OF JUNE 22, 2001 (P.L.390, NO.29),
3 KNOWN AS THE CONSERVATION AND PRESERVATION EASEMENTS
4 ACT.

5 (Z.2) THE FORMER ACT OF MAY 16, 2002 (P.L.315,
6 NO.46), KNOWN AS THE FORMER COMMUNITY SERVICES BLOCK
7 GRANT ACT.

8 (Z.3) THE ACT OF FEBRUARY 22, 2008 (P.L.36,
9 NO.4), ENTITLED "AN ACT AUTHORIZING THE DEPARTMENT OF
10 GENERAL SERVICES, WITH THE CONCURRENCE OF THE
11 DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO LEASE TO
12 VTE PHILADELPHIA, LP, OR ITS NOMINEE, LAND WITHIN THE
13 BED OF THE DELAWARE RIVER IN THE CITY OF
14 PHILADELPHIA; AND AFFIRMING THE AUTHORITY OF THE
15 GENERAL ASSEMBLY TO ENACT CERTAIN CONVEYANCES."

16 (Z.4) THE ACT OF FEBRUARY 22, 2008 (P.L.41,
17 NO.5), ENTITLED "AN ACT AUTHORIZING THE DEPARTMENT OF
18 GENERAL SERVICES, WITH THE CONCURRENCE OF THE
19 DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO LEASE TO
20 NCCB ASSOCIATES, LP, OR ITS NOMINEE, LAND WITHIN THE
21 BED OF THE DELAWARE RIVER IN THE CITY OF
22 PHILADELPHIA; AND AFFIRMING THE AUTHORITY OF THE
23 GENERAL ASSEMBLY TO ENACT CERTAIN CONVEYANCES."

24 (Z.5) SOIL EROSION AND SEDIMENT CONTROL PLANS
25 APPROVED BY A LOCAL SOIL CONSERVATION DISTRICT UNDER
26 25 PA. CODE CH. 102 (RELATING TO EROSION AND SEDIMENT
27 CONTROL).

28 (Z.6) THE NATIONAL HISTORIC PRESERVATION ACT
29 (PUBLIC LAW 89-665, 80 STAT. 915), TO THE EXTENT THE
30 COMMONWEALTH HAS BEEN EMPOWERED TO ADMINISTER,

1 APPROVE OR OTHERWISE AUTHORIZE ACTIVITIES UNDER THAT
2 ACT.

3 (Z.7) THE FEDERAL WATER POLLUTION CONTROL ACT
4 (62 STAT. 1155, 33 U.S.C. § 1251 ET SEQ.), TO THE
5 EXTENT THE COMMONWEALTH HAS BEEN EMPOWERED TO
6 ADMINISTER, APPROVE OR OTHERWISE AUTHORIZE ACTIVITIES
7 UNDER THAT ACT.

8 (2) IN CITIES OF THE FIRST CLASS AND AGENCIES
9 ESTABLISHED BY SUCH CITIES, THE TERM SHALL INCLUDE ONLY THE
10 ISSUANCE OF A BUILDING PERMIT, A ZONING USE AND REGISTRATION
11 PERMIT, AND ANY ADMINISTRATIVE APPROVAL, INCLUDING AN
12 APPROVAL BY A BOARD OR COMMISSION, THAT IS A CONDITION
13 PRECEDENT TO ISSUANCE OF A BUILDING PERMIT OR ZONING USE AND
14 REGISTRATION PERMIT TO AN OWNER OF PROPERTY.

15 (3) CREATING ADDITIONAL UNITS AND COMMON ELEMENTS OUT OF
16 CONVERTIBLE REAL ESTATE IN A CONDOMINIUM OR PLANNED
17 COMMUNITY.

18 "DEVELOPMENT." ANY OF THE FOLLOWING:

19 (1) THE DIVISION OF A PARCEL OF LAND INTO TWO OR MORE
20 PARCELS, INCLUDING A SUBDIVISION AS DEFINED IN SECTION 107 OF
21 THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS THE
22 PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

23 (2) THE CONSTRUCTION, RECONSTRUCTION, CONVERSION,
24 STRUCTURAL ALTERATION, RELOCATION OR ENLARGEMENT OF A
25 BUILDING OR OTHER STRUCTURE.

26 (3) SITE PREPARATION, INCLUDING GRADING, EARTH MOVING
27 ACTIVITIES, CLEARANCE, SOIL REMOVAL OR MOVEMENT, TIMBER
28 HARVESTING RELOCATION, EXCAVATION, LANDFILL AND MOVING,
29 DEPOSITING OR STORING SOIL, ROCK OR EARTH MATERIALS.

30 (4) A USE OR CHANGE IN THE USE OF A BUILDING OR OTHER

1 STRUCTURE OR CHANGE IN LAND USE.

2 (5) LAND DEVELOPMENT, AS DEFINED IN SECTION 107 OF THE
3 PENNSYLVANIA MUNICIPALITIES PLANNING CODE, OR LAND USE.

4 (6) DEMOLITION, MOVING OR REMOVING A BUILDING OR OTHER
5 STRUCTURE.

6 (7) THE RIGHT TO CONVERT CONVERTIBLE REAL ESTATE OR
7 WITHDRAW WITHDRAWABLE REAL ESTATE PURSUANT TO 68 PA.C.S. PT.
8 II SUBPT. B (RELATING TO CONDOMINIUMS) OR SUBPT. D (RELATING
9 TO PLANNED COMMUNITIES).

10 "EXTENSION PERIOD." THE PERIOD BEGINNING AFTER DECEMBER 31,
11 2008, AND ENDING BEFORE JULY 2, 2016.

12 "GOVERNMENT AGENCY." THE COMMONWEALTH, A POLITICAL
13 SUBDIVISION OR AN AGENCY, DEPARTMENT, AUTHORITY, COMMISSION OR
14 BOARD OF THE COMMONWEALTH OR A POLITICAL SUBDIVISION. THE TERM
15 INCLUDES REGIONAL COMMISSIONS, BOARDS OR INSTRUMENTALITIES WITH
16 THE AUTHORITY TO ISSUE APPROVALS.

17 SECTION 3. EXISTING APPROVAL.

18 (A) AUTOMATIC SUSPENSION.--FOR ANY APPROVAL BY A GOVERNMENT
19 AGENCY THAT IS GRANTED FOR OR IN EFFECT BETWEEN THE BEGINNING OF
20 THE EXTENSION PERIOD AND JULY 2, 2013, WHETHER OBTAINED BEFORE
21 OR AFTER THE BEGINNING OF THE EXTENSION PERIOD, THE RUNNING OF
22 THE PERIOD OF THE APPROVAL SHALL BE AUTOMATICALLY SUSPENDED
23 UNTIL JULY 2, 2016.

24 (A.1) CITIES OF THE FIRST CLASS.--IN CITIES OF THE FIRST
25 CLASS AND AGENCIES ESTABLISHED BY SUCH CITIES, THE SUSPENSION
26 PROVIDED FOR IN SUBSECTION (A) SHALL BE VALID, FOR ANY COVERED
27 APPROVAL, 20 DAYS AFTER THE NOTICE FROM THE APPROVAL HOLDER TO
28 THE AGENCY THAT ISSUED THE APPROVAL OF THE APPROVAL HOLDER'S
29 INTENT TO EXERCISE HIS OR HER RIGHTS UNDER THE SUSPENSION AND
30 PAYMENT OF A FEE EQUAL TO 50% OF THE ORIGINAL APPLICATION FEE,

1 BUT NOT TO EXCEED \$5,000. THE AGENCY THAT ISSUED THE APPROVAL
2 MAY PRESCRIBE A FORM OF NOTICE.

3 (A.2) LIMITATION.--ANY GOVERNMENT APPROVAL GRANTED AFTER
4 JULY 2, 2013, SHALL NOT BE EXTENDED BEYOND THE NORMAL APPROVAL
5 PERIODS OF THE GOVERNMENT AGENCY WITHOUT THE PERMISSION OR
6 APPROVAL OF THE GOVERNMENT AGENCY.

7 (B) DURATION.--THE EXTENSION PERIOD ESTABLISHED UNDER THIS
8 ACT SHALL BE THE MAXIMUM APPROVAL PERIOD AUTHORIZED UNDER THIS
9 ACT AND SHALL SUPERSEDE THE NORMAL TIME PERIOD FOR APPROVALS
10 RELATING TO DEVELOPMENT. NOTHING IN THIS SECTION SHALL PROHIBIT
11 THE GOVERNMENT AGENCY FROM GRANTING ADDITIONAL EXTENSIONS AS
12 PROVIDED BY LAW.

13 (C) RIPARIAN LEASES.--

14 (1) THE TIME PERIOD RELATING TO OBTAINING A BUILDING
15 PERMIT UNDER SECTION 1(I) OF THE ACT OF FEBRUARY 22, 2008
16 (P.L.36, NO.4), ENTITLED, "AN ACT AUTHORIZING THE DEPARTMENT
17 OF GENERAL SERVICES, WITH THE CONCURRENCE OF THE DEPARTMENT
18 OF ENVIRONMENTAL PROTECTION, TO LEASE TO VTE PHILADELPHIA,
19 LP, OR ITS NOMINEE, LAND WITHIN THE BED OF THE DELAWARE RIVER
20 IN THE CITY OF PHILADELPHIA; AND AFFIRMING THE AUTHORITY OF
21 THE GENERAL ASSEMBLY TO ENACT CERTAIN CONVEYANCES," SHALL BE
22 EXTENDED UNTIL JANUARY 1, 2013.

23 (2) THE TIME PERIOD RELATING TO OBTAINING A BUILDING
24 PERMIT UNDER SECTION 1(I) OF THE ACT OF FEBRUARY 22, 2008
25 (P.L.41, NO.5), ENTITLED, "AN ACT AUTHORIZING THE DEPARTMENT
26 OF GENERAL SERVICES, WITH THE CONCURRENCE OF THE DEPARTMENT
27 OF ENVIRONMENTAL PROTECTION, TO LEASE TO NCCB ASSOCIATES, LP,
28 OR ITS NOMINEE, LAND WITHIN THE BED OF THE DELAWARE RIVER IN
29 THE CITY OF PHILADELPHIA; AND AFFIRMING THE AUTHORITY OF THE
30 GENERAL ASSEMBLY TO ENACT CERTAIN CONVEYANCES," SHALL BE

1 EXTENDED UNTIL JANUARY 1, 2013.

2 SECTION 4. SUBSEQUENT CHANGES.

3 (A) CHANGE IN LAW.--A LAW, REGULATION OR POLICY ENACTED,
4 ADOPTED OR MODIFIED BY A GOVERNMENT AGENCY DURING THE EXTENSION
5 PERIOD SHALL NOT HAVE THE EFFECT OF PROHIBITING OR LIMITING AN
6 EXISTING APPROVAL DURING THE EXTENSION PERIOD.

7 (B) PLANNING CODE APPROVAL.--WHEN AN APPROVAL HAS BEEN
8 GRANTED UNDER THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN
9 AS THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, A SUBSEQUENT
10 CHANGE IN A ZONING, SUBDIVISION OR OTHER GOVERNING ORDINANCE OR
11 PLAN SHALL NOT APPLY TO OR AFFECT THE RIGHT OF THE APPLICANT TO
12 COMMENCE OR COMPLETE THE ACTIVITIES AUTHORIZED BY THE APPROVAL
13 FOR THE DURATION OF THE EXTENSION PERIOD. FOR PURPOSES OF THIS
14 SUBSECTION, THE EXTENSION PERIOD SHALL BE EXTENDED FOR THE
15 DURATION OF ANY LITIGATION, INCLUDING APPEALS, RELATING TO AN
16 APPROVAL WHICH PREVENTS THE COMPLETION OF ALL OR PART OF THE
17 ACTIVITY AUTHORIZED BY THE APPROVAL.

18 (C) NONEXPIRATION.--AN ACTION BY A GOVERNMENT AGENCY OR LAW
19 TO LEASE, LICENSE, GRANT OR OTHERWISE CONVEY RIGHTS IN THE BEDS
20 OF NAVIGABLE WATERS OF THE COMMONWEALTH SHALL NOT EXPIRE FOR THE
21 DURATION OF THE EXTENSION PERIOD, INCLUDING TIME LIMITS RELATING
22 TO THE INITIATION, PROSECUTION OR COMPLETION OF CONSTRUCTION. A
23 CONVEYANCE OF RIGHTS UNDER THIS SUBSECTION SHALL NOT TERMINATE
24 DURING THE EXTENSION PERIOD FOR FAILURE TO INITIATE, PROSECUTE
25 OR COMPLETE CONSTRUCTION.

26 SECTION 5. AGENCY VERIFICATION.

27 (A) REQUEST FOR VERIFICATION.--

28 (1) THE HOLDER OR RECIPIENT OF AN APPROVAL MAY SEEK
29 WRITTEN VERIFICATION FROM THE ISSUING GOVERNMENT AGENCY FOR
30 ANY OF THE FOLLOWING:

1 (I) THE EXISTENCE OF A VALID APPROVAL.

2 (II) THE EXPIRATION DATE OF THE APPROVAL UNDER THIS
3 ACT.

4 (2) THE REQUEST SHALL SET FORTH THE APPROVAL IN QUESTION
5 AND THE ANTICIPATED EXPIRATION DATE UNDER THIS ACT.

6 (B) AGENCY ACTION.--UPON RECEIPT OF A REQUEST UNDER
7 SUBSECTION (A), THE GOVERNMENT AGENCY SHALL RESPOND IN WRITING
8 AFFIRMING OR DENYING THE EXISTENCE OF THE APPROVAL, ITS
9 EXPIRATION DATE AND ANY ISSUES ASSOCIATED WITH ITS VALIDITY
10 WITHIN 30 DAYS. EXCEPT IN CITIES OF THE FIRST CLASS AND AGENCIES
11 ESTABLISHED BY SUCH CITIES, FAILURE TO RESPOND WITHIN 30 DAYS
12 SHALL RESULT IN A DEEMED AFFIRMATION OF THE EXISTENCE OF THE
13 APPROVAL AND EXPIRATION DATE SET FORTH IN THE REQUEST SUBMITTED
14 UNDER SUBSECTION (A). THE AGENCY MAY CHARGE A FEE OF NOT MORE
15 THAN \$100 FOR VERIFICATION OF A RESIDENTIAL APPROVAL AND \$500
16 FOR VERIFICATION OF A COMMERCIAL APPROVAL UNDER THIS SUBSECTION.

17 (C) FAILURE TO SEEK AFFIRMATION.--THE FAILURE OF THE HOLDER
18 OF AN APPROVAL TO SEEK VERIFICATION FROM A GOVERNMENT AGENCY
19 SHALL NOT BE GROUNDS FOR TERMINATION, REVOCATION OR OTHER
20 INVALIDATION OF AN APPROVAL.

21 (D) APPEALS OF VERIFICATION.--A DISPUTE ARISING UNDER THIS
22 SECTION SHALL BE APPEALABLE IN ACCORDANCE WITH ONE OF THE
23 FOLLOWING APPLICABLE LAWS:

24 (1) 2 PA.C.S. § 105 (RELATING TO LOCAL AGENCY LAW).

25 (2) THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS
26 THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE.
27 SECTION 6. APPLICABILITY.

28 (A) EXCEPTIONS.--THIS ACT SHALL NOT APPLY TO ANY OF THE
29 FOLLOWING:

30 (1) AN APPROVAL ISSUED TO COMPLY WITH FEDERAL LAW, THE

1 DURATION OR TERMS OF EXPIRATION OF WHICH IS SPECIFIED OR
2 DETERMINED BY FEDERAL LAW.

3 (2) AN ADMINISTRATIVE CONSENT ORDER OR OTHER ENFORCEMENT
4 ACTION RELATING TO AN APPROVAL THAT IS SUBJECT TO THE
5 EXTENSION PERIOD.

6 (3) AN APPROVAL, DESIGNATION OR BENEFIT UNDER THE ACT OF
7 OCTOBER 6, 1998 (P.L.705, NO.92), KNOWN AS THE KEYSTONE
8 OPPORTUNITY ZONE, KEYSTONE OPPORTUNITY EXPANSION ZONE AND
9 KEYSTONE OPPORTUNITY IMPROVEMENT ZONE ACT.

10 (4) A "ONE-CALL" DETERMINATION, RESPONSE OR OTHER
11 REQUIREMENT UNDER THE ACT OF DECEMBER 10, 1974 (P.L.852,
12 NO.287), REFERRED TO AS THE UNDERGROUND UTILITY LINE
13 PROTECTION LAW.

14 (5) THE REVOCATION OR MODIFICATION OF AN APPROVAL OR
15 EXTENSION OF AN APPROVAL, WHEN THE APPROVAL AUTHORIZES THE
16 MODIFICATION OR REVOCATION FOR CAUSE.

17 (6) AN APPROVAL ISSUED BY THE DEPARTMENT OF
18 TRANSPORTATION, EXCEPT THAT APPROVALS IN ACCORDANCE WITH 67
19 PA. CODE CH. 441 (RELATING TO ACCESS TO AND OCCUPANCY OF
20 HIGHWAYS BY DRIVEWAYS AND LOCAL ROADS) SHALL BE EXTENDED BY
21 THE DEPARTMENT UPON THE SUBMISSION OF A COMPLETE AND ACCURATE
22 APPLICATION THROUGHOUT THE EXTENSION PERIOD FOR ONE-YEAR
23 INTERVALS, SUBJECT TO THE REQUIREMENTS OF 67 PA. CODE CH.
24 441, INCLUDING MODIFICATIONS BASED ON CHANGED CIRCUMSTANCES.

25 (7) AN APPROVAL ISSUED BY THE DEPARTMENT OF
26 ENVIRONMENTAL PROTECTION IMPLEMENTING 25 PA. CODE § 93.4A
27 (RELATING TO ANTIDegradation) IN CONNECTION WITH SURFACE
28 WATERS, AS DEFINED IN 25 PA. CODE § 93.1 (RELATING TO
29 DEFINITIONS), OR WETLANDS, AS DEFINED IN 25 PA. CODE § 93.1,
30 WHICH SURFACE WATERS OR WETLANDS, AFTER THE ISSUANCE OF THE

1 APPROVAL, AND DURING THE EXTENSION PERIOD, BECAME CLASSIFIED
2 AS:

3 (I) HIGH QUALITY WATERS, PURSUANT TO 25 PA. CODE §§
4 93.1 AND 93.4B(A) (RELATING TO QUALIFYING AS HIGH QUALITY
5 OR EXCEPTIONAL VALUE WATERS); OR

6 (II) EXCEPTIONAL VALUE WATERS, PURSUANT TO 25 PA.
7 CODE § 93.4B(B) (1).

8 (8) AN APPROVAL ISSUED BY THE DEPARTMENT OF
9 ENVIRONMENTAL PROTECTION IMPLEMENTING 25 PA. CODE § 93.4A IN
10 CONNECTION WITH SURFACE WATERS, AS DEFINED IN 25 PA. CODE §
11 93.1, OR WETLANDS, AS DEFINED IN 25 PA. CODE § 93.1, WHICH
12 SURFACE WATERS OR WETLANDS ARE CLASSIFIED AS EXCEPTIONAL
13 VALUE WATERS PURSUANT TO 25 PA. CODE § 93.4B(B) (1).

14 (B) SEWER AND WATER SYSTEMS.--IF AN APPROVAL IS BASED UPON
15 THE CONNECTION TO A SANITARY SEWER SYSTEM OR WATER DISTRIBUTION
16 SYSTEM, THE APPLICATION OF THE EXTENSION PERIOD AS IT RELATES TO
17 CAPACITY SHALL BE CONTINGENT UPON THE AVAILABILITY OF SUFFICIENT
18 CAPACITY OF THE SYSTEM TO ACCOMMODATE THE DEVELOPMENT THAT IS
19 THE SUBJECT OF THE EXTENDED APPROVAL. IF SUFFICIENT CAPACITY IS
20 UNAVAILABLE AT THE TIME IT IS REQUIRED TO PROCEED WITH
21 DEVELOPMENT UNDER THE APPROVAL, PRIORITY WITH REGARD TO FURTHER
22 DISTRIBUTION OR ALLOCATION OF CAPACITY SHALL BE ESTABLISHED BY
23 THE DATE ON WHICH THE APPROVAL WAS OBTAINED. PRIORITY RELATING
24 TO DISTRIBUTION OF ADDITIONAL CAPACITY SHALL BE ALLOCATED IN
25 ORDER OF THE GRANTING OF THE ORIGINAL APPROVAL FOR THE
26 CONNECTION.

27 (C) FEE.--A GOVERNMENT AGENCY WHICH ISSUED AN APPROVAL MAY
28 CHARGE A FEE TO EXTEND THE APPROVAL THAT MAY BE NO MORE THAN 25%
29 OF THE ORIGINAL APPLICATION FEE. IN NO EVENT MAY THE FEE BE MORE
30 THAN \$5,000.

1 SECTION 7. NOTICE.

2 BY AUGUST 5, 2010, EACH AFFECTED GOVERNMENT AGENCY SHALL
3 PUBLISH NOTICE OF APPLICABILITY OF THE EXTENSION PERIOD TO
4 APPROVALS GRANTED BY THE GOVERNMENT AGENCY UNDER THIS ACT IN THE
5 PENNSYLVANIA BULLETIN.

6 SECTION 8. MISCELLANEOUS.

7 (A) CONSTRUCTION.--NOTHING IN THIS ACT SHALL BE CONSTRUED TO
8 MODIFY ANY REQUIREMENT OF LAW THAT IS NECESSARY TO RETAIN
9 FEDERAL DELEGATION TO, OR ASSUMPTION BY, THE COMMONWEALTH OF THE
10 AUTHORITY TO IMPLEMENT A FEDERAL LAW OR PROGRAM.

11 (B) AUTHORITY.--DURING THE EXTENSION PERIOD, A GOVERNMENT
12 AGENCY SHALL RETAIN THE AUTHORITY TO DO ALL OF THE FOLLOWING:

13 (1) SUSPEND OR REVOKE AN APPROVAL FOR NONCOMPLIANCE WITH
14 A WRITTEN CONDITION OF THE APPROVAL.

15 (2) ENFORCE CONDITIONS OF APPROVALS GRANTED UNDER LAW
16 PRIOR TO THE EXTENSION PERIOD.

17 (3) ENFORCE ONLY THOSE CONDITIONS IN AN APPROVAL ISSUED
18 UNDER THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS
19 THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, THAT ARE
20 REQUIRED TO BE PERFORMED PRIOR TO FINAL PLAN APPROVAL.

21 SECTION 20. REPEALS.

22 REPEALS ARE AS FOLLOWS:

23 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
24 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THIS ACT.

25 (2) ARTICLE XVI-I OF THE ACT OF APRIL 9, 1929 (P.L.343,
26 NO.176), KNOWN AS THE FISCAL CODE, IS REPEALED.

27 SECTION 21. EFFECTIVE DATE.

28 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.