

No. 2015-31

AN ACT

HB 1071

Amending the act of July 9, 2013 (P.L.362, No.54), entitled "An act providing for permit extensions; and making a repeal," further providing for the definition of "approval" and for existing approval.

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

Section 1. The definition of "approval" in section 2 of the act of July 9, 2013 (P.L.362, No.54), known as the Development Permit Extension Act, is amended to read:

Section 2. Definitions.

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

"Approval." *Any of the following:*

(1) [Except] *except* as provided in [paragraph] *paragraphs* (2)[,] *and* (3), any government agency approval, agreement, permit, including a building permit or construction permit, or other authorization or decision:

(i) allowing a development or construction project to proceed; or

(ii) relating to or affecting development, granted pursuant to a statute, regulation or ordinance adopted by a municipality, including the following:

(A) 37 Pa.C.S. (relating to historical and museums).

(B) 53 Pa.C.S. (relating to municipalities generally).

(C) 68 Pa.C.S. Pt. II Subpt. B (relating to condominiums).

(D) 68 Pa.C.S. Pt. II Subpt. C (relating to cooperatives).

(E) 68 Pa.C.S. Pt. II Subpt. D (relating to planned communities).

(F) The act of March 7, 1901 (P.L.20, No.14), referred to as the Second Class City Law, as it relates to development and construction.

(G) The act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law.

(H) The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(I) The act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, as it relates to development and construction.

(J) The act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, as it relates to development and construction.

(K) The act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, as it relates to development and construction.

(L) The act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law.

(M) The act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, as it relates to the issuance of highway occupancy permits which are regulated under 67 Pa. Code Ch. 441 (relating to access to and occupancy of highways by driveways and local roads) or which are affected by other laws or regulations.

(N) The act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act, as it relates to development and construction.

(O) The act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code.

(P) The act of August 9, 1955 (P.L.323, No.130), known as The County Code.

(Q) The act of July 15, 1957 (P.L.901, No.399), known as the Optional Third Class City Charter Law, as it relates to development and construction.

(R) The act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act.

(S) The act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, as it relates to development and construction.

(T) The act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code.

(U) The act of July 9, 1971 (P.L.206, No.34), known as the Improvement of Deteriorating Real Property or Areas Tax Exemption Act.

(V) The act of October 4, 1978 (P.L.851, No.166), known as the Flood Plain Management Act.

(W) The act of October 4, 1978 (P.L.864, No.167), known as the Storm Water Management Act.

(X) The act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act.

(Y) The act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act.

(Z) The act of December 20, 2000 (P.L.724, No.99), known as the Municipal Code and Ordinance Compliance Act.

(Z.1) The act of June 22, 2001 (P.L.390, No.29), known as the Conservation and Preservation Easements Act.

(Z.2) The former act of May 16, 2002 (P.L.315, No.46), known as the Community Services Block Grant Act.

(Z.3) The act of February 22, 2008 (P.L.36, No.4), entitled "An act authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to VTE Philadelphia, LP, or its nominee, land within the bed of the Delaware River in the City of Philadelphia; and affirming the authority of the General Assembly to enact certain conveyances."

(Z.4) The act of February 22, 2008 (P.L.41, No.5), entitled "An act authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to NCCB Associates, LP, or its nominee, land within the bed of the Delaware River in the City of Philadelphia; and affirming the authority of the General Assembly to enact certain conveyances."

(Z.5) Soil erosion and sediment control plans approved by a local soil conservation district under 25 Pa. Code Ch. 102 (relating to erosion and sediment control).

(Z.6) The National Historic Preservation Act (Public Law 89-665, 80 Stat. 915), to the extent the Commonwealth has been empowered to administer, approve or otherwise authorize activities under that act.

(Z.7) The Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.), to the extent the Commonwealth has been empowered to administer, approve or otherwise authorize activities under that act[.];

(2) **[In]** *in* cities of the first class and agencies established by such cities, the term shall include only the issuance of a building permit, a zoning use and registration permit and any administrative approval, including an approval by a board or commission, that is a condition precedent to issuance of a building permit or zoning use and registration permit to an owner of property[.]; *or*

[(3) Creating additional units and common elements out of convertible real estate in a condominium or planned community.]

(3) any authorization to create additional units and common elements out of convertible real estate in a condominium or planned community or otherwise relating to the right to convert convertible real estate or withdraw withdrawable real estate pursuant to 68 Pa.C.S. Pt. II Subpt. B or D.

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Section 2. Section 3(a) of the act is amended to read:

Section 3. Existing approval.

(a) Automatic suspension.—**[The expiration date of an approval by a government agency]** *For an approval* that is granted for or in effect **[during]** *between the beginning of* the extension period **and July 2, 2013**, whether obtained before or after the beginning of the extension period, *the running of the period of the approval* shall be automatically suspended **[during the extension period]** *until July 2, 2016.*

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Section 3. This act shall take effect in 60 days.

APPROVED—The 10th day of July, A.D. 2015

TOM WOLF