



Proposed Legislation in Pennsylvania – Breaking News

By *David H. Comer*

Senate Bill No. 569 – One to Watch

Senate Bill No. 569, which proposes to create the "Building Permit Extension Act," is an interesting bill to watch as it could potentially impact many developers in Pennsylvania.

The proposed legislation provides that "[t]he expiration date of an approval by a government agency relating to development that is granted for or in effect during the extension period shall be automatically suspended during the extension period. The automatic suspension of the expiration of an approval under this section shall not extend the approval for more than six months beyond the conclusion of the extension period." Additionally, the proposed legislation provides that "[n]othing in this section shall shorten the duration an approval relating to development would have had in the absence of the enactment of this section. Nothing in this section shall prohibit the granting of additional extensions as provided by law."

In order to better comprehend the foregoing language, it is important to point out the following definitions found in the proposed legislation:

- **"Approval"** – An authorization granted by a government agency in the form of a permit, approval, license, certification, permission, determination, exemption, variance, exception, waiver, letter of interpretation or agreement that allows a development or construction project to proceed.
- **"Development"** – Any of the following: (1) The division of a parcel of land into two or more parcels. (2) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of a building or other structure or facility. (3) Grading, soil removal, relocation, excavation or landfill. (4) A use or change in the use of a building or other structure or change in land use.
- **"Extension Period"** – The period beginning after December 31, 2008, and ending before July 2, 2011.
- **"Government Agency"** – An agency, department, commission or board of the Commonwealth or of a political subdivision of the Commonwealth. The term includes regional commissions, boards or other instrumentalities.

The proposed legislation also provides restrictions on the applicability of the foregoing, stating that it shall not apply to any of the following:

- An approval issued by an agency of the United States or an approval issued the duration of which is specified or determined by federal law or regulation

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- An approval issued by the Department of Transportation
 - An administrative consent order or other enforcement action by the Department of Environmental Protection.

As the foregoing indicates, the proposed legislation would not impact federal permits. However, there are rumblings that a companion piece of legislation is being considered by the federal government.

View the bill [here](#).



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