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# In the Zone

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## Proposed Legislation in Pennsylvania

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House Bill No. 429 proposes to amend the Pennsylvania Municipalities Planning Code by eliminating the current term and definition of "impact fee" and creating the term and definition of "transportation impact fee," appearing to make it easier for municipalities to impose a traffic impact fee by relaxing the current requirement to have a transportation capital improvements plan, and, most significantly, by adding a section titled "DEVELOPMENT IMPACT FEES."

The section involving the development impact fees proposes to authorize school districts and municipalities to assess, impose, levy and collect fees as defined as development fees for all new development within their jurisdictional limits. The

proposal states that the General Assembly intends "to encourage and promote each of the following:

- (i) Adequate public facilities to serve new growth and development.
- (ii) Orderly growth and development that does not place an undue financial burden upon existing taxpayers.
- (iii) Standards for apportioning the fair share of the cost of new or upgraded public facilities that serve new growth and development among those who will benefit by permitting school districts and municipalities to:
  - (A) adopt development impact fee ordinances; and
  - (B) impose development impact fees."

The proposed bill provides that the "governing body of a governmental entity, in accordance with the conditions and procedures set forth in this article, may enact, amend and repeal an ordinance authorizing the assessment and collection of development impact fees." The proposal also includes formulas for calculating development impact fees as well as related definitions.

Similar type bills imposing various impact fees, such as educational impact fees or municipal impact fees, have been proposed in the past. It will be interesting to see whether this bill or one of these types of bills imposing additional impact fees becomes law.

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