



PA House Bill 842: Amending the Procedure for Municipal Curative Amendments

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House Bill 842, which was introduced to the House Local Government Committee on March 11, 2009, proposes to amend the Pennsylvania Municipalities Planning Code (MPC) by adding Section 609.3 governing the procedure for a municipal curative amendment subsequent to an appellate court decision.

The bill provides that if a Pennsylvania appellate court determines that a municipal zoning ordinance, or any portion, is substantially invalid, then that municipality shall formally declare its zoning ordinance, or the relevant portion, substantially invalid and propose to prepare a curative amendment to overcome the invalidity identified in the appellate court decision. Then, within 30 days of the appellate court decision, the municipality shall pass a resolution setting forth the declaration of invalidity and begin to prepare and consider a curative amendment to correct the defects. Within 210 days of the appellate court decision, the municipality shall enact the curative amendment.

In addition, when the municipality proceeds to pass a resolution declaring the zoning ordinance or relevant portion invalid and begins to prepare and consider a curative amendment within the 30-day time period, then the governing body and zoning hearing board of the municipality shall not be required to entertain or consider any landowner's curative amendment based on grounds identical to or substantially similar to those specified in the municipality's resolution declaring the ordinance invalid based on the appellate court decision. Once the municipality fulfills its required duties within both the 30-day and 210-day timeframes, then no right to file a curative amendment shall accrue to any landowner on the basis of the substantive validity of the unamended zoning ordinance for which there has been a curative amendment adopted in accordance with this new Section 609.3 of the MPC.

House Bill 842 was referred to the Senate Local Government Committee on April 3, 2009.

For more information or an update on the legislation, please contact Kimberly Freimuth at 215.918.3627 or kfreimuth@foxrothschild.com.



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