



Government Affairs Successes

Your dedication is the reason for our success. Thank you for your membership!

Questions? Contact our staff at 717.730.4380

2018

- **Act 84 of 2018: HB 1499: Elimination of Signature Requirement for Closure of NPDES Permits.** Act 84 amends the statutes governing common interest ownership communities (CIOC)s in. These amendments are all intended to clarify existing provisions of these consumer protection statutes and enhance the overall administration and governance of Pennsylvania's community associations.

Section 3205(13.1) of the Uniform Condominium Act, Section 5205 (16.1) of the Uniform Planned Community Act and Section 4205(A)(15) of the Real Estate Cooperative Act codify the current instructions promulgated by the Department of Environmental Protection in connection with the termination of the NPDES permit and provide for the transfer of responsibility for post-construction stormwater management from the declarant to the association, if the declaration provides notice of those responsibilities.

- **Act 111 of 2018: Workers' Compensation Fix.** Act 111 re-establishes a provision in the Pennsylvania Workers' Compensation Act authorizing Impairment Rating Evaluations (IREs) for claimants and makes additional changes to address the 2017 state Supreme Court's ruling in *Protz v. WCAB* with a reduction (to 35 percent) of the impairment threshold; and increases the burial benefit in the act from \$3,000 to \$7,000.

2017

- **Commonwealth Court dismisses Clean Air Council Lawsuit:** On January 5, 2017, the Commonwealth Court of Pennsylvania dismissed the Clean Air Council (CAC) lawsuit that threatened to mandate accelerated adopting of all model building codes, including the mandate for fire sprinklers in all homes. PBA's arguments were instrumental in defeating the onerous lawsuit.

From the beginning, PBA engaged in a furious litigation and fundraising effort to defeat the suit. First, PBA had to gain specific approval from the Court in order to intervene in the lawsuit. PBA was not a party to the original claim. We genuinely feared that the state agencies might settle the case in a manner that hopelessly disadvantaged residential construction.

Without PBA's effort to intervene, the Court would never have heard the position of PBA's members. Second, led by PBA's governmental affairs leadership, PBA build a war chest to fight this battle on behalf of the membership. The generous donations of PBA members and industry friends made this win possible.

A big "Thank You" to all those who contributed across the state. Without your leadership and financial support, the outcome of this decision could have been very different.

- **Act 26 of 2017: Alternate On-Lot Septic Systems for Site Development Plans.**

Act 26 amends the PA Sewage Facilities Act to provide for the use of alternate on-lot septic systems for site development plans. Applicants may now use both conventional and alternate on-lot septic systems to satisfy site suitability requirements when proposing a plan supplement or plan revision for a new land development.

- **Act 35 of 2017: UCC Exemptions.**

Act 35 amends the PA Uniform Construction Code Act to exempt structures commonly referred to as "roadside farm stands", "maple sugar houses" and "loading/unloading structures at livestock auction houses" from the PA UCC. Permits and inspections will no longer be required and municipal amendments are not allowed.

- **Act 36 of 2017: RAC Fix.**

Act 36 amends the PA Uniform Construction Code Act to make comprehensive changes to the process used by the Uniform Construction Code Review and Advisory Council (RAC) to evaluate and adopt building code updates.

Act 36 requires the RAC to immediately begin a re-review of the 2012 and 2015 ICC Model Code revisions. October 1, 2018 would be the effective date of regulations implementing the results of the RAC 2015 Code Review. Act 36 has stopped the RAC review of the 2018 ICC Model Codes commenced on September 27, 2017. The 2018 ICC Model Code will not be available for adoption in PA until March of 2022.

2016

- **Act 133 of 2016:**

Act 133 creates "temporary access" certificates that will allow a sale of property to move forward, but require that substantial code violations be corrected prior to the new owner inhabiting the property. It will also require that all other code violations be corrected within a certain time frame, with financial and other penalties left in place for failure to comply.

- **Act 162 of 2016:**

Act 162 clarifies the manner in which a county Recorder of Deeds Office may charge fees for the recording of amendments to declarations of condominiums, cooperatives, and planned communities. Counties throughout the state have been charging separate indexing fees for each lot when amendments to a community association governing documents are recorded. Many of

our builders see fees totaling thousands of dollars of additional costs. This makes the passage of simple, but necessary, changes to governing documents cost-prohibitive for many planned communities. This legislation will prohibit per lot indexing fees, bringing fees to a reasonable and affordable level.