
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1995 Session of
2015

INTRODUCED BY MALONEY, WATSON, METCALFE, MOUL, ZIMMERMAN AND
EVERETT, APRIL 13, 2016

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 13, 2016

AN ACT

1 Amending the act of January 24, 1966 (1965 P.L.1535, No.537),
2 entitled, as amended, "An act providing for the planning and
3 regulation of community sewage systems and individual sewage
4 systems; requiring municipalities to submit plans for systems
5 in their jurisdiction; authorizing grants; requiring permits
6 for persons installing such systems; requiring disclosure
7 statements in certain land sale contracts; authorizing the
8 Department of Environmental Resources to adopt and administer
9 rules, regulations, standards and procedures; creating an
10 advisory committee; providing remedies and prescribing
11 penalties," further providing for official plans.

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

14 Section 1. Section 5 of the act of January 24, 1966 (1965
15 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities
16 Act, is amended by adding a subsection to read:

17 Section 5. Official Plans.--* * *

18 (d.1) (1) The department shall develop and make available
19 for public use an application form that waives the requirement
20 of a municipality to revise its official plan to accommodate
21 nonbuilding subdivisions where there is no present need for
22 sewage disposal facilities on a given parcel of land. The

1 municipal secretary or chairperson of the municipality shall be
2 required, as a ministerial function, to sign a request for
3 planning waiver and nonbuilding declaration that has been
4 completed and signed by the subdivider and buyer or recipient
5 provided that the proposed subdivision:

6 (i) meets the requirements of the waiver; and

7 (ii) is in compliance with any applicable zoning and
8 subdivision and land development ordinances.

9 (2) The departmental form shall only require a municipality
10 to perform those functions within the scope of this act. The
11 purpose of this subsection is to protect the choice of a
12 landowner to subdivide the landowner's property when the
13 landowner has no intention of developing the property. In the
14 event that the owner or recipient of a subdivided parcel that
15 has been granted a nonbuilding waiver subsequently desires to
16 build upon or develop the property, the owner or recipient shall
17 be required to comply with all applicable statutes, regulations
18 or ordinances in effect at the time of the desired construction
19 or development.

20 * * *

21 Section 2. This act shall take effect in 60 days.