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TO: HOUSE LOCAL GOVERNMENT COMMITTEE MEMBERS

FROM: TIMOTHY M. ALLWEIN  
ASST. EXECUTIVE DIRECTOR FOR GOVERNMENTAL AND MEMBER RELATIONS

SUBJECT: HOUSE BILL 904 (P.N. 1056) – TEMPORARY DEVELOPMENT MORATORIUM

DATE: JULY 27, 2007

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The Pennsylvania School Boards Association (PSBA) appreciates the opportunity to submit written comments on House Bill 904 (P.N. 1056). PSBA and its members believe that House Bill 904 provides an important opportunity for municipalities to consider the effects of rapid residential development on school districts. Therefore, PSBA requests the committee adopt Amendment A00913, sponsored by Representative John Siptroth as responsive to growing school districts' overpopulation and make further changes to the bill's hearing notice provision.

As currently written, House Bill 904 amends the Municipalities Planning Code to authorize municipalities to implement temporary moratoriums on development in order to permit enactment or revision of a comprehensive plan, a subdivision and land development ordinance or a zoning ordinance. The moratorium would not be permitted to exceed one year and developers would have the opportunity to apply for waivers from the moratorium. However, when considering the need for the temporary development moratorium, the bill does not require a municipality to consider how a temporary moratorium would prevent overburdening school district services. In fact, the definition of "essential public services," does not include educational services provided by school districts. The Siptroth amendment remedies this problem.

PSBA believes that without the Siptroth amendment, House Bill 904 would perpetuate the lack of consideration afforded to Pennsylvania's school districts and school property taxpayers by municipalities when planning for additional residential development. Uncontrolled escalation in residential construction places great stress on school districts' educational programs and infrastructure. It is time that local governments evaluate and identify the impacts of new residential development on their community's educational capacity. Quite simply, congested schools are the by-products of poor planning by local government organizations and insufficient state funding. Growth and development should be encouraged in a manner that best enhances the general health, welfare and education of the residents of the community.

In addition, PSBA suggests that the bill's waiver from a moratorium is unduly favorable toward the developer in several respects. First, the hearing requirement on the application fails to indicate whether school districts and providers of other public services may provide testimony to a waiver request. It merely requires the governing body to hold a hearing and make a determination on the waiver application within 30 days. Second, Section 806-B of the bill allows decision-makers to look at the evidence offered by the developer/landowner i.e., the negative impact on the developer's bottom line and plan's goals. The local government unit should be required to balance the impact of granting the developer's exclusion against the

consequences, if any, on essential public and educational services. Third, the notice requirements should ensure that school districts and other providers of public services are provided individual notice of the hearing at a minimum of 15 days in advance of the hearing date. The current bill merely requires one notice in one newspaper only one week in advance.

Setting forth statutory authority that allows municipalities to control their growth is important for Pennsylvania. We ask that you ensure that a community's educational needs enter that equation and be provided equal balance in those determinations by local government units. If you have any questions, please contact me at (717) 506-2450, ext. 3325.