

Testimony before the House Local Government Committee
House Bill 904
Presented by Mark Mitman on behalf of the Pennsylvania Builders Association
August 1, 2007

Good morning Chairman Freeman and members of the House Local Government Committee.

My name is Mark Mitman. I am here to testify on behalf of the Pennsylvania Builders Association. I am president of The Mitman Group, LLC, located in Bethlehem, PA.

I am here today to discuss PBA's position on building moratoria. Real problems require real solutions. Placing moratoriums on new development is the most draconian of governmental actions in the land development review system. The argument most frequently used by those favoring such legislation is that municipalities need this tool to halt the flow of new sub-division and land development applicants while they update their land-use ordinances. Using a moratorium to stop growth is an admission of planning failure.

Because a moratorium does nothing to limit housing demand, it may exacerbate housing-supply problems, pricing many families, especially low-income families, out of the housing market.

Development moratoria offer no guarantee that townships will rewrite their comprehensive plans or change their zoning ordinances. Therefore, they may not bring about long-term solutions to manage growth.

Additionally, building moratoria on residential and commercial development cannot solve the short-term problems associated with "growing pains." Moratoria will, however, pose serious, long-term consequences for the local economy. By their severe nature, moratoria are serious, last-resort measures that should be judiciously applied. Absent some catastrophe or unforeseeable event, a reasonable planning process should not lead to a scenario where growth is brought to a stop.

Housing is Pennsylvania's third largest industry and is our state's ninth largest employer providing jobs to more than 230,000 families. Shutting down construction will do nothing to help achieve a higher quality of life and a brighter financial outlook for our residents. To the contrary, it will send shock waves throughout an already lackluster economy.

Pennsylvania must seek real solutions to the very real problems of outdated land-use planning. Proper land planning will sustain a higher quality of life – both economically and environmentally – for communities. But in order to develop good planning, local governments require the necessary technical and financial resources to examine and restructure their comprehensive plans and zoning ordinances.

Providing planning grants and technical expertise to challenged townships will help them cope - in a real way – with local development pressures far more effectively than the knee-jerk reaction of calling for a "time out" - A "time out", incidentally, that may still leave a municipality without proper resources to develop sound land-use planning.

Historically, counties that offer municipal governments incentives in the form of grants and technical guidance have experienced a greater percentage of localities that amend and update their comprehensive plans and zoning ordinances, which is the purported reason for this legislation.

If the objective is to encourage the creation of local land-use plans that reflect current community needs and desires, take a look at Chester County. Through a variety of aggressive incentive and assistance programs, an overwhelming majority of municipalities in Chester County have updated their comprehensive plans and/or their zoning ordinances within the last five years. All done without moratoria.

Comprehensive plans have no direct regulatory control over land-use, but zoning ordinances do. A moratorium to rewrite comprehensive plans would, therefore, have no effect on land use.

Montgomery County's 1993 open space bond initiative created the prerequisite that, in order to qualify for funds, municipalities were required to update their open space plans. As a result, most of the municipalities in Montgomery County have plans that reflect community needs. Thus, better planning was achieved with a carrot rather than a stick.

Before Pennsylvania's legislature considers such an extreme move as offering broad and vague development moratoria powers to municipalities, which could potentially be devastating to our local economy, it should first explore an incentive-based system that will provide a more intelligent solution.

In rare cases, where even good planning cannot prevent an unforeseen danger to public health and safety, the conditions under which a moratorium might be applied should be narrow and well-defined. If a moratorium is put in place, it should be:

- limited to circumstances in which a serious threat to public safety or health exists;
- limited in duration; and
- the government entity imposing the moratorium should be required to immediately address and resolve the problems giving rise to the moratorium.

I thank you for the opportunity to talk to you on this important topic and will be happy to answer any questions you may have.