

Legislation Text

File #: 161110, **Version:** 0

Amending Subcode “A” (“The Philadelphia Administrative Code”) of Title 4 of The Philadelphia Code (“The Philadelphia Building Construction and Occupancy Code”), to add a provision prohibiting the issuance of permits to a project developer, or an entity related to such developer, upon a determination that the developer filed a lawsuit intended to censor or intimidate a critic (sometimes known as a strategic lawsuit against public participation) in bad faith, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Philadelphia Administrative Code is amended to read as follows:

SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

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CHAPTER 3 PERMITS

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SECTION A-302 PERMITS

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A-302.12 Consequences of Determination of Bad-Faith SLAPP Case.

A-302.12.1 Definitions:

“Bad-faith SLAPP Case.” A lawsuit designed to discourage public comment, criticism or participation in administrative or legal proceedings regarding any construction or development project without a good faith basis for belief in the merits of every one of the claims set forth in such lawsuit.

“Related entity.” A parent or subsidiary of a company, or any other entity in which a significant legal interest is held by a person who holds a significant ownership interest in the primary entity.

A-302.12.2 A person or entity, and any related entity, that initiates or maintains a Bad-faith SLAPP Case, as determined by either (1) the Department, as advised by the Law Department; or (2) a court, shall be ineligible for any permit under this Chapter, whether sought for the project that was at issue in the Bad-faith SLAPP Case or for any other project or development, for a period of up to five years, as determined by the Department, based on the severity of the bad-faith nature of the claim or claims. In addition, any permit relating to the project or development at issue in the Bad-faith SLAPP Case received after the date of filing of the Bad-Faith SLAPP case shall be deemed null and void.

A-302.12.3 The Department shall determine by regulation such mechanisms for determining whether permit applicants are disqualified pursuant to this Section as it deems necessary, which shall include, at a minimum, self-certification on permit applications as to: (1) the absence of any such determinations against the entity or a related entity; and (2) whether any proceeding is pending in which it is claimed that it has filed a Bad-faith SLAPP Case.

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Explanation:

Italics indicate new matter added.