File #: 250043, **Version:** 1

Amending Subcode "A" (The Philadelphia Administrative Code) of Title 4 of The Philadelphia Code (The Building, Construction and Occupancy Code), by defining affordable housing projects and establishing specific application and permitting procedures for such projects, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

Section 1. Subcode "A" of Title 4 of The Philadelphia Code is amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

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SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

CHAPTER 1

GENERAL

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SECTION A-106 DEFINITIONS

A-106.1 General. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code and the technical codes, have the meanings shown in this Section.

AFFORDABLE HOUSING PROJECT: A proposal for the development of one or more residential units that requires obtaining a Zoning Permit and includes any of the following:

1. *The Mixed Income Housing density bonus requirements as set forth in subsection 14-702(7).*

2. *The /MIN. Mixed Income Neighborhoods Overlay District requirements as set forth in subsection 14-533 or the Affordable Housing Preservation Overlay as set forth in 14-534(3).*

3. *The terms of a City, state, or federal financing program that requires affordable housing be constructed or preserved pursuant to a restrictive covenant or regulatory agreement, including but not limited to those found in Section 7-202(1).*

4. *The requirements for redevelopment of surplus City property disposed by the Philadelphia Land Bank or Philadelphia Redevelopment Authority as affordable housing pursuant to subsection 16-404(2)(d)(.1)(.e).*

5. *An executed restrictive covenant or other restrictive instrument that is voluntarily executed and recorded with the City, is included in the Zoning Permit application, and provides that at least ten percent (10%) of residential dwelling units shall be designated and maintained as affordable for a term of not less than fifty (50) years, in accordance with the minimum affordability criteria set forth at subsection 14-702 (7)(a)(.1) or 14-702(7)(a)(.2) of the Code.*

* * *

AGRICULTURAL BUILDING: In accordance with the UCC, a structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals, a milk house or a structure used to grow mushrooms, agricultural or horticultural products. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. The term includes a structure that is less than 1,000 square feet in size which is utilized to process maple sap. The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.

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CHAPTER 3

PERMITS

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SECTION A-301 APPLICATION FOR PERMIT

A-301.1 Permits required: An application shall be submitted to the department for the activities listed in Sections A-301.1.1 through A-301.1.6 and these activities shall not commence without a permit being issued in accordance with Section A-302.0. Where the scope of work includes demolition, moving or removal of a structure greater than one story or greater than 500 square feet, a separate application and permit for such work shall be required. Where the scope of work includes more than one lot, a separate permit shall be required for each lot.

Exception: Permits shall not be required for the construction, alteration and use of those buildings, elements and systems not regulated by this code as detailed in Section A-102.1 of this code, including but not limited to the following:

1. Pursuant to the UCC, State-owned buildings.

2. Pursuant to the UCC, the installation, repair or replacement of a boiler or unfired pressure vessel regulated by the Boiler and Unfired Pressure Law (35 P. S. §§ 1331.1 - 1331.19) and Chapter 3 (relating to boilers and unfired pressure vessels) as administered by the Pennsylvania Department of Labor and Industry.

3. Federally owned and operated buildings.

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4. Pursuant to the UCC, the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is, by established right, under the ownership and control of public services agencies.

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A-301.1.5 Zoning and use registration permits: A zoning permit is required for the construction, erection, removal, demolition, or change in exterior dimension of any structure. A use registration permit is required for every new use commenced on any land or in any structure except for use as a single-family dwelling. *An application for an affordable housing project must document in the scope of work that the project satisfies the criteria to be considered as an affordable housing project as defined in Section A-106. Examples of such documentation include:*

1. Written confirmation from the Department of Planning and Development that the project complies with any of A-106.1.1 through A-106.1.4.

2. Written confirmation from a government financing agency that the project complies with A-106.1.3.

3. Written confirmation from a public land holding agency that the project complies with A-106.1.4.

4. Written proof of an independently recorded written instrument that complies with A-106.1.5.

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SECTION A-302 PERMITS

A-302.1 Action on application: The Department shall examine or cause to be examined all applications for permits and amendments thereto. If the application or the construction documents do not conform to the requirements of all pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed work conforms to the requirements of this code and the technical codes and all laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable upon payment of requisite fees.

A-302.1.1 Time limits for permit application consideration. The code official shall grant or deny a complete permit application in whole or in part or request further information, within the following number of business days after the filing date:

1. for commercial construction, 20 days, to the extent capacity permits, but in no event more than 30 days.

2. for residential construction, 15 days.

3. for *building and trade permit applications for* affordable housing projects, as defined [by the Department of Licenses and Inspections,] *in Section A-106,* 10 [days, to the extent capacity permits.] *days.*

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4. for accelerated review provided under Section A-901.10, *including zoning permit applications for affordable housing projects,* 5 days

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CHAPTER 9

FEES

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SECTION A-901 GENERAL

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A-901.10 Accelerated plan review: The department is authorized to provide accelerated review of plans associated with the issuance of any permit required under Title 4 or 14 of this [Code.] *Code, provided that all zoning permit applications for affordable housing projects shall receive accelerated plan review at no additional cost.* The fees and charges for [this service] *accelerated plan review* shall be in addition to any permit fee otherwise set forth in this Chapter, and shall be published in appropriate schedules.

A-901.10.1 Additional accelerated plan review fee: The additional cost-based fee for accelerated review shall be three hundred fifty dollars ($350) per application, or such other amount as may be established by the department by regulation. Such amount shall neither exceed the costs to administer and provide accelerated review services nor exceed three hundred fifty dollars ($350) multiplied by the fraction of the most recently published Consumer Price Index for all Urban Consumers (CPI-U) All Items Index, Philadelphia, Pennsylvania, as of the effective date of the proposed fee increase, divided by the most recently published CPI-U as of July 1, 2020.

A-901.10.1.1 The accelerated review fee shall be paid at the time the application is submitted and is non-refundable.

A-901.10.1.2 There shall be no additional cost-based fee for accelerated review of a plumbing, electrical, mechanical or fire suppression system permit application that is requested at the same time as accelerated review of a building permit application for the same project.

A-901.10.2 Accelerated plan review surcharges:

A-901.10.2.1 A surcharge of one thousand six hundred fifty dollars ($1,650) shall be added for accelerated review in connection with a building permit application.

A-901.10.2.2 A surcharge of seven hundred dollars ($700) per permit application shall be added for accelerated review in connection with all other *applicable* permit applications, including for each zoning, electrical, plumbing, mechanical, fire suppression system, total demolition and signage permit application.

A-901.10.2.3 There shall be no surcharge for accelerated review of a plumbing, electrical, mechanical or fire

suppression permit application that is requested at the same time as accelerated review of a building permit application for the same project.

A-901.10.2.4 Such surcharges shall be payable prior to receipt of the permit(s) and are in addition to any cost-based fee charged pursuant to subsection A-901.10.1 or another provision of the Code.

A-901.10.2.5 Disputes concerning payment or the amount of any surcharge pursuant to this subsection A-901.10.2 shall be governed by Chapter 19-1700 ("Review, Refunds and Compromises").

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SECTION A-907 ZONING FEES

A-907.1 General: The fees to be paid under the requirements of Title 14 (relating to Zoning) shall be as set forth in this Section, except that:

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A-907.1.2 Zoning Board of Adjustment fees: The fees for matters that are taken before the Board pursuant to Section 14-303 and regulations promulgated thereto shall be as follows:

1. For properties containing an existing one- or two-family dwelling [only] *only, including any affordable housing project* $125

2. For any property not included in subsection [1] *1, including any affordable housing project* $300

3. For each accelerated hearing before the Board, in addition to the fee specified in 1 or 2 above $750

4. Fees under 1, 2, and 3 above are per property.

5. For any affordable housing project, as defined in Section A-106, fees shall not exceed the amount set forth in subsection A-907.1.2.1 or A-907.1.2.2, as applicable and the accelerated hearings fees set forth in subsection A-907.1.2.3 shall be waived.

[5.] *6.* The maximum accelerated hearing fee for simultaneous hearings resulting from multiple permit applications shall be two thousand two hundred fifty dollars [($2,250).] *($2,250), provided that the accelerated fee for any application for an affordable housing project shall be zero dollars ($0).*

[6.] *7.* An accelerated hearing shall be scheduled by the Zoning Board at the first available date.

[7.] *8.* To request a Zoning Board of Adjustment administrative review, as provided by Zoning Board regulations $200

[8.] *9.* For a reposting of notices of Zoning Board of Adjustment hearings $65

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Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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