

## No. 1995-24

## AN ACT

## HB 1032

Providing for the preemption of ordinances and other regulations of cities of the first class for capital projects and improvements of State-related universities principally located within cities of the first class.

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

**Section 1. Legislative findings and intent.**

The General Assembly finds and declares as follows:

(1) The State-related universities of the Commonwealth have by statute been declared to be instrumentalities of the Commonwealth and members of the Commonwealth System of Higher Education to provide higher educational opportunities for the citizens of this Commonwealth.

(2) The General Assembly, desiring and intending that the State-related universities enhance such educational opportunities for citizens of this Commonwealth, has provided to such universities annual appropriations for education and general expenses, thereby reducing the cost of tuition charges for Commonwealth residents.

(3) In addition, the Commonwealth has supported and enhanced the educational opportunities provided by State-related universities to citizens of this Commonwealth by including in capital budget acts substantial public funds for the acquisition, construction, renovation and equipping of land, buildings and other facilities for educational and related purposes on the campuses of State-related universities.

(4) The citizens of this Commonwealth, through the expenditure of tax revenue, have a substantial investment in such land, buildings and other facilities and in the operations of the State-related universities.

(5) By reason of annual appropriations and capital budget acts, the activities and facilities of State-related universities are matters of Statewide concern, serve a public purpose and provide a public benefit to the Commonwealth.

(6) The General Assembly has in prior legislative enactments declared that land, buildings and other facilities owned by the Commonwealth or State-related universities and used for higher education are under the entire control and management of the boards of trustees of the State-related universities.

(7) Imposition of local zoning and land-use regulations on the activities and real property, buildings and other facilities of State-related universities may constitute an interference with the statutory duties and responsibilities of the State-related universities as instrumentalities of the Commonwealth

to extend opportunities for higher education to citizens of this Commonwealth. It is the intent of the General Assembly to recognize that the State-related universities provide a direct public benefit and serve the public purposes of the Commonwealth by declaring the real property owned by State-related universities or owned by the Commonwealth and used by them to be exempt from zoning and land-use ordinances and regulations of cities of the first class. Nothing declared herein shall be interpreted to exempt State-related universities from municipal building codes and regulations that are generally applicable to similar buildings in the city.

#### Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Real property.” Land, buildings, fixtures and improvements thereon, including all rights, titles and interests of whatever nature and kind or appurtenant thereto.

“State agency.” Exclusively for the purposes of this act, a State-related university.

“State-related university.” A State-related university that has its principal campus located in a city of the first class, including, but not limited to, Temple University.

#### Section 3. Preemption.

(a) Grant of preemptive power to State agency.—A State agency may pursue its purposes and exercise its powers and authority, including, without limitation, the acquisition, design, development, construction, improvement, furnishing, fixturing, equipping, operation, extension, enlargement, maintenance, repair, lease, sublease or use of real property, notwithstanding any provision of law providing for or regulating zoning or land-use planning in a city of the first class, or any zoning ordinance or land-use ordinance adopted or enacted by a city of the first class under the authority of any statute or under the authority of any home rule charter authorized and adopted under any statute or the Constitution of Pennsylvania.

(b) Exercise of preemptive power by Commonwealth and administrative agencies.—The Commonwealth and any of its administrative agencies designated in the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, may exercise the same preemptive power and authority exercisable by a State agency under subsection (a) so long as the real property is to be used, occupied or under the control of a State-related university, whether by agreement, lease or otherwise.

#### Section 4. Retroactivity.

This act shall be retroactive to March 15, 1994.

#### Section 5. Expiration.

The authority, rights and privileges arising under this act pertaining to exemption from zoning and land use requirements of cities of the first class

shall expire four years after the effective date of this act, provided that any project for which an application for a building permit has been submitted at any time prior to four years after the effective date shall continue to enjoy the authority, rights and privileges arising under this act.

Section 6. Effective date.

This act shall take effect immediately.

APPROVED—The 30th day of June, A.D. 1995.

THOMAS J. RIDGE