



Newsletter

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---UPDATE---

Amendment Brings Longer Extension Under Pennsylvania Permit Extension Act

Good news for anyone with an expiring building, zoning or similar permit in Pennsylvania. The Pennsylvania Permit Extension Act has been amended and now extends the life of certain permits until July 2, 2012.

The original Act which was passed in 2010 automatically extended the life of certain permits, such as building, zoning, water, sewer or road permits, issued under more than thirty statutes including the Pennsylvania Municipalities Planning Code ("MPC") and the First Class City Home Rule Act (applicable to Philadelphia) until July 2013.

With limited exception, the law applies to Approvals that were in effect on January 1, 2009 or after. The expiration date of an Approval is automatically extended, regardless of expiration date, unless the approval was issued by the City of Philadelphia in which case the extension must be

.....CONTINUED ON PAGE 2



In this Newsletter

BREAKING NEWS

Amendment Brings Longer Extension Under Pennsylvania Permit Extension Act

..... Page 1

Social Security Disability Benefits - The Application and Appeal Process

..... Page 3

Can an Employer be Sued for Work Related Injuries Sustained By An Employee?

..... Page 6

Delayed Deadline for Homestead Exemption in Philadelphia

..... Page 8

requested. The Act does not limit the authority of a government agency to suspend or revoke an Approval for noncompliance with a written condition of Approval, to enforce conditions of approvals granted before January 1, 2009, or to enforce conditions that are required to be performed before final plan Approval under the Municipalities Planning Code.

In addition, the Act has been interpreted to be a tolling statute. As an example, this means that if an approval had a remaining six month time period at the time of the extension, the six month time period would be tacked on to the end of the extension period, and the approval would last six months beyond July 2, 2016.

The Act is significant. Many developers and lenders invested large sums in acquiring and gaining approvals for projects to only later find the projects stalled due to the recession. The Act allows such projects to remain viable until the economy recovers saving considerable sums and time in obtaining new Approvals, due to the expiration of the original Approvals. The Approval process is full of uncertainty and costs and the Act provides relief from such uncertainty, and additional costs.

The Act also provides additional benefit to lenders. In those cases where a lender has repossessed a property, considerable value is often lost when Approvals expire. By providing for extension of Approvals, the Act aids lenders by retaining value of property for which Approvals have been obtained, and would otherwise expire. Thus, a lender that is now the owner of what appears to be a failed project receives an added benefit of being able to market the property as approved for development.

This article explores some basic issues that should be considered by anyone that may be affected by the Permit Extension Act. The Act has many different applications and anyone with an Approval that appears to have expired should discuss whether the Act covers the Approval. Every

..... CONTINUED ON PAGE 3



Dawn Tancredi, Esquire

Dawn M. Tancredi, Esquire was Co-Course Planner and Panel Member of Pennsylvania Bar Institute's Continuing Legal Education Seminar regarding the new Philadelphia Zoning Code which becomes effective on August 22, 2012. For further information or questions, please contact Ms. Tancredi directly at dtancredi@mattioni.com or 215-629-1600.

Approval is different, so care should be taken and each case should be reviewed with appropriate professionals to determine whether the Act applies to a specific Approval.

Dawn M. Tancredi is a shareholder in the firm where she practices in the real estate and business areas of the law.



Social Security Disability Benefits - The Application and Appeal Process

Social Security Disability is a program of the Federal Government designed to provide monthly payments to disabled individuals. To qualify for Social Security disability benefits, you must have earned wages and paid Social Security taxes five out of the past 10 years. Aside from paying into the Social Security system, you must also be disabled. Disability under Social Security is based on your inability to work by reason of any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of twelve months or more. You may be a candidate for disability benefits if you cannot perform any work, 8 hours per day, 5 days per week, including jobs that are considered to be sedentary in nature.

To initiate a Social Security disability claim, you must submit an application for benefits with your local Social Security district office. The application can be completed online or at the local Social Security office. You may also want to consider consulting with an attorney to assist you with the application process. To properly complete the application, you must provide information about your

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Michael Mattioni, Esquire

Michael Mattioni, Shareholder and President of the firm, was elected Vice Chancellor of the Justinian Society in June.

medical condition, work history, and medical treatment.

You should also be able to explain why you are unable to work. After submitting your application, you will receive an "Activities of Daily Living" Questionnaire which must be completed and returned in a timely manner, or your claim could be denied for lack of evidence.

Decisions on an application for benefits are usually made within 3-6 months from the date of filing. If you are approved for benefits, you will begin to receive payment along with a Notice of Award which will explain when you were found to be disabled and when you are entitled to collect benefits. It will also tell you what your monthly benefit will be. If however, you receive a denial notice, it will explain that you have 60 days to appeal the decision.

To appeal your decision in Pennsylvania, you will need to file a Request for Hearing Before an Administrative Law Judge. This form must be filed within 60 days of receipt of your denial letter. After the appeal has been filed, the local Social Security Office will forward your appeal to the Office of Disability Adjudication and Review. The waiting period to receive a hearing date varies. In certain cases, you can expect to wait up to 12 months before receiving a hearing date. Prior to the hearing, it is important to obtain and provide the Administrative Law Judge with updated medical information to support your claim. During the hearing, the Administrative Law Judge will hear testimony from you and review your medical treatment and history. The Administrative Law Judge may also subpoena medical and or vocational experts to appear and testify at your hearing. These experts are to be impartial regarding your claim for benefits. The hearing is your opportunity to personally let the Judge know why you cannot work and how your medical condition affects your life on a daily basis.

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Joseph Bouvier, Esquire

A message from the Greater Swedesboro Business Association

On behalf of the GSBA, I would like to thank everyone who participated in the 18th Annual Golf Tournament that honored Mark and Toni Beltz, long time owners of the "Old Swedes" Inn. The GSBA continuously gives to the community the funds that are raised throughout the year. In the past, they have relied largely on donations to assist the town and allow the businesses in the area to thrive. This year, part of the funds from the Golf Tournament were donated to the Big Brothers/Big Sisters organization. We are looking forward to seeing everyone again next year.

**Joseph Bouvier
2012 GSBA Golf Tournament Chairman**

Judges typically issue decisions within 30 to 60 days following the hearing. If you receive a "Fully Favorable" decision, you have won your case and can expect to receive benefits. However, an "Unfavorable" decision means that you have been denied benefits. You do have further rights of appeal. Within 60 days of receipt of an "Unfavorable" decision, you must file a Request for Review of Hearing Decision/Order. The case will be transferred to the Appeals Council level. The Appeals Council can either uphold or reverse the judge's decision. If you lose on the Appeals Council level, your recourse is to file in Federal Court. The case then becomes a civil action.

Social Security is a program that is governed by case law, regulations, and statutes. The law is constantly changing. It is recommended that you consult with an attorney during all phases of the social security process.



Can an Employer be Sued for Work Related Injuries Sustained By An Employee?

The Pennsylvania Workers' Compensation Act provides that the exclusive remedy against your employer for work related injuries is the workers' compensation law. If the injury has occurred within the course and scope of your employment, you must pursue your claim in accordance with the Workers' Compensation Act. Therefore, you cannot file a separate lawsuit for personal injuries, including pain and suffering against your employer, even if your employer was clearly negligent in causing the injury.

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Section 303(a) of the Workers' Compensation Act provides: The liability of an employer under this act shall be exclusive and in place of any and all other liability to such employees, his legal representative, husband or wife, parents, dependents, next of kin or anyone otherwise entitled to damages in any action at law or otherwise on account of any injury or death as defined in [the Act].

There are a few exceptions to this general exclusivity rule. One exception is if your employer does not obtain or carry workers' compensation insurance coverage. Most employers in Pennsylvania are legally obligated to secure workers' compensation insurance. An employee could pursue a personal injury claim against an employer who fails to maintain coverage. Additionally, under certain circumstances, an employer's failure to carry workers' compensation insurance is a violation of the law which could potentially result in criminal conviction including fines and possible imprisonment.

The Workers' Compensation Act provides for the payment of medical expenses and, in the event you are unable to work, wage loss compensation benefits until you're able to return to work. No matter how injured or disabled you are, you cannot obtain pain and suffering compensation against your employer as you would in a regular personal injury case.

While, in Pennsylvania, an injured worker generally cannot sue his or her employer for causing the injury, the injured worker is free to sue a third party and may be able to obtain pain and suffering compensation against the third party. For example, the injured worker could file an action against a manufacturer of a product which caused the injury, or another driver who caused an accident. When an injured worker receives a settlement or a verdict leading to the recovery of money from a third party, Section 319 of the Pennsylvania Workers' Compensation Act provides the employer or carrier with a right of subrogation. This means

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that the employer or workers' compensation insurance carrier is entitled to be repaid all or part of the benefits the employer or carrier paid to the injured worker. If a third party is held responsible for the employee's injury, then whatever benefits were paid by the carrier or employer are to be paid back to the carrier or employer out of the third party settlement or verdict amount.

This article provides a brief overview of the Pennsylvania Workers' Compensation Act. This article does not address any specific issue or set of circumstances. Anyone with questions regarding a Workers' Compensation matter is urged to contact an attorney.

Eugene Mattioni and Joseph Bouvier, Shareholders, practice areas include Workers' Compensation, Personal Injury and Employment Law.



Delayed Deadline for Homestead Exemption in Philadelphia

The Homestead Exemption will apply to tax year 2014 and not 2013 as previously advertised by the city.

The Homestead Exemption means that if you own your home, you can qualify for a reduction of your home's reassessment by \$15,000, and therefore reduce your real estate tax bill. There are no age or income restrictions and all homeowners in the city are encouraged to apply.

If you have already submitted an application for the Homestead Exemption, it will be processed and held for Tax Year 2014 and future years. If you have not already

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applied, you will receive an application in the mail around Labor Day. Applications received by November 15, 2012 will be reflected on the Assessment Change Notices going out in February 2013. Applications received after that will continue to be processed, but may not be shown on the Assessment Change Notices.

Please note that deadlines are subject to change.

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