



IN THE ZONE WITH ROB GUNDLACH

Fall 2022

Chairman's Message

What an exciting time to be a Philly sports fan! At the time of this writing, the Eagles are undefeated and the Phillies are in the World Series.

Here in the Real Estate Department at Fox Rothschild, it was a busy third quarter, particularly as to transactions in Pennsylvania, New Jersey and New York. Higher interest rates and cap rates have clearly impacted new projects and sales of completed projects. We represented clients in sales, purchases, refinancing and leasing of hundreds of properties in July, August and September.

Whatever your real estate legal needs, we can assist. Fox attorneys and paralegals have a vast variety of skills and billing rates. We also have excellent "form documents," having handled leasing for many of the national and regional tenants, landlords, lenders and building lot purchasers. This enables us to complete your transactions promptly and efficiently. Feel free to call me directly about staffing and pricing for your next property or multi-property transaction.

Our Zoning & Land Use Practice was also busy this quarter. Our attorneys are "back on the road," attending hearings in Pennsylvania and New Jersey municipalities. Our team is available to assist with your work to obtain the required zoning and land use permits and approvals for projects in Pennsylvania, New Jersey, Delaware and the five boroughs of New York City.

I wish you all a prosperous and productive fourth quarter. Go Phillies!

Stay well.

Rob Gundlach

Homebuilder's Victory Clarifies Deadline for Defect Claims

The Pennsylvania Superior Court ruled that a homeowner's suit alleging defect claims was properly dismissed under the 12-year statute of repose. In doing so, the court rejected the homeowner's argument that the builder's ongoing repairs effectively tolled the statute, holding instead that it began to run when the initial owners occupied the home and were first exposed to the alleged defects.

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Borough May Sue Authority Over Consent Decree

A federal judge has greenlighted a legal dispute between a Pennsylvania borough and a sewage authority that hinges on how each side is interpreting a consent decree with the U.S. Environmental Protection Agency.

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Commonwealth Court Upholds Site-Specific Relief for Billboard

Finding that errors in a borough's zoning scheme had created a "de facto exclusion" of billboards in the entire borough, a Pennsylvania appellate court has affirmed a trial judge's decision to grant site-specific relief for a billboard applicant.

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PA Law Charts Course for Development of 'Regional Significance'

Lawmakers in Pennsylvania are considering a significant amendment to the Municipal Planning Code that would empower boroughs, towns and townships to plan and approve major development projects.

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PA Budget Includes \$375 Million for Affordable Housing

In its 2022-23 state budget, the Pennsylvania Legislature approved the allocation of \$375 million in American Rescue Plan funding for affordable housing construction, rehabilitation, and repairs. Learn more about the breakdown of the funding and how it will be targeted in this alert.

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Fox's Craig Finger Named to Best of the Bar List

Craig L. Finger, a past Chair of Fox Rothschild's Real Estate Department, was among those named to the *Philadelphia Business Journal's* 2022 Best of the Bar list featuring top lawyers in the Greater Philadelphia region.

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Court Adopts 'Reasonable Reader' Test for Credit Report Entries

Landlords, lenders and others that routinely provide information to credit reporting agencies will benefit from a federal appellate court's ruling that clarifies the framework

under the Fair Credit Reporting Act for assessing whether information is inaccurate or misleading. Fox Rothschild litigation partner Jerry Arth explains in this alert.

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Does Your Act 2 Site Still Have Activity and Use Limitations?

Changes to Act 2 Statewide Health Standards created opportunities for some previously remediated properties that still have post-remedial inspections, reporting and Activity and Use Limitations (AULs). In this alert, our friends at Brickhouse Environmental explain that owners may now be able to remove burdensome obligations – and boost property values – in certain situations where sites previously received Act 2 cleanup approvals through the use of engineering controls and/or Activity and Use Limitations on the property.

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If you have questions or want information about how to best prosecute zoning and land use appeals, or if you are looking for assistance with your next real estate transaction, please contact **Rob Gundlach** at **215.918.3636** or rgundlach@foxrothschild.com.

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