

Legislative Locator

The Legislative Locator is a Monthly Publication of The Pennsylvania Municipal League



March 2021

Take Action on Local Use of Radar

House Bill 606 (PN 1027), introduced by Representative Greg Rothman, would amend Title 75 (Vehicles) authorizing the local use of both radar and LIDAR by any police officer. HB 606 is at a critical point in the legislative process.

After unanimously passing out of the House Transportation Committee, the bill now awaits one more vote on the House Floor before going to the Senate. In previous years, the House has been a hurdle for moving the local use of radar, and this is the furthest the bill has progressed in the Chamber. It is more important now than ever to contact your state representatives. The House is in session the weeks of April 5, 19 and 26 and swift action that moves the bill over to the Senate in April is our best chance for achieving this long standing priority.

We need your help to encourage your House members to support this critically important public safety bill, as well as asking House leadership to bring HB 606 back to the Floor for a final vote.

Please use this [sample email](#) to contact your representative requesting support for HB 606. Municipalities can also adopt a [resolution](#) in support of HB 606 and SB 419. Please visit our [Local Use of Radar webpage](#) for more information.

Direct Funding for Local Governments Secured with President's Signature

Over the last year, The League has worked in partnership with the National League of Cities (NLC) and our members to advocate for flexible and direct federal funding for local governments. The League, along with NLC, worked diligently to advocate to Congress on our members' behalf through letters, press releases and meetings, in addition to engaging members in our advocacy efforts through press conferences and take action alerts.

President Joe Biden signed The American Rescue Plan into law on March 11, ensuring direct funding for local governments. Thanks to our collective efforts, Pennsylvania will

receive roughly \$13 billion dollars, close to \$8 billion of which will go directly to our local governments to help recover from the pandemic.

Under the American Rescue Plan, local governments are directly allocated \$65.1 billion out of the total \$350 designated for states, local and tribal governments. Of this direct funding, about \$45.5 billion will go to CDBG entitlement communities and about \$19.5 billion will go to non-entitlement communities. For non-entitlement municipalities with a population less than 50,000, allocation will be capped at 75 percent of the municipality's most recent pre-pandemic budget. Additionally, the grants will be allocated in two separate tranches, and you would not need to spend the entire amount of the first tranche in order to receive the second tranche. The grant funds must be used by December 31, 2024, as all money not spent will be returned to the U.S. Department of Treasury.

The U.S. Department of Treasury has 60 days to develop the regulations regarding the grants, including eligible uses of the funds, providing definitions and generally clarifying language in the American Rescue Plan. Additionally, Treasury will come out with the final list of grant allocations, so it is possible the current grant estimate for your municipality may change as Treasury is the ultimate arbiter for the amount each local government will receive. While we wait for more guidance and information from Treasury, there are a few things we do know: municipalities may use grant funds for revenue replacement; grant funds may be transferred to private non-profits, public benefit corporations involved in transportation of passengers and cargo, and special purpose units of state and local governments; grant funds cannot be used for pensions; and grant funds will be no more restrictive than the CARES Act Coronavirus Relief Fund.

We ask that you please be patient while we wait for Treasury to release their regulations, and we encourage you to visit [NLC's COVID-19 Pandemic Response and Relief webpage](#) for up-to-date resources. You can also submit any questions or suggestions you may have to NLC regarding the Treasury guidance [here](#).

We will continue to work with NLC and our Congressional delegation to provide information to all of you as it becomes available.

The League's Spring District Meetings and Resolutions Process

Our municipalities continue to fight for and serve their communities while facing the unique challenges resulting from the events of 2020 and its impact for years to come. As a member driven organization, it is important we hear from you to accurately represent your municipality's needs with the General Assembly, especially in these unprecedented times.

Each spring, League members receive the opportunity to submit policy suggestions through resolutions, shaping The League's policy agenda. Simply propose a policy resolution, which would then go to the Annual Municipal Leadership Summit for consideration by the Resolutions Committee and full League membership. This is a very important process because it sets the future policy priorities and positions of The League.

View The League's [2020 adopted resolutions](#) as a sample to prepare for this year's Spring District Meetings on April 6. Please contact Amy Sturges, Director of Governmental Affairs, at asturges@pml.org if you have any questions.

Cosponsor Memos

Municipal Notification of Changes to Flood Plain Map

Representative Greg Vitali has announced intention to introduce legislation amending the Municipalities Planning Code to prohibit the placement of off-premise advertising signs within 1,000 feet of an existing school, public park or playground, residential housing, church or childcare facility without municipal approval.

Municipal Stormwater Management

Representative James Struzzi has announced intention to introduce legislation amending the Third Class Cities Code, Borough Code and First Class Township Code providing authorization to construct stormwater management systems and creating a dedicated funds system to pay for projects.

Right to Know Vexatious Requestors

Senator Cris Dush has announced intention to introduce legislation creating a process for municipalities to seek relief from a Right to Know requestor that the municipality alleges is a vexatious requestor.

Legislation of Interest

Pre-registration of Tax Sale Bidders

[House Bill 264 \(PN 1003\)](#), introduced by Representative Doyle Heffley, would amend the Real Estate Tax Sale Law requiring potential bidders at tax sales to appear and register 10 days prior to each tax sale in which they wish to bid.

Registration would require providing contact information and an affidavit stating the applicant: has no delinquent real estate taxes in the Commonwealth; has no municipal utility bills that are over one year outstanding in the Commonwealth; is not acting for a person barred from participating in the sale; and has not failed to correct housing code violations or maintain property in a safe, legal and sanitary manner for three years preceding the application to bid.

Tax claim bureaus may establish registration fees and must provide the list of potential bidders to all municipalities within a county at least seven days prior to the scheduled sale. The bill would bar repurchase by the property owner or immediate family members. It also expands the time frame a municipality can petition the Court of Common Pleas to prohibit the transfer of any deed for any property to 15 days before or after any sale.

Lastly, the bill would authorize a tax claim bureau, with the consent of all taxing districts where the property is located, to establish a minimum purchase price for sales of property in repository.

Location: Second Consideration in the House, March 24, 2021

Licensing of Minor Owned Businesses

House Bill 664 (PN 1047), introduced by Representative Johnathan Hershey, would amend Title 53 (Municipalities Generally) and Title 68 (Real and Personal Property) preempting both municipalities and homeowner's associations from requiring licenses from businesses operated by minors on an occasional basis. A municipality would be restricted from requiring a business license from such a business in a residential zoned or unzoned area by a minor and that is a sufficient distance away as to not become a direct competitor with other licensed businesses.

Under this bill, a business would be defined as an enterprise exclusively owned by one or more minors that receives no more than \$5,000 in proceeds a year, though an exception is provided if the enterprise is for a charitable purpose. Occasional basis would be defined as business that operates no more than 84 days a year.

Location: First Consideration in the House, March 24, 2021

Fire and EMS Relief Program

House Bill 743 (PN 728), introduced by Jason Ortity, would amend the Fiscal Code establishing the Fire and EMS Relief Program to assist with loss in revenue due to COVID-19. The PA Emergency Management Agency (PEMA) would administer the program and would award grants ranging from \$5,000 to a maximum of \$150,000 to eligible applicants. Grant money would consist of \$500 million from federal dollars allocated to the Commonwealth through the American Rescue Plan. Grants could be used for replacing lost revenue and paying for eligible operating expenses. Eligible applicants must have experienced a loss of revenue and were unable to hold fundraising events due to the disaster emergency proclamation. The bill would provide a list in which an eligible applicant would receive priority in the awarding of a grant.

No later than 160 days after opening the program's application, PEMA shall review applications and enter into grant agreements with those approved before disbursing grant funds. PEMA would be allowed to charge a fee not to exceed \$500 per completed and reviewed application, which would be deducted from the total amount of money appropriated to the agency and may not reduce a grant amount.

Lastly, PEMA would be required to provide a report of the grants awarded to both chairs of the House and Senate Appropriations Committees and post it on the agency's website.

Location: House Veterans Affairs and Emergency Preparedness Committee, March 3, 2021

Main Street Program

House Bill 926 (PN 921), introduced by Representative Robert Freeman, would amend the Main Street Act providing the Department of Community and Economic Development with authority to extend basic grants under the Main Street Program for an additional five years.

Location: First Consideration in the House, March 24, 2021

Local Government Advertising Flexibility

Senate Bill 252 (PN 225) and **House Bill 955 (PN 967)**, introduced by Senator John DiSanto and Representative Jason Ortity respectively, would amend Title 45 (Legal Notices) providing local governments with various, more modern methods of advertising.

When an advertisement is required by law, a local government would be able to choose from a menu of advertising options, including: a county newspaper of general circulation; a newspaper printed in the local government unit; a legal newspaper designated by the rules of the county court; the public website of the local government; the public website of a newspaper; and a locally circulated printed publication that is at least four pages long. In addition to the required publication, a local government would be required to post a copy of the advertisement at its principal office or building in which they meet. If a local government is unable to post the advertisement at their principal office or meeting location, the county would provide a space where the local government would be responsible for posting the advertisement.

Local governments would also be required to adopt a resolution declaring their intent to use one or more advertising methods listed in the bill. The local government would provide public notice regarding the passage of the resolution and intent to use alternative advertising methods in one or more newspapers of general circulation within the jurisdiction of the local government.

Location: Senate Bill 252: Senate Local Government Committee, February 22, 2021

Location: House Bill 955: House Local Government Committee, March 17, 2021

Right to Know Commercial Requests

Senate Bill 312 (PN 322), introduced by Senator Michele Brooks, would amend the Right to Know Law requiring a requestor to certify in writing whether the request is for a commercial purpose. A municipality or other agency that responds to a commercial request may charge the requester additional fees for search, retrieval, review, redaction and duplication of records. The additional fees would be calculated based on the hourly wage of the lowest paid employee of the municipality or agency that is capable of obtaining the requested information. Prior to fulfilling the request, the municipality or agency shall provide the requester with the estimated cost to grant the request. A municipality or agency may enter into a contract, memorandum of understanding or other agreement providing for an alternative fee arrangement.

The bill would provide for exception for attorneys requesting records for a client as long as the obtained records would not be used for selling, reselling or solicitation by either the attorney or client for commercial purposes.

Location: Senate State Government Committee, March 10, 2021

2023 12-Year Program Public Comment Period

The State Transportation Commission (STC) and PennDOT have begun the 2023 12-Year Transportation Program Update Process.

The STC recently released the **2021 Transportation Performance Report**. It contains information on Pennsylvania's transportation system performance over the last two years. The STC encourages you to read and share the report and then provide feedback.

The public comment period for the 2023 12-Year Program Update began Monday, March 1, and continues through Wednesday, April 14, 2021. The STC will use your feedback to inform the 12-Year Program, Pennsylvania's Long Range Transportation Plan, and the Freight Movement Plan.



NATIONAL LEAGUE OF CITIES UPDATE

One Year Later: State Preemption Undermines Pandemic Response and Recovery

A [new report](#) from the Local Solutions Support Center finds a worrying trend for cities, towns and villages: that while local leaders have sought to slow the spread and confront COVID-19 for a full year now, state leaders are targeting the ability of mayors, council members, and local public health officials to enact protections for residents.

[Read More](#)

HOUSE AND SENATE SESSION DAYS 2021

House:

April 5-7, 19-21, 26-28
May 3-5, 24-26
June 7-9, 14-16, 21-25, 28-30

Senate:

April 19-21, 26-28
May 10-12, 24-26
June 7-9, 14-16, 21-23, 28-30

**reminder - session dates are subject to change*



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