

# Legislative Locator

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



August 2021

## Tell Us About Your Municipality's Pandemic Successes

The House and Senate Local Government Committees are holding a joint hearing on September 13 regarding the positives local government experienced during the COVID-19 pandemic.

The purpose of the hearing is for the legislature to collect information to proactively introduce, move and ultimately enact legislation that would permanently implement successful initiatives local governments used during the pandemic. For example, many municipalities utilized Act 15 of 2020 providing local governing bodies with temporary authorization to meet virtually during the emergency declaration. Many local governments have expressed support for permanent authorization to meet virtually, citing increased public participation and greater flexibility.

Please email Amy Sturges, Director of Governmental Affairs, at [asturges@pml.org](mailto:asturges@pml.org) or Kaitlin Errickson, Governmental Affairs Representative, at [kerrickson@pml.org](mailto:kerrickson@pml.org) with any best practices or successful measures your municipality implemented during the pandemic.

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## First Responder PTSI Bills Would Create an Expensive Unfunded Mandate

Senator Camera Bartolotta and Representative Frank Ryan introduced [Senate Bill 775](#) and [House Bill 1732](#) respectively to provide emergency service and public safety personnel benefits under workers' compensation for post-traumatic stress injury (PTSI), regardless of whether or not the injury is accompanied by a physical injury.

While The League supports increasing the awareness of PTSI in first responders and providing the necessary treatment, the current language of the bills would place an unsustainable mandate on local governments, estimated to cost approximately \$220,000 to \$240,000 per claim. The League, in partnership with other local government organizations, is calling for the bills to be amended in a manner that would ensure the PTSI benefit be sustainable and insurable at a reasonable cost to local governments and taxpayers.

The League and its coalition partners [sent a letter](#) to the Senate co-sponsors and leadership asking for amendments to SB 775, including, but not limited to:

- limiting the compensable injury to PTSI as an injury under the Workers' Compensation Act rather than a presumptive occupational disease;

- requiring the claimant's PTSI be caused by direct exposure to a defined traumatic event which would be specifically listed in the legislation;
- precluding injuries that occurred prior to the legislation's enactment date;
- making the effective date of the legislation at least 12 months after enactment to allow local governments and their insuring entities to adjust to the new law; and
- placing a duration cap on benefits to guard against runaway claims.

Please [reach out to your Senators](#) to express the need to create a more sustainable solution to providing PTSI benefits than what is currently in the bills as introduced. Please view our [PTSI talking points](#) to assist you with your local advocacy efforts.

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## League Members: Please Make Your Voting Delegate/Resolutions Committee Appointments

Voting Delegate/Resolutions Committee appointments for The League's Annual Summit are due Friday, September 3. Contact Kaitlin Errickson, Governmental Affairs Representative, at [kerrickson@pml.org](mailto:kerrickson@pml.org) with any questions.

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## Survey: Pennsylvania Local Elected Officials

The Local Government Commission and the Center for Rural Pennsylvania, legislative agencies of the Pennsylvania General Assembly, are conducting a short demographic survey of elected municipal officials.

The information from this survey will help both agencies to better understand who the Commonwealth's elected municipal officials are and why they choose to serve their communities.

These agencies assist local government, so please assist them by completing their survey by **August 31, 2021**.

[Take Survey](#)

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## Legislation of Interest

### Waiver of the Real Estate Tax Penalty for Non-receipt of Tax Notice

[House Bill 430 \(PN 1322\)](#), introduced by Representative Joe Emrick, would amend the Local Tax Collection Law regarding the waiver of penalties.

A taxing district, by ordinance or resolution, shall require its tax collector to waive a penalty charged for real estate taxes if the taxpayer requests a waiver within a year from the date of transfer of ownership and if the taxpayer attests that the tax notice was never received.

The taxpayer applying for a waiver would need to provide the taxing district with a copy of the deed showing the date of realty property transfer. The taxpayer would also need to pay the remaining real estate tax due when submitting the waiver application.

The Department of Community and Economic Development would develop and make available the application for a taxpayer to request a penalty waiver.

*Location: Senate Local Government Committee, May 4, 2021*

## Sale or Lease of Municipal Asset – Prior Notice

[House Bill 527 \(PN 1777\)](#), introduced by Representative Jim Cox, would amend Title 53 (Municipalities Generally) requiring public notification and meeting prior to finalizing an agreement to sell or lease a sewer or water system owned or operated by the municipality.

The new subchapter, titled “Public Notice and Public Meetings,” would require a municipality to provide public notice of intent to sell or lease a sewer or water system owned or operated by said municipality once each week for two successive weeks in a newspaper of general circulation. The municipality would then be required to hold at least one advertised public meeting no more than 60 days or fewer than seven days prior to entering into the agreement. The potential purchaser or lessee would be required to attend the meeting.

*Location: House Local Government Committee, June 11, 2021*

## National Pollutant Discharge Elimination System Permit Waiver

[House Bill 591 \(PN 560\)](#), introduced by Representative David Zimmerman, would amend the Clean Streams Law allowing construction sites that result in a land disturbance of more than one, but less than five acres, to apply for a waiver of the otherwise required National Pollutant Discharge Elimination System Permit relating to stormwater discharges.

*Location: Second Consideration in the House, June 21, 2021*

## Provisional Hiring Standards

[House Bill 764 \(PN 1634\)](#), introduced by Representative Brett Miller, would amend Title 23 (Domestic Relations) allowing an employer to hire an employee on a provisional basis not to exceed 45 days while background checks and clearances are obtained. A child day-care center, group day-care home or family child-care home would be able to employ an applicant on a provisional basis for a single period not to exceed 45 days. Employees seeking provisional employment would have to meet standards specified in the bill.

*Location: Senate Health and Human Services Committee, June 11, 2021*

## Code Enforcement and Main Street Program Appointments for Act 47 Communities

[House Bill 1294 \(PN 1853\)](#), introduced by Representative Kurt Masser, would amend the Municipalities Financial Recovery Act (Act 47) providing for the hiring of a code enforcement officer and a Main Street or Elm Street Program coordinator.

The code enforcement officer would assist the municipality in processing building and zoning applications and must be an individual, not a third party agency. The Main Street or Elm Street Program coordinator would be hired according to the Keystone Communities Program guidelines to assist the municipality in its revitalization efforts.

The Department of Community and Economic Development would reimburse the salaries of any hired code enforcement officer or Main Street or Elm Street Program coordinator at the following rates for eight years: 100 percent for years one and two; 80 percent for years three through five; and 50 percent for years six through eight. Municipalities would continue to receive these reimbursements up to eight years even after exiting distressed status.

Lastly, a municipality may, by resolution, opt out of this program within five years of the bill’s enactment.

*Location: First Consideration in the House, June 16, 2021*

## Liquor Code and Noise Violations

[House Bill 1497 \(PN 1828\)](#), introduced by Representative Mike Jones, would amend the Liquor Code extending time allowed for noise from a licensee’s property.

This bill would preserve municipal authority to enforce noise ordinances. It would permit licensed venues to produce an amplified sound not to exceed 75 decibels beyond the licensee's property line from 10:00 AM to 9:00 PM Sunday through Thursday and 10:00 AM to 12:00 PM Friday and Saturday. The Bureau of Liquor Control of the Pennsylvania State Police would enforce the new extended time provisions, and this bill would not extend to the City of Philadelphia.

Lastly, a noise violation would not be the sole basis to reject a license validation or renewal unless the licensee has received three prior adjudicated noise citations within a 24-month period.

*Location: First Consideration in the House, June 15, 2021*

## **Municipalities Planning Code Bonds**

[Senate Bill 208 \(PN 177\)](#), introduced by Senator John DiSanto, would amend the Municipalities Planning Code to clarify that a municipality may not require a developer to post a bond greater than 110 percent of the costs of improvements. Furthermore, the bill would clarify that a municipality may retain 110 percent of the remaining costs of improvements prior to completion of the work.

*Location: House Local Government Committee, June 23, 2021*

## **The Fertilizer Act**

[Senate Bill 251 \(PN 275\)](#), introduced by Senator Gene Yaw, would amend Title 3 (Agriculture) repealing Chapter 67 and establishing Chapter 68 as the Fertilizer Act setting clear standards for the application of fertilizer to turf, recordkeeping, packaging and labeling and providing for the disposition of funds.

This bill would require all professional fertilizer applicators, including those employed by a municipality, to be certified in proper application techniques and best management practices. A successful certification would require passing both a written examination and field test, and the minimum examination fee, set by the Department of Agriculture, would be at least \$10. A public applicator certification would expire on September 30 three years following the date of certification. Certification renewals would need to be filed before the September 30 deadline, or failure to renew would require a person to restart the certification process. Fertilizer applicators would need to complete at least four continuing education credits every three years to remain in good standing,

No local ordinance or regulation may prohibit or attempt to regulate the registration, packaging, labeling, sale, transportation, distribution, use or application of fertilizers in conflict with this bill. However, municipalities would be able to adopt and enforce a regulation consistent with or more restrictive than the provisions within this bill.

In addition to the provisions impacting local governments, this bill would create further standards and provisions regarding the application of fertilizer, including: requiring producers of fertilizer to obtain a license; providing for record retention and license requirements for fertilizer application businesses; establishing standards for recordkeeping; detailing the subjects and areas a fertilizer applicator must be knowledgeable; regulating rates of applied fertilizer based on location; providing for responsibilities of the Department of Agriculture; and lastly, providing for penalties and reasons to revoke a license.

*Location: House Agricultural and Rural Affairs Committee, May 14, 2021*

## **Removing Time Limit for County Demolition Fees**

[Senate Bill 439 \(PN 457\)](#), introduced by Senator David Argall, would amend the Recorder of Deeds Fee Law continuing support for the County Demolition Funding Program. Act 152 of 2016 provided counties with the option to charge a \$15 fee, through the Recorder of Deeds Office, for each deed and mortgage for a demolition program for a 10-year period. This bill would allow the \$15 fee indefinitely.

*Location: House Local Government Committee, June 22, 2021*

## County Demolition and Rehabilitation Fund

**Senate Bill 574 (PN 621)**, introduced by Senator Jim Brewster, would amend the Real Estate Tax Sale Law to allow counties, by ordinance, to establish a County Demolition and Rehabilitation Fund.

This bill would allow the entity conducting the sale of the property, or sheriff in a mortgage foreclosure, to collect a fee no greater than \$250 from the buyer, in addition to the purchase price, at the time of sale as condition of conveying title to the property. A public notice would establish the fee and its rates, and the fee would be deposited into the County Demolition and Rehabilitation Fund.

The fund would be used exclusively by the county, or upon approval by county commissioners or other governing body, not-for-profit or for-profit corporation that has a contract with the county or a taxing district, redevelopment authority, land bank or other government entity for the demolition or rehabilitation of blighted property located in the county. However, this would not apply to a property sold for delinquent real property taxes to a nonprofit entity, land bank, or government entity.

*Location: House Local Government Committee, June 28, 2021*

## Public Safety Authorities

**Senate Bill 698 (PN 782)**, introduced by Senator Lisa Baker, would amend Title 53 (Municipalities Generally) providing for public safety authorities.

A county may establish a public safety authority comprised of fire and EMS services; police services would be excluded under the bill. An existing public safety authority would be permitted to continue to operate without any limitations.

Municipalities may join a county public safety authority by entering into a contract. Additionally, if a county does not intend to create an authority, the bill would provide municipalities with the process to initiate and establish a public safety authority. Municipalities representing at least 51 percent of the county's population or 40 percent of the total number of municipalities in the county may petition the county, by resolution, to form an authority. These municipalities would be allowed to form the public safety authority if the county fails to respond to the petition within 120 days.

A public safety authority would be able to fix, alter, charge and collect reasonable and uniform rates and other charges for the services the authority provides. Public safety authorities would not be permitted to directly employ firefighters or directly provide fire protection services.

Lastly, the Pennsylvania Department of Community and Economic Development, in consultation with the State Fire Commissioner and the Director of the Bureau of Emergency Medical Services of the Department of Health, would develop guidance and contract with partners to aid counties in the creation of public safety authorities.

*Location: Senate Veterans Affairs and Emergency Preparedness Committee, May 20, 2021*



## NATIONAL LEAGUE OF CITIES UPDATE

### Census Data Shows Differing Trend for Cities and Suburbs, Concerns Over Data Quality Remain

Last Thursday, the Census Bureau released the highly anticipated redistricting data in accordance with Public Law 94-171. Complications related to the COVID-19 pandemic significantly shifted the timeline of data delivery and have left many government entities at the federal, state, and local levels concerned about the reliability and accuracy of the data. In addition, the Census Bureau's application of a new disclosure avoidance system has

raised concerns over bias that may inhibit redistricting in accordance with the Voting Rights Act of 1965.

[Read More](#)

## HOUSE AND SENATE SESSION DAYS 2021

**House:**

September 27-29  
October 4-6, 25-27  
November 8-10, 15-17

**Senate:**

September 20-22, 27-29  
October 18-20, 25-27  
November 15-17

*\*reminder - session dates are subject to change*



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**Pennsylvania Municipal League**

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