



Legislative Locator

A Monthly Publication of The Pennsylvania Municipal League

February 2019

TAKE ACTION!

Attention Local Officials! **Take Action TODAY** – contact your Senator and ask for support for Senator Mario Scavello's pending legislation – [RADAR for Municipal Police](#). Both The League and PSATC supported this proposed legislation last session. Getting RADAR legislation introduced is the first step to getting it passed!

2019 League Capitol Conference

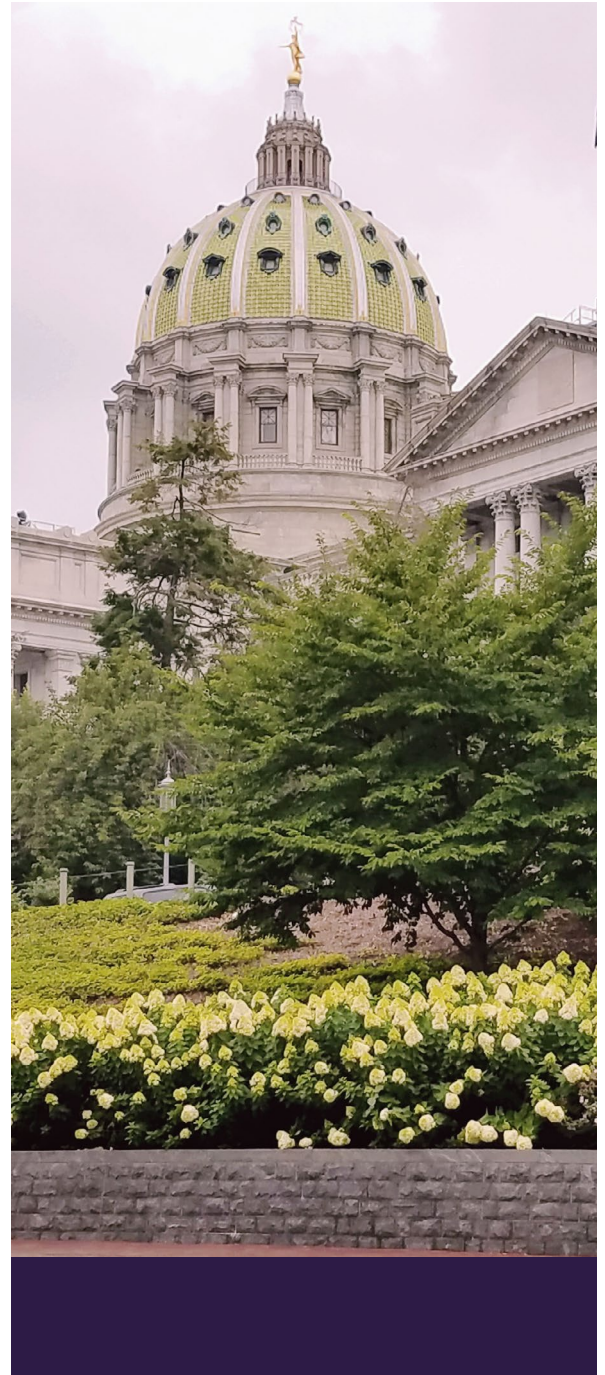
Monday, April 1, 2019

Hilton Harrisburg

CLICK TO
REGISTER NOW

Session Topics:

- What Changes Could Make Act 47 More Effective
- The Local Impact of PA's New Fireworks Law
- Paid and Volunteer Fire: Legislative and Legal Issues
- Panel Discussion with House and Senate Local Government Chairmen
- Local Government's Role in Preparing for Autonomous Vehicles
- The Latest on the Preservation of Local Zoning in the Placement of Small Cell Wireless Infrastructure
- Legislation Update from The League





Governor Wolf Announces Infrastructure Plan and State Budget

Governor Wolf's February was off to a busy start as he announced a statewide infrastructure funding plan and his [proposed 2019-20 state budget](#). He tried to separate the two by announcing the infrastructure plan – [Restore PA](#) – several days prior to his budget proposal. Ideally, the two items can remain separate.

Restore PA has much to offer and has the potential to have broad support. Funding for the program would come from a Severance Tax on natural gas extraction. Revenue from the tax would be used to pay for a 4-year, \$4.5 billion up-front infrastructure investment. The Impact Fee currently paid by the natural gas industry would not be affected by the Severance Tax. Some of the planned infrastructure improvements include: high-speed Internet access for all Pennsylvanians; flood control in flood prone areas; a disaster relief trust fund; grants for local storm water management; business development centered around the natural gas industry; local blight demolition and redevelopment funding; brownfield clean-up and contaminant remediation, including lead removal; green infrastructure investments; funding to upgrade local roads and infrastructure; and public transportation upgrades. The League generally supports this plan as long as the Severance Tax revenue stays out of the Commonwealth's General Fund and the Impact Fee is not altered.

The Governor's budget proposal increases spending over last year by almost 3% but does not suggest new taxes. He is looking to concentrate on investments in workforce development, bringing state agencies and outside partners together to decide the best use of funds. He also proposes increases in education funding at all levels. There is a proposal to increase the minimum wage to \$12 per hour and raise it by 50 cents each year until it reaches \$15. Municipal reimbursement for state police services returned with a sliding scale fee allowing small communities to pay less than those with large populations. Funding is also directed to counties to assist with their mandate to upgrade or replace voting machines by April 2020. Budget hearings are underway through mid-March.

LEGISLATION OF INTEREST

Abandoned Property Tax Sale Act

Senate Bill 174 (PN 131), introduced by Senator Patrick Browne, establishes the Abandoned Property Tax Sale Act, requiring tax-sale purchasers of blighted residential, commercial or industrial property to demolish or rehabilitate the property and to put it back into productive use.

The bill defines abandoned property as property on which there is a building that has not been legally inhabited for at least the previous 12 months and the municipality finds that one of the following criteria has been met:

- the building is a public nuisance;
- the building is in need of substantial rehabilitation, and no rehabilitation has occurred during the previous 12 months;
- the building is unfit for human habitation, occupancy or use;
- the condition and vacancy of the building increases the risk of fire or other hazards;
- the building is subject to unauthorized entry;
- the presence of vermin or accumulation of debris has created potential health and safety hazards; or
- the condition of the building negatively affects the economic well-being of nearby residents and businesses.



LEGISLATION OF INTEREST

Within 30 days of the sale and before the transfer of title, a purchaser must enter into a redevelopment agreement and establish a plan with the municipality or redevelopment authority. Specific timelines for executing the agreement are outlined in the bill. If the purchaser fails to comply with the agreement, the municipality or redevelopment authority may acquire title to the property.

If enacted, this legislation will take effect in 90 days.

Location: Senate Urban Affairs and Housing Committee, February 1, 2019

Prevailing Wage – Political Subdivision Exemption

House Bill 323 (PN 301), introduced by Representative Frank Ryan, amends the Prevailing Wage Act by repealing the prevailing wage mandate for all political subdivisions; however, language is added which allows a municipality to opt-in to the requirements of the Act by adopting an ordinance or passing a resolution.

If enacted, this legislation will take effect in 60 days.

Location: House Labor and Industry Committee, February 1, 2019

Uniform Definition of Blight

House Bill 407 (PN 541), introduced by Representative Kurt Masser, amends Title 1 (General Provisions) by adding a universal definition of blight to Pennsylvania Law. The definition will apply to all statutes enacted after 1937 and to all future statutes, unless clearly stated otherwise. The Blight Task Force and the Department of Community and Economic Development support this definition.

If enacted, this legislation will take effect in 60 days.

Location: Received First Consideration before the House, February 19, 2019

Storm Water Management Fees Authorized

House Bills 473 (PN 458) and 474 (PN 462), introduced by Representative Garth Everett, amend the First Class Township Code and Titles 8 (Boroughs and Towns) and 11 (Cities) to allow political subdivisions to plan, design, alter, build, purchase, install or assemble storm water facilities. An ordinance must be enacted to govern and regulate storm water management.

All political subdivisions are authorized to assess reasonable and uniform fees on properties to pay for storm water management activities. Fees may be based on the characteristics of the property receiving the benefit, exemptions and credits for installed, maintained facilities that meet best practice standards. Fees levied by a local government can be assessed in one of the following ways:

- On all properties in a municipality.
- On all properties receiving a benefit by a specific project.
- By establishing storm water management districts and assessing a fee on those property owners within the designated district.



LEGISLATION OF INTEREST

Any fees collected may only be used for the purposes authorized by this legislation. Fees will be paid as specified by local ordinance.

If enacted, this legislation will take effect in 60 days.

Location: House Local Government Committee, February 12, 2019

Intergovernmental Cooperation Agreements

House Bills 510 (PN 496), 511 (PN 497) and 512 (PN 498), introduced by Representative Paul Schemel, amend Titles 53 (Municipalities Generally), the Second Class Township Code and Title 11 (Cities), respectively, regarding intergovernmental cooperation agreements.

House Bill 510 amends the Intergovernmental Cooperation Law to give local governments the option of using an ordinance **or** resolution to enter into an intergovernmental cooperation agreement, unless mandated otherwise by local law. A council of governments or consortium of local governments must still be established by local ordinance. The bill further provides that municipal authorities may not take on any function not authorized by law or a municipality's articles of incorporation.

House Bills 511 and 512 refer to the process in the Intergovernmental Cooperation Law for agreements with other municipal entities.

If enacted, this legislation will take effect in 60 days.

Location: House Local Government Committee, February 12, 2019

COSPONSOR MEMOS TO WATCH

Optional Elimination of the Office of Tax Collector

Representative Keith Greiner issued [HCO158](#) seeking support for legislation that would allow a municipality to eliminate the office of tax collector by ordinance and enter into an optional tax collection agreement with a tax officer named by the municipality.

Neglected Burial Grounds within a Municipality

Representative Gerald Mullery issued [HCO570](#) to garner support for legislation that would allow a municipality, which has been granted the responsibility of a neglected burial ground within its borders, to spend \$5,000 on property maintenance per annual budget, rather than the amount of \$30, found in current law.

Electric Low-Speed Scooters Defined

Representative Greg Rothman issued [HCO865](#) to advise that he would soon be introducing legislation to universally define electric low-speed scooters under Title 75, the vehicle code, allowing for electric low-speed scooters to be regulated like other forms of transportation in the Commonwealth.



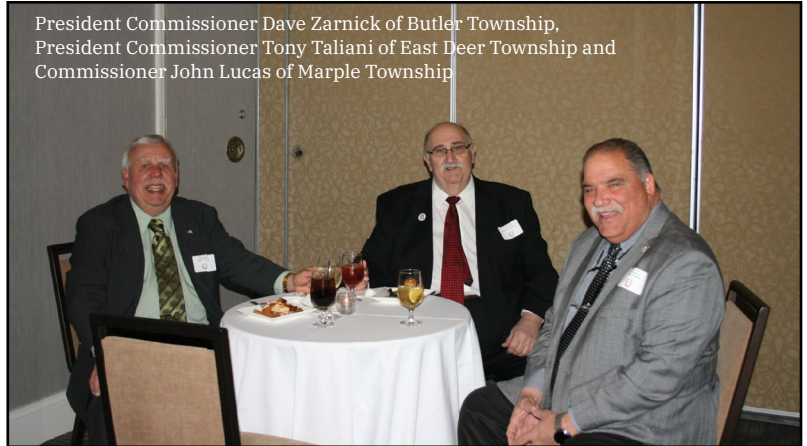
OTHER NEWS

PSATC Hosts Legislative Reception to Introduce 2019 Priorities

On Monday, February 4, 2019, following their annual lobby day, PSATC President Mike Higgins and the PSATC Board of Directors hosted a legislative reception introducing PSATC's 2019 legislative priorities. The attendance was record breaking and Lieutenant Governor John Fetterman addressed the crowd and spoke in support of local government.



Lieutenant Governor John Fetterman
and President Commissioner Mike
Higgins of Aston Township



President Commissioner Dave Zarnick of Butler Township,
President Commissioner Tony Taliani of East Deer Township and
Commissioner John Lucas of Marple Township



Commissioner Nicole Whitaker of Upper Chichester Township; Rick Vilello, Deputy
Secretary for Community Affairs and Development, DCED; Commissioner Carol
Graham of Aston Township and Jim Graham



Representative Chris Sainato

House and Senate Session Days:

Senate: March: 18, 19, 20, 25, 26, 27

House: March: 11, 12, 13, 18, 19, 20, 25, 26, 27

Session dates are subject to change.



Cities Count: Preparing for the 2020 Census

Municipal governments have an important relationship with the census — both as consumers of the invaluable data it gathers and as partners in ensuring the complete and accurate count of our cities.

The National League of Cities (NLC) supports the Census Bureau's mission to “serve as the nation's leading provider of quality data about its people and economy.” We also understand the many ways in which Census Bureau data impacts a city. These resources have been assembled to provide local leaders with objective information and resources to prepare for the upcoming 2020 Census.

[**READ OUR CENSUS ACTION GUIDE**](#)

Why the Census Matters:

- **An accurate census helps ensure fair representation at all levels of government.** The primary constitutional purpose for the decennial census is to determine how many congressional representatives each state will have for the next decade and to ensure equal representation in the redistricting process. For instance, congressional districts and the boundaries of a city ward are determined by census numbers.
- **The census directly impacts the funding a municipality will receive over the next decade.** Population counts and statistics derived from both the decennial census and other surveys determine the annual allocation of more than \$800 billion in federal investment across states, counties and local governments. While many financial assistance programs and block grants, like the Community Development Block Grant (CDBG), are distributed to municipalities based on American Community Survey (ACS) statistics, the benchmark for all ACS data is the decennial census.
- **The census provides the most reliable and complete data for research, decision making and planning for both the public and private sectors.** Academic institutions, medical facilities, businesses of all sizes and all levels of government rely on census data to inform their research, decision making and planning. While the decennial census only asks a few basic questions, the population counts and demographic data that it produces serve as a benchmark for most other current statistics that help us gain deeper insights into our communities.

Census Resources:

- [Municipal Action Guide \(MAG\)](#)
- [City Census Checklist](#)
- [Census Timeline for Cities](#)
- [Fast Facts and Talking Points for Constituents](#)
- [The “Citizenship Question”](#)