

**New Year, New Format!**

*We know you are busy, but want to stay informed, so we have implemented a newsletter service which now brings the Legislative Locator directly to you via email.*

*Enjoy this new version, developed with your needs in mind!*

# Legislative Locator

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



**Legislative  
Locator**

January 2020

## TAKE ACTION!

### Become a Stronger Advocate in 2020

With the start of 2020, the Pennsylvania General Assembly has entered the second half of the current legislative session. The League's Legislative Staff has tracked hundreds of bills pertinent to maintaining and supporting effective and efficient local government, but we also rely on our members to aid in our advocacy efforts.

As a local official, you are in a unique position to represent your community's needs not only locally, but also at the state level. How you might ask? **ADVOCACY.**

Whether you are writing a letter, making a phone call, or meeting with your state representative about a unique municipal issue



or a League priority, you need the right tools to communicate effectively. The recently updated League Advocacy Toolkit provides new and seasoned advocates with communication strategies, League advocacy opportunities and legislative information so you can successfully communicate your municipality's local connection.

The League encourages local officials, elected or appointed, to read our new and improved [Advocacy Toolkit](#) to prepare for your advocacy strategies and efforts in the year ahead.

## COSPONSOR MEMOS

### **Municipal Waste Management**

Representative Joshua Kail has announced intention to introduce legislation to allow municipal waste management systems to partner with manufacturers utilizing advanced recycling technologies to convert post-use plastics into valuable raw materials.

### **Three Mill Police Tax**

Representative Jack Rader has announced intention to introduce legislation to authorize municipalities to dedicate up to three mills to support their municipal police department following a referendum.

### **Tactical EMS Providers**

Representative Valerie Gaydos has announced intention to introduce legislation to add tactical EMS providers to the definition of emergency service responders and emergency vehicles under Title 75 of the Vehicle Code who are affiliated and directly support a county or regional municipal Special Emergency Response Team or a PA State Police Special Emergency Response Team.

## LEGISLATION ENACTED

**Act 117 of 2019**

**Senate Bill 316 (PN 295)**

**Signed: December 27, 2019**

**Effective: February 25, 2020**

Act 117 amends the Second Class Township Code allowing a township to pay for newly elected supervisors to attend conferences, institutes, schools, and conventions dealing with the duties and functions of elected or appointed officers before officially taking office.

## LEGISLATION OF INTEREST

### Update on Small Cell Wireless Facilities Deployment

This month, the House Consumer Affairs Committee scheduled a voting meeting with the intention to adopt an amendment to [House Bill 1400](#) and vote it out of Committee. The League, the PA State Association of Township Commissioners (PSATC) and the PA State Association of Boroughs continue to oppose the bill. Our primary reason for opposition is that local zoning control is preempted. Other stakeholders also opposed the amendment and bill. Ultimately, the Committee meeting was cancelled. Please [click here](#) to read our letter to the Committee.

**Location:** House Consumer Affairs Committee, June 11, 2019

### First Class Township Code Rewrite

[House Bill 2073 \(PN 3052\)](#), introduced by Representative Dan Moul, comprises the First Class Township Code Rewrite. This code modernization was considered for the second time by the full House on January 13. Representative Brett Miller (R-Lancaster) filed seven amendments to the bill that would have removed local decision making power concerning commissioner salary and insurance benefits. PSATC and The League sent a joint [letter](#) to the full House expressing our opposition to the proposed amendments. In the end, Representative Miller withdrew his amendments, and the bill went on to pass the House unanimously on January 14.

**Location:** Passed the House, January 14, 2020

### Right to Know Law: Commercial Requests

[House Bill 283 \(PN 3150\)](#), introduced by Representative Justin Simmons, would amend the Right to Know Law concerning records requested for a commercial purpose. Commercial

purpose would be defined as the use of a record for the purpose of: selling or reselling any portion; obtaining names and addresses for the purpose of commercial solicitation; or for any other purpose which the requester can reasonably expect to generate revenue. The bill would provide that use of a record by a nonprofit educational or scientific institution for research, or use of a record by the news media, a journalist or author do not constitute a commercial purpose.

In terms of written requests, an agency would be allowed to require a requester to certify, in writing, whether the request is for a commercial purpose. Certification would be proscribed by the Office of Open Records, and a false certification is subject to penalty.

The legislation would authorize agencies to charge additional and reasonable fees, approved by the Office of Open Records, for responding to commercial requests. Exceptions for these fees would include a request for records that are subject to fees established in law or regulations that would not be subject to this act, and a request for records from an attorney on behalf of a client if the records would not be used for a commercial purpose by either the attorney or client. The bill would also clarify that with any fees, an agency and requester may enter into a contract that provides for an alternative fee arrangement.

**Location:** *Passed the House, January 21, 2020*

## **Sunshine Act: Posting of Meeting Agendas**

[House Bill 1069 \(PN 2529\)](#), introduced by Representative Aaron Bernstine, would amend the Sunshine Act requiring the posting of agendas by agencies prior to public meetings wherein official business is conducted.

The agency, if it has a public website, would be required to post the meeting's agenda, including items that may or may not be the subject of deliberation or action, at least 24 hours prior to the meeting. The agency would also be required to post the agenda at the meeting location, at the agency's principal office and provide agenda handouts to meeting attendees.

An agency would not be permitted to take action on an item that was not included in the posted agenda except under these circumstances: emergency business relating to a real or potential emergency involving a clear and present danger to life or property regardless of whether public notice was provided; business arising within 24 hours of the meeting that a resident or tax payer brings to the agency's attention; business arising within 24 hours of the meeting that is *de minimus* and does not involve expenditure of funds or entering into a contract; and business arising during a meeting from a resident or taxpayer that is not on the agenda.

An agency would be allowed to add an item to the agenda by a majority vote of the individuals present and voting, and may subsequently take action on the newly added agenda item. The agency would be required to post the new agenda no later than one business day following the meeting at which the agenda was changed.

**Location:** *Passed the House, January 14, 2020*

## Foreclosed Property Maintenance Act

[House Bill 2124 \(PN 3024\)](#), introduced by Austin Davis, would create the Foreclosed Property Maintenance Act requiring foreclosed properties to be registered with their respective municipality, and once registered, the owner or designated party would have the responsibility to properly maintain said properties.

This bill would require the owner of a foreclosed property to register that property with its respective municipality within seven days of foreclosure proceedings by filling out the Department of Community and Economic Development's (DCED) foreclosure registration application. Owner would be defined as an individual, entity, service company, property manager or real estate broker who alone or severally has legal or equitable title to a property and/or has care, charge or control of a property in any capacity, including but not limited to, an agent, executor, administrator, trustee or holder of legal title.

The owner, through the application, would certify that the property was inspected. If the property were to be certified as vacant, the owner must designate and retain a local responsible party to secure and maintain the property and provide a detailed plan for regular property maintenance. If the property were to be certified as legally occupied, the owner would provide proof of the legal occupation in the form of a rent or lease agreement. The application would be signed by the property owner and municipal code officer, and it would be valid for one year charging a nominal \$100 fee. Subsequent annual registrations and fees could be renewed within 30 days of its expiration.

The owner would be responsible for several maintenance requirements outlined in the bill regarding proper maintenance, adherence to codes, municipal inspections, and general safety. Owners would be able to enter into a municipal maintenance agreement with the municipality in which a foreclosed property is located to compensate the municipality for performing the exterior maintenance of the property. The fee would be determined by the municipality.

DCED would be responsible for providing a standard foreclosure registration application and municipal maintenance agreement. Ten percent of the annual registration fee would be directed to DCED for administrative costs. Lastly, municipalities would have the authority to impose fines on property owners for failing to register or maintain their property as outlined in this bill.

**Location:** House Urban Affairs Committee, December 16, 2019

## Sale of Municipal Real Estate

Senate Bills [690](#), [691](#) and [692](#) are awaiting the Governor's signature after passing the House on January 14. These bills would increase the value of municipal real estate requiring competitive bidding to be sold by incorporated towns, second class townships, boroughs and third class cities from \$1,500 to \$6,000.

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## Governor's 2020-21 Budget Address

Governor Tom Wolf will present his 2020-21 proposed state budget before a meeting of the PA General Assembly on Tuesday, February 4 at 11:00 a.m. Please visit the Governor's Budget Office [website](#) for more information, and you can watch a live stream of the address [here](#).

**REGISTER NOW**

## 2020 League Capitol Conference



### **Tuesday, March 31, Hilton Harrisburg**

The Capitol Conference is The League's annual legislative conference where you can learn from colleagues, experts, and even legislators.

### **Conference Topics Include:**

Blight Tools  
Property Tax Reform  
Stormwater Management Options  
Legislative Leadership Panel  
Federal Opportunity Zones

**CLICK HERE TO REGISTER**

## House Passes Legislation to Address PFAS Contamination

Last year, as Congressional action on PFAS drinking water contamination [stalled](#), Majority Leader Steny Hoyer (D-MD) vowed to bring a standalone package to the House floor in January. Last week, he made good on that promise and the House passed the [PFAS Action Act \(H.R. 535\)](#), by a [bipartisan vote of 247-159](#).

[Read More](#)

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## HOUSE AND SENATE SESSION DAYS 2020

### Senate:

February 3, 4, 5  
March 16, 17, 18, 23, 24, 25  
April 6, 7, 8

### House:

February 3, 4, 5  
March 16, 17, 18, 23, 24, 25  
April 6, 7, 8, 14, 15, 16

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



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### Pennsylvania Municipal League

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