

Legislative Locator

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



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Locator**

May 2024

A More Local Government Friendly PTSI Bill Passes the House

[House Bill 1632](#) passed the House on May 8 in a 154-46 vote.

The League worked with the sponsor, Representative Jennifer O'Mara, and staff of the House Veterans Affairs and Preparedness Committee to find a compromise on this legislation. As you know, we were seeking to narrow the language and put provisions in place to create a more financially responsible and insurable bill. Our coalition with other local government organizations provided amendment language to the sponsor in mid-April. While our proposed changes were not initially well received, House Bill 1632 was favorably amended before heading to the floor for a final vote.

Under the current version of the bill, a claim for a PTSI benefit must establish that the injury was the result of the employee experiencing a qualifying traumatic event(s) sustained in the course and scope of the individual's employment. The list of qualifying traumatic events includes incidents:

- Resulting in serious bodily injury or death to any person;
- Involving a minor who has been injured, killed, abused or exploited;
- Involving an immediate threat to life of the claimant or another individual;
- Involving mass casualties; and
- Responding to a crime scene for investigation.

Further, a PTSI must be based on an assessment and diagnosis by a licensed psychologist or psychiatrist. Claims must be filed no later than three years after the date of diagnosis, and retroactive claims for injury are limited to five years prior to the bill's effective date. Injuries diagnosed after the last date of employment shall not prohibit a claim against the employer at the time of first responder's direct exposure to the qualifying traumatic event. Finally, a PTSI caused by an employment action is not compensable.

First responders are defined as:

- EMS providers who are active volunteers of a company designated as a municipality's primary EMS provider or dispatched by a public safety answering point as defined in Title 35;
- An active volunteer, employee or member of a fire company as defined in Title 35;
- a State Police officer; or
- A peace officer as defined in Title 18.

House Bill 1632 is a companion to Senate Bill 365, introduced by Senator Camera Bartolotta. Senate Bill 365 is in Senate Appropriations.

Property Maintenance Code Enforcement Report

The Local Government Commission recently completed and released a study on municipal property maintenance code enforcement. The Property Maintenance Code Enforcement Report includes an analysis and findings from surveying municipalities and developers regarding code enforcement. Thank you to our members who participated in and completed the survey. Please view the report [here](#).

Cosponsor Memos Affecting Local Government

LLC Transparency Act

Representative Rick Krajewski has announced his intention to introduce legislation creating a statewide Limited Liability Corporations (LLCs) database that could be accessed by local, state and federal law enforcement agencies.

Removing Tax Collector's Name from Notices

Representative Milou Mackenzie has announced her intention to introduce legislation amending the Local Tax Collection Law to remove the personal name of a tax collector or county treasurer from a tax notice or bill and would instead only require the name of the taxing office.

Uniform Construction Code Setback

Representative Rich Irvin has announced his intention to introduce legislation amending the Uniform Construction Code allowing municipalities to allow for residential housing that is substantially similar in structure and use as the previously demolished home to be built on the same site with the same setbacks.

Legislation Affecting Local Government

Providing Stormwater Fee Clarifications

First Consideration in the House, May 22, 2024

[House Bill 2147](#) (PN 3162), introduced by Representative Justin Fleming, would provide clarification for tax-exempt properties and impervious surfaces in regard to municipal stormwater fees. The bill would add a new chapter to Title 27 (Environmental Resources) clarifying that tax-exempt properties, including the Commonwealth's properties, must pay stormwater fees imposed by any municipal corporation or municipal authority.

The bill would also amend Title 53 (Municipalities Generally) clarifying that a municipal authority may charge a stormwater fee based upon a property's amount of impervious surface. The fee may be charged by one or a combination of methods, including on all properties within the service area of the authority, on all properties that are served or benefit from the authority's stormwater plan and/or by establishing a stormwater management district and charging a rate on all property owners within the district. All properties with impervious surface would be presumed to benefit from an authority's stormwater management under this bill.

The bill does not authorize municipalities to charge stormwater fees. There are separate bills awaiting consideration on the House floor that amend the First Class Township, Borough and Third Class City Codes authorizing the fee. This bill sets up a framework in anticipation of the individual code amendments.

Eliminating Part-Time Police Departments

House Local Government Committee, May 1, 2024

[House Bills 2257](#), [2258](#), [2259](#), [2260](#) and [2261](#) (PNs 3032, 3033, 3034, 3035 and 3036), introduced by Representative Barry Jozwiak, would amend the First Class Township, First Class

City, Second Class Township, Borough, Third Class City and Second Class City Codes requiring all municipal police departments to be full-time, thereby eliminating part-time police departments. A full-time police department is defined in the bill as one that maintains 24-hour-per-day police coverage in its designated service area.

Right to Know Law and Vexatious Requesters

First Consideration in the Senate, April 30, 2024

[Senate Bill 525 \(PN 699\)](#), introduced by Senator Cris Dush, would amend the Right to Know Law creating a process for municipalities to seek relief from an alleged vexatious requester.

A municipality may petition the Office of Open Records (OOR) for relief from an individual it believes to be a vexatious requester. The petition must include the reason for alleging vexatiousness, including but not limited to, the number and scope of requests filed, intent to harass the municipality and placing unreasonable burdens on the municipality.

The OOR or a designee must notify the requester alleged to be vexatious within five business days of receiving a municipality's petition. The requester may file a preliminary response to the petition within 10 business days. The OOR must, within 15 business days, inform the municipality whether pending and new requests from the requester should continue to be processed or should be stayed pending a resolution of the proceedings.

The bill would provide for standards and procedures for a hearing and mediation process if the OOR deems such proceedings are warranted. The OOR would be required to provide a final opinion granting or denying the petition within 90 calendar days. If a petition is granted, the OOR would provide the municipality with the appropriate relief, which would not last more than one year.

Any party aggrieved by the OOR's final opinion would be able to appeal the decision to the Commonwealth Court within 15 calendar days.

Salaries for Fire and Ambulance Personnel

Passed the Senate; House Local Government Committee, May 8, 2024

[Senate Bills 1132, 1133 and 1134 \(PNs 1580, 1581 and 1582\)](#), introduced by Senator Rosemary Brown, would amend the First Class Township, Second Class Township and Borough Codes. The bills would lift the current caps on the amount of revenue generated from the special purpose fire and EMS taxes that can be spent on salaries. In any calendar year, a governing body may waive the spending cap.

Short-Term Rental Study

House Housing and Community Development Committee, May 6, 2024

[House Resolution 425 \(PN 3063\)](#), introduced by Representative Lindsay Powell, would direct the Legislative Budget and Finance Committee to conduct a study on the growth and changes in short-term rentals in the state. The report would include an examination of existing local ordinances regulating short-term rentals, a review of state laws and regulations and the impacts short-term rentals have on the availability of affordable housing, among other issues. The report would need to be completed no later than 180 days after the adoption of the resolution.

HOUSE AND SENATE SESSION DAYS 2024

House:

June 3-5, 10-12, 17-18, 24-28

Senate:

June 3-5, 10-12, 24-30



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