

# Legislative Locator

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



September 2024

## WE'RE EXHIBITING!

### 2024 Annual Municipal Leadership Summit

As a local official, you hold a unique role - not only do you directly work on behalf of your constituents, you also represent your municipality at the state level. You have the ability and the responsibility to bring the issues your municipality faces to your state legislators and advocate for the tools, programs and funding needed to ensure your community continues to thrive.

Stop by our booth to learn how to become an advocate for your community!

October 10 - 13, 2024



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To get the most out of your membership benefits, involvement in our advocacy program is essential.

The League and PSATC values local participation in our advocacy efforts and believes local officials are an asset for communicating the impact of legislation to their Representatives and Senators in the General Assembly.

With this in mind, we recently introduced a [new grassroots lobbying tool](#) to make it as easy as possible to be a local advocate. We are asking each member municipality to appoint a Legislative Liaison. This volunteer would support our lobbying efforts and facilitate any requested local action.

A Legislative Liaison should be interested in the legislative process and willing to stay informed of legislation moving in the General Assembly. Ideally, when we send an action call, the Liaison is familiar with the issue and can respond quickly through the grassroots tool. Liaisons should regularly stay up to date with our monthly *Legislative Locator* and discuss priority legislative issues with their boards in advance. Often action calls are time sensitive and any preparation ahead of time will allow for quick action when needed.

Please bring this request to your board's attention and assist us by identifying a Legislative Liaison.



## Local Government Symposium

The Local Government Commission will hold their annual Local Government Symposium on October 24. The morning sessions will include presentations on stormwater management and flood mitigation, while the afternoon sessions will focus on housing affordability. There will also be a session on volunteer firefighters in the commonwealth. More information and a registration link will be available soon for virtual and in person attendance.

## Legislation Affecting Local Government

### Temporary Access Certificates

*Passed the Senate, September 18, 2024*

[House Bill 1567 \(PN 2286\)](#), introduced by Representative Steven Malagari, would amend the Municipal Code and Ordinance Compliance Act clarifying tenant rights when their rental property has been issued a temporary access certificate. Any tenant already occupying a property that is issued a certificate may remain in the property at the discretion of the municipality's code enforcement officer based on the habitability of the property. New tenants may not occupy a property subject to a temporary access certificate.

The bill would also clarify the Act's 12 month code compliance requirement for purchasers applies to substantial violations. A municipality may issue a temporary use and occupancy certificate to the property if, upon reinspection, there are violations but no substantial violations. Lastly, the definition of "municipality" would be amended to include an authority or an instrumentality of a unit of government.

### Safe Exchange Zone Program

*Passed the Senate, September 17, 2024*

[Senate Bill 173 \(PN 163\)](#), introduced by Senator Wayne Langerholc, would amend Title 53 (Municipalities Generally) creating the Safe Exchange Zone Program.

This bill would establish a grant program within the Department of Community and Economic Development (DCED) for municipalities to provide safe public locations for the exchange of goods and for child custody exchanges. Municipalities would apply for one-time safe exchange zone grants. A participating entity, defined as a local police department, county sheriff or the State Police, would be responsible for monitoring the safety of its established safe zone; and each safe exchange zone would be required to:

- have an appropriate video surveillance system;
- clearly indicate the participating entity's emergency phone numbers;
- be placed within 100 feet of a local police department, county sheriff or State Trooper barracks or other municipal property with an active public presence; and
- be on public land under the jurisdiction or ownership of the applicant municipality unless otherwise approved by the governing body of ownership of the public land.

A participating entity that has agreed to monitor the safe exchange zone would be responsible for adequately monitoring the video surveillance. DCED would establish video surveillance and retention guidelines that do not infringe on Fourth Amendment Rights. The legislation only allows for a participating entity to interfere upon request or if an exchange presents a clear and present danger to the parties to an exchange or the public.

Finally, the bill includes language protecting municipalities, participating entities, counties where a safe exchange zone is located and DCED from liability.

## **Repeal of COVID Leave Benefits**

### ***Second Consideration in the Senate, September 18, 2024***

[Senate Bill 1278 \(PN 1796\)](#), introduced by Senator Patrick Stefano, would repeal the language in Act 17 of 2020 which provides an automatic paid leave benefit for police officers and firefighters if they contract COVID-19 or have to be quarantined.

The bill would also provide an emergency responder and law enforcement officer death benefits. Those who contracted or were diagnosed with COVID-19 and died due to the illness between January 2, 2020 and December 31, 2023, would be presumed to have died as a result of their performance of duties for the purposes of the Emergency and Law Enforcement Personnel Death Benefits Act. The application for death benefits must be submitted within five years of the death of the first responder.

## **Limitations on Liability: Catastrophic Claims**

### ***Senate Judiciary Committee, July 26, 2024***

[Senate Bill 1300 \(PN 1845\)](#), introduced by Senator Wayne Langerholc, would increase the current limitations on liability under the PA Sovereign and Governmental Immunity Law. Currently, the local government immunity cap is \$500,000 and the state government cap is \$250,000. For catastrophic claims, including permanent dismemberment or death, the liability cap for both local and state government would be increased to \$1 million or \$2 million in the aggregate.

Additionally, the bill would increase recoverable medical expenses for permanent loss of a bodily function, disfigurement or dismemberment from \$1,500 to \$10,000.

## **Vacancies and Vacancy Boards**

### ***Senate Bills 1131 and 1289: Second Consideration in the Senate, September 18, 2024***

### ***House Bill 2160: First Consideration in the Senate, September 17, 2024***

[Senate Bill 1131 \(PN 1887\)](#), [Senate Bill 1289 \(PN 1830\)](#) and [House Bill 2160 \(PN 3411\)](#), introduced by Senators Carolyn Comitta and Tim Kearney and Representative Christina Sappey respectively, would amend the Borough, Second Class Township and First Class Township Codes regarding vacancy boards and the filling of vacancies accordingly:

- if a majority of seats on a governing body are vacant, the Court of Common Pleas shall fill the vacancies upon petition from the remaining board members or fifteen registered voters;
- if a resignation would preclude the majority of a board from accepting the tendered resignation, the resignation is effective the second business day after being tendered;
- if a governing body convenes to fill a vacancy, the proceedings may be ended after 15 days instead of the current 30 days, if the seated members vote to disband because they cannot fill the vacancy; and
- a vacancy board chair may not vote for themselves to fill any vacancy.

## **Public Notice Advertising Transparency**

### ***Senate State Government Committee, September 10, 2024***

[Senate Bill 1309 \(PN 1865\)](#), introduced by Senator Kristin Phillips-Hill, would require the cost of each public notice submitted for publication by a local government to be included in the ad's lower right-hand corner. A newspaper may not charge additional fees for printing the cost in the advertisement.

## Public Notice Advertising Study

**Senate State Government Committee, September 12, 2024**

[Senate Resolution 325 \(PN 1869\)](#), introduced by Senator Ryan Aument, would direct the Legislative Budget and Finance Committee to conduct a study on the costs of public notice advertising requirements. The resolution requests the Committee to collect specific data including: the average costs for counties, municipalities and school districts to print public notices in newspapers; the number of physical newspaper subscriptions and digital subscriptions compared to a paper's respective county population; newspaper subscription trends and costs over the last decade; the ability for a nonsubscriber to digitally access notices for free; and determining the percentage of revenue a newspaper receives from public notice advertisements. The report would need to be completed within 180 days of the adoption of this resolution.

## HOUSE AND SENATE SESSION DAYS 2024

### House:

October 1-2, 21-23

November 12-13

### Senate:

October 1-2, 7-9, 21-23

November 13-14

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



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