

Pennsylvania Municipal League

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Resolution #1-2022 - ADOPTED

Submitted by: The League's Legislative Committee

Policy Review – 2018 Resolutions

Whereas, The League adopted a policy review process in 2016; and

Whereas, that process establishes a review of adopted policy after four years; and

Whereas, the policy adopted via the 2018 Resolutions is up for review and has resulted in the following policy recommendations to the membership:

- Support decriminalizing possession of a small amount of marijuana (page 14) – Reaffirm
- Support continuation of the nonresident EIT after exiting Act 47 (page 6) – Reaffirm
- Support maintenance of tax delinquent properties (page 22) – Reaffirm
- Support for an effective electronic devices recycling program (page 24) – Reaffirm
- Support the creation of a recycling market in the Commonwealth (page 24) – Reaffirm
- Support the creation of a cabinet level Local Government Secretary position in DCED (page 10) – Reaffirm
- Oppose state collection of the EIT (page 3) – Reaffirm
- Support local authority to increase the compensation of elected officials (page 28) – Reaffirm
- Support narrowing commercial requests under Right to Know Law (page 7) – Reaffirm
- Oppose local compliance with federal OSHA standards (page 17) – Reaffirm
- Support amendments to the Consumer Fireworks Law – Remove
- Oppose police pension credits for prior service (page 16) – Reaffirm
- Explore solutions for Philadelphia's nonresident wage tax (page 3) – Reaffirm

Therefore, be it resolved: The League's Policy Statement will be updated accordingly.

This resolution follows the policy review process adopted in 2016 to review adopted policies after four years. The 2018 policies are under review this year.

Resolution #2-2022 - ADOPTED

Submitted by: The League's Legislative Committee

NLC's 2022 National Municipal Policy Statement and Federal Action Agenda

Whereas, Pennsylvania's municipalities are concerned with a wide range of issues at the federal level; and

Whereas, when appropriate, The League sets forth these issues in correspondence with the members of the Pennsylvania congressional delegation; and

Whereas, federal devolution has pushed the responsibilities for funding and administration of many programs onto states and localities; and

Whereas, federal devolution and the federal budget process continue to result in fewer dollars available for municipal programs; and

Whereas, municipalities cannot continue to meet the growing fiscal and societal demands for services and programs without their federal partner; and

Whereas, The League, as a State Municipal League member of the National League of Cities (NLC), takes its lead on federal issues from NLC; and

Whereas, NLC in its *2022 Federal Action Agenda* is asking Congress and the Administration to work in partnership with local governments to maximize support for programs vital to municipalities across the nation.

Therefore, be it resolved: The League reaffirms as its basic federal policy the *2022 Federal Action Agenda* of the National League of Cities.

Be it further resolved: The League reaffirms as its 2022 federal agenda, NLC's *2022 Federal Action Agenda*:

- Building sustainable and resilient infrastructure;
- Advancing workforce readiness;
- Increasing fair and affordable housing;
- Reimagining public safety and health;
- Stabilizing local government operations;
- Digital equity; and
- Monitoring the federal budget and appropriations process

This resolution adopts NLC's 2022 National Municipal Policy Statement, as well as its 2022 Federal Action Agenda.

Resolution #3-2022 - ADOPTED

Submitted by: The League's Legislative Committee

Permanent Funding for Whole Home Repairs Program

Whereas, blight has hurt every community throughout the Commonwealth by bringing down property values and, therefore, tax revenues, scaring away economic development and decreasing overall safety of neighborhoods while diminishing the quality of life for residents; and

Whereas, combatting blight through code enforcement and inspections, remediation and demolition is very expensive; and

Whereas, municipalities need the right tools and funding to proactively prevent, remediate and eliminate blight; and

Whereas, one of these tools is the Whole Home Repairs Program, which was included in the 2022/23 budget with a one-time allocation of \$125 million from the state's American Rescue Plan Act funds; and

Whereas, this Program helps homeowners and small landlords tackle deferred maintenance projects by prioritizing home repair, ultimately preventing blight through proactive property maintenance; and

Whereas, the Program funds habitability repairs, weatherization and energy efficiency updates for homeowners and small landlords that maintain affordable housing; and

Whereas, this Program will empower property owners to fix their homes and take pride in their neighborhoods and properties, ultimately reducing blight in the existing housing stock; and

Whereas, while this Program has received funding in the 2022/23 budget, it needs a continuous and dedicated source of funding to meet the current and future needs of our communities and residents to maintain safe, habitable and stable housing.

Therefore, be it resolved: The League supports the Whole Home Repairs Program as a tool to combat blight by taking a proactive and holistic approach to maintaining safe and habitable homes and rental properties.

Be it further resolved: The League supports a dedicated on-going source of funding for the Whole Home Repairs Program.

This resolution supports the Whole Home Repairs Program and requests the General Assembly designate a dedicated source of funding for the Program.

Resolution #4-2022 - ADOPTED

Submitted by: The League's Legislative Committee

Recognizing the Affordable Housing Crisis in Pennsylvania

Whereas, members of The League believe all residents of Pennsylvania have the right to stable, safe and affordable housing; and

Whereas, although housing is a basic human right, affordable housing has become more scarce and difficult to obtain as the cost of housing has grown faster than incomes; and

Whereas, affordable housing is generally defined as housing in which the occupant is paying no more than 30 percent of gross income for housing costs, including utilities; and

Whereas, according to the National Low Income Housing Coalition, 27 percent of Pennsylvania renters are considered extremely low income, and the Commonwealth has a shortage of more than 266,000 available affordable rental homes for extremely low income residents; and

Whereas, increasing access to affordable housing in Pennsylvania will reduce intergenerational poverty, increase economic mobility and boost overall economic growth in the state; and

Whereas, state and local policymakers in the Commonwealth must prioritize the development of new low cost housing for both low income renters and homeowners to increase the much needed affordable housing stock; and

Whereas, a few potential solutions include, but are not limited to, incentivizing builders to develop low cost housing by waiving certain fees, incentivizing higher density development, streamlining state and local development and permit processes for those meeting affordable housing standards and providing state guidance and technical assistance to local governments to develop affordable housing plans; and

Whereas, the state must also increase funding or develop new funding opportunities for affordable housing programs, such as the PA Housing Affordability and Rehabilitation Enhancement Fund, the Optional County Affordable Housing Fund and the Whole Home Repairs Program.

Therefore, be it resolved: The League recognizes there is an affordable housing crisis in Pennsylvania and fully believes quality, safe and affordable housing is a right.

Be it further resolved: The League calls upon the legislative and executive leaders of the Commonwealth to take immediate action in partnership with local governments to address this crisis and develop legislative and administrative solutions to increase affordable housing availability in the state.

This resolution recognizes the affordable housing crisis in Pennsylvania and calls upon the state's executive and legislative leaders, in collaboration with local governments, to take action to increase affordable housing availability in the state.

Resolution #5-2022 - ADOPTED

Submitted by: The League's Legislative Committee

Reaffirming The League's Policy on Reforming the Local Taxing Structure

Whereas, the current law governing municipal taxation was established in 1965 and has not been substantially updated to reflect the economic, demographic and regional changes the Commonwealth's communities have experienced in the past five decades; and

Whereas, local governments are trying to provide modern services with antiquated revenue tools, making achieving and maintaining economic stability a very difficult task; and

Whereas, municipalities need more flexible revenue options than those currently available in Act 511 of 1965 in order to prevent fiscal distress and so municipalities may continue to provide services and remain open for business; and

Whereas, The League's current policy on local tax reform calls for updates to Act 511, such as lifting the caps on current tax levies and authorizing new revenue sources, and

Whereas, revenue from flat taxes, such as the Local Services Tax, has grown stagnant; and

Whereas, statutorily capped taxes, such as the 1% Earned Income Tax, are a barrier to new revenue by limiting revenue natural growth; and

Whereas, new forms of taxation, such as the Drink Tax, County Option Sales Tax and Payroll Tax, must be an option available to all municipalities; and

Whereas, in order to modernize and improve local revenue sources, the General Assembly must comprehensively amend Act 511 to remove antiquated taxation barriers and allow greater flexibility for municipalities to raise revenue to meet modern realities.

Therefore, be it resolved: The League continues to recognize the need to update the local taxing structure to reflect the cost of providing services in the 21st century and supports comprehensive amendments to Act 511 to achieve true local taxation reform.

This resolution recognizes that municipalities are operating within a very antiquated taxation structure that is holding back forward progress and reaffirms The League's existing local taxation reform policy.

Resolution #6-2022 - ADOPTED

Submitted by: The League's Legislative Committee

Signatures and Filing Fees for Nomination Petitions in Third Class Cities

Whereas, all candidates seeking local office must collect signatures for their nomination petition to successfully appear on the primary ballot; and

Whereas, the Third Class City Code requires potential candidates to obtain 100 signatures on their nomination petition and pay a \$25 filing fee,

Whereas, the Borough, First Class Township and Second Class Township Codes only require potential candidates to obtain 10 signatures on their nomination petition and there is no filing fee; and

Whereas, there is no justification for the disparity in the number of required signatures and filing fee amount found in the Third Class City Code compared to the other municipal codes; and

Whereas, the General Assembly has introduced legislation equalizing the number of signatures on nomination petitions and the filing fee amount between candidates running for office in Third Class Cities with candidates in Boroughs, First Class Townships and Second Class Townships; and

Whereas, The League supports consistent language among the municipal codes where possible.

Therefore, be it resolved: The League supports amending the Third Class City Code to decrease the number of signatures for a nomination petition from 100 to 10 and to remove the filing fee, creating consistent language throughout all municipal codes.

This resolution supports decreasing the number of signatures on a nomination petition from 100 to 10 and remove the filing fee for candidates in Third Class Cities to be in alignment with the other municipal codes.

Resolution #7-2022 - ADOPTED

Submitted by: The League's Legislative Committee

Local Share of Recreational Marijuana Tax

Whereas, as more states legalize recreational marijuana, states and localities have the option to levy new taxes to fund governmental programs and services; and

Whereas, taxation of recreational marijuana has included taxes based on percentage-of-price, weight or potency, in addition to a general sales tax; and

Whereas, 19 states have legalized recreational marijuana, of which 12 tax the purchase of marijuana for recreational use; and

Whereas, in 2021, the 12 states that implemented a recreational marijuana tax raised a combined \$3.7 billion in revenue; and

Whereas, Alaska, California, Massachusetts, Oregon, New York and Virginia also allow local governments to levy excise local tax on recreational marijuana; and

Whereas, if Pennsylvania legalizes and taxes recreational marijuana, the Commonwealth is positioned to raise a substantial amount of revenue; and

Whereas, the Commonwealth's municipalities would be directly impacted by the legalization of recreational marijuana from the standpoint of public safety at a minimum and should share in any new revenue as a way to defray the costs to local government.

Therefore, be it resolved: The League supports local governments with police departments to receive a share of any new tax revenue from the legalization of recreational marijuana to cover the additional responsibilities and public safety costs that would be incurred.

This resolution supports a local share of any state levied recreational marijuana tax to fund public safety costs.

Resolution #8-2022 - ADOPTED

Submitted by: The League's Legislative Committee

Limitations on Liability Under Pennsylvania's Sovereign and Governmental Immunity Law

Whereas, the Senate adopted Senate Resolution 2021-146 directing the Pennsylvania Legislative Budget and Finance Committee (LBFC) to conduct an evaluation of the current limitations on Commonwealth and local government liability established in Acts 152 and 330 of 1978; and

Whereas, local governments have sovereign immunity except in cases where damages arise out of the negligence of a government employee or entity, such as a dangerous condition on government property that results in an injury or a car accident caused by a government employee; and

Whereas, such local government liability is currently limited to \$500,000 per event; and

Whereas, the LBFC report, published in June 2022, found that the current \$500,000 liability cap sufficiently provides relief for over 99 percent of claims against local government entities; and

Whereas, the report specifically states that the cap satisfies a majority of non-catastrophic claims, where no serious bodily injury and/or major trauma has occurred; and

Whereas, for this reason, the report recommends maintaining the current \$500,000 local government liability cap for non-catastrophic claims, helping to ensure predictability and stability for local governments to manage risk and plan for future budgets; and

Whereas, the report also recommends developing new liability caps for catastrophic claims equivalent to the 1978 caps in today's dollars, with a regular inflationary adjustment going forward; and

Whereas, the damages set in 1978 - \$250,000, \$500,000, and \$1,000,000 - would equal \$1,046,000, \$2,092,000, and \$4,185,000 respectively in 2022; and

Whereas, a fourfold increase in liability exposure for catastrophic claims would result in prohibitively expensive insurance premiums and possible difficulty obtaining insurance at all. Furthermore, such an award could easily bankrupt a small municipality.

Therefore, be it resolved: The League agrees with the recommendation to maintain the current \$500,000 liability cap for non-catastrophic claims. However, The League strongly opposes increasing the caps for catastrophic claims, as this would have a significant impact on local government finances and the ability to obtain insurance.

This resolution supports the Pennsylvania Legislative Budget and Finance Committee's recommendation to maintain the current local government liability cap for non-catastrophic claims, but strongly opposes increasing the caps for catastrophic claims.

Resolution #9-2022 - ADOPTED

Submitted by: The League's Legislative Committee

Consumer Fireworks Data

Whereas, Act 43 of 2017 legalized the use of consumer fireworks, and recently, the General Assembly has revisited the law to address rampant illegal use of consumer fireworks; and

Whereas, Act 74 of 2022 was signed into law by the Governor on July 11, 2022, making several updates to the law and providing local governments with greater control over consumer fireworks; and

Whereas, the updated law does not include provisions to capture statewide data regarding fireworks-related incidents; and

Whereas, it is important that this information be recorded to understand the full impact consumer fireworks has in the Commonwealth by tracking fireworks-related incidents, accidents, injuries or death; and

Whereas, fire, EMS, police and other first responders should have the ability to indicate an incident is fireworks-related when completing incident reports; and

Whereas, such data would aid in making informed policy decisions in the future, allowing state and local governments to respond to any troubling trends found in the data to increase safety and public awareness of fireworks; and

Whereas, the General Assembly or state agencies – the Office of the State Fire Commissioner and the Department of Health's Bureau of Emergency Services for example – should require the recording of fireworks-related incidents on any incident forms or other reporting mechanisms.

Therefore, be it resolved: The League supports a legislative or administrative initiative to collect data regarding fireworks-related incidents, accidents, injuries or death to more fully understand the impact of fireworks in the Commonwealth.

This resolution recognizes the importance of tracking fireworks-related incidents and supports legislative or administrative action to require the reporting of fireworks-related incident data.

Resolution #10-2022 - ADOPTED

Submitted by: The League's Legislative Committee

Opposing a Gas Tax Holiday

Whereas, Pennsylvania utilizes a gas tax as a main funding mechanism for the state's transportation needs; and

Whereas, municipalities receive a local share of the gas tax to fund road and bridge projects in their communities, and

Whereas, throughout 2022, gas prices across the nation and in the Commonwealth have exponentially increased to record highs; and

Whereas, the General Assembly put forth several legislative proposals to temporarily suspend the gas tax in an effort to provide consumers relief at the pump; and

Whereas, there is no guarantee a temporary suspension of the gas tax will actually result in a savings to consumers; and

Whereas, even if a temporary suspension of the gas tax provides for a few cents of relief, it is not worth the loss of state and local transportation funds; and

Whereas, the PA Transportation Revenue Options Commission's July 2021 Report found that the current local unmet transportation needs are estimated to be \$3.9 billion per year, growing to \$5.1 billion per year by 2030; and

Whereas, this funding gap will only grow and necessary transportation maintenance and construction projects be delayed if a gas tax holiday is implemented; and

Whereas, while residents of the Commonwealth are facing tough economic times, a gas tax holiday is not the solution.

Therefore, be it resolved: The League opposes any gas tax holiday, as it would impede state and local transportation projects in the long term.

This resolution opposes a gas tax holiday as it would impact the local share of the gas tax, create a larger transportation funding gap and impede necessary transportation projects.

Resolution #11-2022 - ADOPTED

Submitted by: The League's Legislative Committee

Municipal Police Recruitment, Retention and Funding

Whereas, public safety is an essential local government service; and

Whereas, municipal police departments in the Commonwealth are struggling to maintain service levels due to difficulties with recruitment and retention of officers; and

Whereas, over the last several years, the number of applications for open positions have fallen, recruitment class sizes have decreased and vacancies have increased; and

Whereas, according to the Municipal Police Officer's Training Education and Training Commission, Pennsylvania currently has over 1,200 vacant police positions across the state; and

Whereas, even with a staffing shortfall, municipalities are expected to provide the same service levels and absorb any resulting budgetary increases; and

Whereas, in fact, municipal budgets are already stretched thin, with public safety comprising the majority of the budget, and in some cases, 50 percent of the budget; and

Whereas, a sustainable solution to the extraordinarily high costs of public safety and policing is warranted; and

Whereas, any new legislative or administrative policy regarding municipal police retention and recruitment must not place additional costs on local governments in the form of unfunded mandates; and

Whereas, the Local Law Enforcement Support Grant Program, appropriated \$135 million in the 2022/23 budget, is a positive example of state assistance by providing municipal police departments with grants for retention and recruitment of officers, as well as the purchase of equipment.

Therefore, be it resolved: The League supports measures that will provide local governments with the tools and funding necessary to make maintaining and improving local police departments and personnel an affordable, sustainable and practicable endeavor.

Be it further resolved: The League opposes any solutions that impose new unfunded mandates on local governments increasing the cost of public safety.

This resolution recognizes the staffing issues municipal police departments are experiencing and encourages the state's executive and legislative leaders to provide municipalities with the tools and funding to meet retention and recruitment needs.

Resolution #12-2022 - ADOPTED

Submitted by: The League's Legislative Committee

Public Safety Authorities

Whereas, Pennsylvania is in an EMS and volunteer fire services public safety crisis; and

Whereas, EMS and volunteer fire companies are experiencing staffing shortages as they struggle with recruitment and retention, as well as a lack of funding, all of which have negatively impacted response times; and

Whereas, the Commonwealth must act now as many EMS and fire companies have been forced to alter their levels of service or shutdown entirely; and

Whereas, one potential solution found in the SR 6 Commission Report of 2018 recommends that the legislature simplify the process to regionalize EMS and fire services to allow for regional or county-wide service; and

Whereas, a public safety authority would provide an innovative service model that is designed at the local level to best fit the needs of our diverse communities; and

Whereas, currently the Municipality Authorities Act allows municipalities to create authorities to provide professional management over various services, such as water and sewer, but it does not authorize public safety authorities; and

Whereas, the General Assembly introduced legislation amending the Municipality Authorities Act to provide counties with the ability to create public safety authorities for EMS and fire services; and

Whereas, a public safety authority would be an optional tool that municipalities and counties may utilize, and if implemented, the public safety authority would be created locally and support and/or provide services as determined at the local level.

Therefore, be it resolved: The League supports amending the Municipality Authorities Act to provide counties with the option to create public safety authorities for EMS and fire services.

This resolution recognizes the EMS and fire public safety crisis and supports amending the Municipality Authorities Act to allow for the creation of county public safety authorities.