

Legislative Locator

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



May 2023

House Passes Expansive Unfunded Mandates for Local Government

Legislation that would place large unfunded mandates on local governments swiftly and easily passed the House on May 2 with bipartisan support.

[House Bill 299](#) would establish the Public Employees Occupational Safety and Health Act implementing OSHA standards for public employers. As public employers, municipalities, the Commonwealth and non-profits would all be impacted by these new standards and administrative processes.

[House Bill 930](#) would expand permanent disfigurement benefits under the Workers' Compensation Law, allowing an employee to claim permanent disfigurement anywhere on their body, not just the head, face or neck under current law. This legislation will increase insurance premiums, litigation and place a monetary value on all injury and surgery scarring.

The League opposes these bills, as they will result in new and expensive unfunded mandates on municipalities; and ultimately, taxpayer dollars will pay for the mandates. Both bills upend the current standards and regulations local governments have successfully been operating under for decades, straining municipalities both financially and administratively.

The League actively opposed both bills and sent letters (HB 299 [letter](#), HB 930 [letter](#)) to the House. We will continue to oppose these bills as they move to the Senate. We encourage you to [reach out to your Senator](#) to express the detrimental fiscal impact this legislation would have on local governments.

Treasury Portal Remains Open For Late ARPA Report Filers

ARPA Project and Expenditure Reports were due April 30, however the U.S. Department of Treasury will keep its portal open for at least 60 days to accommodate late filers. Treasury strongly urges all NEUs to complete their filings as soon as possible.

Treasury Resources:

- For help from the U.S. Treasury regarding ARPA reporting questions, contact the help desk at SLFRF@treasury.gov or call [\(844\)529-9527](tel:(844)529-9527).
- Additional self-help resources for completing a report can be [found here](#).
- Finally, a new, simplified video on how to report for smaller communities produced by the U.S. Department of Treasury can be [accessed here](#). This video came from NLC's urging of Treasury to make the process simpler for the smallest communities with the least capacity.

NLC Resources:

- NLC posted a blog [here](#) that provides a quick and simple 10-minute instructional video on how to file an ARPA report using 6.1, revenue replacement, which most NEUs will be doing.

- NLC's step-by-step walk-through in PowerPoint slide format of everything a community needs to know to file a report. [The slides can be accessed here.](#)

SAVE THE DATE FOR THE

INTERNET FOR ALL: CONNECTING THE COMMONWEALTH OF PENNSYLVANIA

JULY 13, 2023 | STATE COLLEGE, PENNSYLVANIA

This day long event will bring together local governments, community leaders, industry, state and federal representatives, and other partners from around the state to learn about and discuss key programs that are aimed at expanding broadband infrastructure and promoting digital equity for our residents.

STAY TUNED FOR MORE INFO

Individuals with disabilities requiring an accommodation to attend this event should contact Julia Pulidindi at jpulidindi@ntia.gov by June 30.

Capital Projects Fund for Broadband Infrastructure Accepting Applications

The Pennsylvania Broadband Development Authority is currently accepting applications for the [Capital Projects Fund – Broadband Infrastructure Program](#) through **Monday, July 10, 2023**. The Authority has also developed a [FAQ document](#) for this program.

The \$200 million competitive grant program, funded through the American Rescue Plan Act's Capital Projects Fund (CPF), will target locations that do not currently have access to 25/3 Mbps reliable service. Eligible applicants include local units of government, non-profits, cooperatives and private entities. The Program will fund extensions of existing last-mile cable modem and fiber-to-the-premise broadband networks, as well as large-scale regional projects that can transform broadband availability by serving large numbers of eligible addresses.

Additionally, the Authority has created an online web map to support prospective applicants for this program and future programs. This map shows broadband serviceable locations and community anchor institutions across the Commonwealth. The Broadband Serviceable Locations (BSLs) are categorized into served, underserved and unserved layers. This map, which will be released in the near future and made available to the public, will continue to be updated using the latest available data from the Federal Communications Commission Broadband Data Collection (BDC).

If you have additional questions about this program, please utilize the following resource account to contact the Authority, pbda_capitalprojectsfund@pa.gov.

Cosponsor Memos Affecting Local Government

County Redevelopment Authority Loans

Representatives Joe Hogan and Tina Davis have announced their intention to introduce legislation instructing the Department of Community and Economic Development to create a new loan program for county redevelopment authorities to acquire blighted properties and redevelop them. This would initially be a pilot program for second class A through eighth class counties.

Redevelopment of Shopping Malls

Representative Joshua Siegel announced intention to introduce legislation providing incentives, including tax abatements, tax credits and a grant program, for municipalities and developers to redevelop shopping malls into mixed-use communities.

Legislation Affecting Local Government

Neighborhood Infrastructure Repair Act

House Local Government Committee, April 17, 2023

[House Bill 948 \(PN 935\)](#), introduced by Representative Morgan Cephas, would establish the Neighborhood Infrastructure Repair Act appropriating \$100 million for the Neighborhood Infrastructure Repair Program. This would be an optional program offering matching grants for municipalities to establish and fund their own local program to encourage homeowners to maintain, repair and replace sidewalks, alleys and other pathways.

The bill stipulates homeowners below 150 percent of the federal poverty guidelines would have their projects fully funded. Homeowners above 150 percent of the guidelines would pay off the project's costs, as an interest free loan added to their property tax, over 15 years. The Department of Community and Economic Development (DCED) would be appropriated the \$100 million to provide municipalities with the matching grants. Individual municipalities may not receive more than \$5 million from DCED for their local program.

Real Property Emergency Services Act

House Local Government Committee, May 5, 2023

[House Bill 1109 \(PN 1165\)](#), introduced by Representative Anita Kulik, would create the Real Property Emergency Services Act. Municipalities shall establish a real property emergency services fund. Within 15 days of the sale, both the seller and buyer of a property must remit \$25 each to the municipality to be deposited into the fund. If a buyer or seller fail to remit the fee, the municipality may impose a \$250 penalty, which would also be deposited into the fund. The fund shall be used for the purchase and maintenance of equipment, vehicles and salaries for volunteer and career fire and EMS departments, as well as the construction and maintenance of their facilities. Each municipality must prepare an annual report regarding the fund's allocations and uses and make it available to the public.

Amending the Local Tax Enabling Act

Passed the Senate; House Finance Committee, May 5, 2023

[Senate Bill 671 \(PN 671\)](#), introduced by Senator Frank Farry, would make several changes to the Local Tax Enabling Act (LTEA). The LTEA would be amended to include cities of the first class, and it would create a new chapter, Chapter 6. The bill would repeal the Sterling Act and incorporate it into Chapter 6 while also amending the authority for a city of the first class to collect taxes. A city of the first class may not impose a tax on salaries, wages, commissions or other compensation on a nonresident who is employed by a business located within the city but performs all their work outside of the city limits. Conversely, any work performed by a nonresident employee within a city of the first class would be subject to the city's taxes. The bill would further clarify that an employee's work is deemed to be performed where the employee is physically located; it is not based on a computer or other technologies that may connect the employee to a business located in a city of the first class.

Cities of the first class would also be required to provide reimbursement for taxes collected on nonresident employees, subject to city taxation, to their respective municipality and school district. Both the municipality and school district would be responsible for providing the city of the first class with quarterly reports conveying the amount of imposed wage taxes, as the amount credited would not exceed the wage taxes imposed by the municipality and school district in which the employee resides. Utilizing this information, the Department of Community and Economic Development and the Department of Education would promulgate temporary regulations and procedures to calculate the aggregate amount of tax credited, and the Departments would ultimately certify the amount of credits to be paid by the city of the first class to both the municipality and school district respectively.

Electric Low-Speed Scooters

First Consideration in the Senate, May 10, 2023

[Senate Bill 692 \(PN 739\)](#), introduced by Senator Daniel Laughlin, would provide a second class, second class A or third class city with the option to implement an electric low-speed scooter program with a commercial electric scooter enterprise. Authorized cities that wish to start a scooter program must first adopt an ordinance, which then must be submitted to PennDOT for review before the ordinance takes effect. PennDOT would have 45 days to review and certify the ordinance. If PennDOT fails to review the ordinance within 45 days, the ordinance would be deemed certified, and the scooter program may commence. PennDOT must also be notified of any additional ordinances, regulations or policies adopted by a municipality regarding scooter operation.

Each city with a scooter program, and in collaboration with PennDOT, would be required to prepare an annual report of its program. The report would be required to be posted on the municipality's and PennDOT's websites, and it must be provided to the chairs of the Senate and House Transportation Committees.

Commercial electric scooter companies would be required to obtain commercial general liability insurance coverage with a limit of at least \$2,000,000 each occurrence and \$2,000,000 aggregate, as well as automobile insurance coverage with a limit of at least \$1,000,000 each occurrence and \$1,000,000 aggregate. The scooter company would be required to provide proof of this insurance to the city, or the city may impose a fine of no more than \$1,000 a day until proof of insurance is provided. Collected fine money may only be used for the safety, operation and management of the scooter program.

The bill would further outline speed limits and safety features of the scooters, provide for electric low-speed scooters definition and provide immunity to PennDOT.



NATIONAL LEAGUE OF CITIES UPDATE

How Local Governments Are Building Alternative Public Safety Models

Across the country, local governments have been exploring ways to better align the work of their police officers with the needs of their communities. From police reforms that deemphasize police as the primary first responders to adopting holistic and inclusive public safety programs, local governments are leading on creating alternative response programs that can respond to non-violent, non-criminal incidents.

[Read More](#)

HOUSE AND SENATE SESSION DAYS 2023

House:

June 5-7, 12-14, 20-22, 26-30

Senate:

June 5-7, 19-23, 26-30



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