

Pennsylvania Municipal League

2023 Adopted Resolutions

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Resolution #1-2023

Submitted by: The League's Legislative Committee

Policy Review – 2019 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 2019 Resolutions is up for review and has resulted in the following policy recommendations to the membership:

- Support a compromise to provide a post-traumatic stress injury (page 17) – Update (Resolution #8-2023)
- Support for the Senate Resolution 6 Commission Report (page 17) – Reaffirm
- Support for commonsense firearm regulation (page 18) – Reaffirm
- Support the repeal of the Separations Act (page 13) – Reaffirm
- Support for alternative methods for local tax collection (page 3) – Reaffirm
- Oppose mandated elimination of local tax liability (page 3) – Reaffirm
- Support for a statewide beverage container deposit recycling program (page 24) – Reaffirm
- Opposes local preemption regarding e-scooter regulation (page 27) – Reaffirm
- Support a PA Healthcare Plan (page 16) – Reaffirm
- Prioritize and encourage state program for stormwater management (page 25) – Update (Resolution #9-2023)
- Opposes local preemption regarding autonomous vehicles regulation (page 27) – 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 2019 policies are under review this year.

Resolution #2-2023

Submitted by: The League's Legislative Committee

NLC's 2023 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 *2023 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 *2023 Federal Action Agenda* of the National League of Cities.

Be it further resolved: The League reaffirms as its 2023 federal agenda, NLC's *2023 Federal Action Agenda*:

- Make Government Work for Small Communities;
- Support A Local Workforce Pipeline;
- Build Safe and Healthy Communities;
- Prevent Federal Overreach of Local Governments;
- Increase Housing Supply and Stability; and
- Support Local Economic Growth and Opportunity

This resolution adopts NLC's 2023 National Municipal Policy Statement, as well as its 2023 Federal Action Agenda.

Resolution #3-2023

Submitted by: The Borough of Forest Hills

Support for a Community Solar Program in Pennsylvania

Whereas, community solar is a solar project in which customers, within a geographic area, benefit from energy generated by solar panels at an off-site or on-site array; and

Whereas, these projects can be installed many places, including public buildings, private land, brownfields or roofs of apartment buildings either owned by the electric utility or a community solar organization in partnership with their region's electric utility provider; and

Whereas, community solar customers either buy or lease a portion of the solar panels in the array to receive a bill credit on their electricity bill based on the electricity generated by their share of the project; and

Whereas, community solar provides those without the space or ability to install solar panels directly on their property ways to benefit from solar energy and lower home energy costs, however, Pennsylvania currently does not have enabling legislation establishing community solar; and

Whereas, according to a study conducted by Penn State University's College of Agriculture Sciences, 235 community solar projects, covering over 4,000 acres in 48 counties, would be enabled if the Commonwealth would enact a community solar law; and

Whereas, the General Assembly has introduced several legislative proposals authorizing the establishment of community solar; and

Whereas, any community solar legislation must standardize and require bill crediting for the Commonwealth's consumers while ensuring everyone has access to renewable and affordable energy; and

Whereas, community solar would also stimulate Pennsylvania's economy through both the construction and long-term operation of the solar array fields by generating new jobs and increasing economic activity in communities across the state.

Therefore, be it resolved: The League supports the General Assembly's enactment of community solar in the Commonwealth to increase access to renewable and affordable energy as well as stimulate the economy of communities across the state.

This resolution supports the adoption of community solar in the Commonwealth.

Resolution #4-2023

Submitted by: The League's Legislative Committee

Speed Timing Technology

Whereas, public safety is one of local government's most essential services; and

Whereas, speeding on local roads is a consistent safety issue for Pennsylvania's municipalities, large and small, causing preventable injuries and deaths; and

Whereas, according to the National Highway Traffic Safety Administration's 2021 data Pennsylvania has the third highest speed-related fatalities in the nation – of the state's 1,230 total traffic fatalities, 500 fatalities (41 percent) were speed-related; and

Whereas, Pennsylvania's municipal police are very limited in the tools and technologies available to monitor and enforce speed limits. Authorized technology - Vascar and ENRADD - are obsolete, and the General Assembly continues to deny and restrict municipal police access to modern and accurate speed timing tools; and

Whereas, while The League continues to support local access to radar and lidar, municipalities could also benefit from having the ability to use automated speed and red light enforcement cameras; and

Whereas, both automated speed and red light enforcement cameras are impartial in documenting driving infractions, reducing the need for physical police stops and minimizing negative outcomes from police and motorist interaction; and

Whereas, currently the use of automated speed cameras is restricted to active work zones and to a pilot program on Roosevelt Boulevard in the City of Philadelphia; and

Whereas, there are also currently many hurdles to using red light enforcement cameras on local roads - even if eligible to use camera technology, the following are required of municipalities: police department accreditation; PennDOT approval of camera placement; the use of other speed reducing measures first; and costly implementation and diversion of fine money to the state; and

Whereas, just two municipalities are using red light enforcement camera technology as a result of these hurdles.

Therefore, be it resolved: In addition to its ongoing efforts to achieve the use of radar and lidar technology as authorized speed timing technology, The League supports legislation allowing expanded access to automated speed and red light enforcement camera technology to bolster speed enforcement and public safety efforts on local roads.

This resolution expands support for the use of speed timing devices beyond radar and lidar to automated camera technology.

Resolution #5-2023

Submitted by: The City of Pittston

Senior Citizen Homestead Exclusion

Whereas, the Homestead Property Exclusion Program, Act 50 of 1998, provides the option for local governments to adopt by ordinance a local exclusion of assessed property value on homesteads and farmsteads; and

Whereas, this exclusion provides tax relief to property owners by reducing the assessed value and thereby reducing the property tax owed; and

Whereas, senior citizens that own their own homes struggle to balance the costs of home ownership, including taxes and maintenance with other necessary expenses like health insurance and prescription medication; and

Whereas, making it affordable for senior citizens to continue to live in their homes has many social, economic and community benefits to not only senior citizens, but their families and neighborhoods; and

Whereas, local governments should have the option to implement an additional senior citizen homestead exclusion as a way to encourage homeownership and support resident seniors.

Therefore, be it resolved: The League supports an amendment to Article VIII of the Pennsylvania Constitution authorizing local governments to provide a homestead exclusion to senior citizens. This exclusion would be in addition to the homestead/farmstead exclusion authorized under Act 50 of 1998.

This resolution supports an amendment to the PA Constitution authorizing a senior citizen homestead exclusion that could be used in conjunction with the homestead/farmstead exclusion.

Resolution #6-2022

Submitted by: The City of Pittston

Notice of Condemnation Prior to County Tax Sales

Whereas, counties are responsible for executing upset real estate tax and judicial sales; and

Whereas, counties are required by the Real Estate Tax Sale Law to provide public notice of a tax sale at least 30 days before the sale, including a description of the properties to be sold; and

Whereas, it is common for individuals to bid on tax sale properties based upon the description in the notification without ever physically seeing the property; and

Whereas, there have been instances where a successful bidder finds they have unknowingly purchased a condemned property and they choose not to spend the funds necessary to redevelop or demolish the property, but instead, let it sit and decay further; and

Whereas, counties have property condemnation information available to them, as Section 304 of Title 26 (Eminent Domain) requires recording a property's condemnation with the county recorder of deeds; and

Whereas, providing bidders with knowledge of a property's condemnation status in advance will decrease the number of condemned properties abandoned by their new owners who are unwilling to bring the property into code compliance.

Be it further resolved: The League supports an amendment to The Real Estate Tax Sale Law to include the condemnation status in the property's description to ensure greater transparency for potential tax sale bidders.

This resolution supports amending the Real Estate Tax Sale Law to require the inclusion of a property's condemnation status as part of a county's tax sale notice.

Resolution #7-2023

Submitted by: The City of Hazleton

Increasing the Penalty for Driving Over a Fire Hose

Whereas, when firefighters respond to a fire call, they may need to deploy a fire hose across a roadway to access the closest water source; and

Whereas, firefighters responding to an incident must take immediate action to save lives, sometimes leaving hoses temporarily unprotected until traffic can be redirected; and

Whereas, there have been instances of property damage and physical injury across Pennsylvania when motorists don't avoid the incident area and drive over fire hoses while firefighters are working, even when traffic barriers are present; and

Whereas, driving over a fire hose, whether water is running through it or not, can cause damage to the hose, the fire hydrant and fire engine, as well as cause the hose to burst and impede putting out a blaze; and

Whereas, driving over a fire hose also increases the potential for physical injury – when hoses get caught on cars, firefighters or bystanders can be tripped or hit with hose couplings; and

Whereas, it is illegal in Pennsylvania and punishable by a maximum \$300 fine to drive over a fire hose; and

Whereas, when a fire hose is compromised, it must be pulled from operation, checked for any damages, repaired and recertified by a third party before being put back into service; and

Whereas, a mere \$300 fine is not sufficient to cover the high costs to fire companies of insurance deductibles, replacements, repairs, and recertification expenses nor is it acceptable for fire companies to pay for the negligence of drivers.

Therefore, be it resolved: The League supports increasing the fine for driving over a fire hose from \$300 to a minimum of \$1,000 in addition to any costs associated with getting the fire hose back into operation, so fire companies are not financially responsible for the negligence and recklessness of others.

Be it further resolved: The League supports the suspension of a driver's license when an individual is convicted two or more times with driving over a fire hose.

This resolution supports increasing the penalty for driving over a fire hose from \$300 to a minimum of \$1,000 plus any other costs associated with getting the hose back into service, as well as the suspension of a license after two convictions.

Resolution #8-2023

Submitted by: The League's Legislative Committee

Post-Traumatic Stress Injury for First Responders Policy Update

Whereas, in addition to the day to day stresses of their job, first responders are occasionally exposed to extraordinary and traumatic events, potentially leading to a post-traumatic stress injury (PTSI); and

Whereas, current Pennsylvania law compensates work-related mental injuries, such as PTSI, under the Workers' Compensation Act; and

Whereas, the General Assembly has regularly introduced legislation aiming to lower the barriers for first responders to prove a PTSI and make it easier to claim a PTSI benefit under Workers' Compensation; and

Whereas, such legislation as introduced would create an unsustainable and uninsurable Workers' Compensation benefit, leading to extremely high insurance premiums, a diversion of local tax dollars to defend and pay claims, and an increased likelihood of legal challenges; and

Whereas, The League believes PTSI is a serious illness that should be addressed without creating a fiscally irresponsible unfunded mandate on employers and taxpayers.

Therefore, be it resolved: The League supports and believes a compromise can be reached that will result in a narrowly tailored, fiscally responsible and insurable PTSI benefit. Such a compromise could include, but is not limited to:

- Listing qualifying traumatic events and requiring direct exposure to those events;
- Requiring incident reports of qualifying events;
- Placing a duration cap on PTSI benefits; and
- Providing the PTSI benefit outside of the Workers' Compensation system.

This resolution updates The League's 2019 policy on legislation providing a PTSI benefit to first responders.

Resolution #9-2023

Submitted by: The League's Legislative Committee

Stormwater Management Policy Update

Whereas, stormwater management is an important responsibility of local government affecting water quality, floodplain management, infrastructure, public health and public safety; and

Whereas, compliance with stormwater regulations from the federal and state government are an ongoing, costly endeavor for local governments; and

Whereas, these costs can either be passed on to taxpayers or spread across all properties in the form of a fee; and

Whereas, a comprehensive stormwater management program includes uniform and reasonable fees on all developed property which help pay for the service of managing stormwater runoff; and

Whereas, existing case law upholds the amount of impervious surface as an indicator of the amount of runoff from a property and is deemed a fair way to calculate uniform fees; and

Whereas, all developed property, including tax-exempt property, must be treated the same in terms of paying for the benefit of managed runoff, and

Whereas, all forms of local government must be treated equally in terms of the tools provided to pay for stormwater management compliance.

Therefore, be it resolved: The League urges the General Assembly to treat all forms of local government equally and on par with municipal authorities, who have broad tools available to assess fees for stormwater management.

Be it further resolved, The League supports the use of impervious surface as a uniform standard in determining the amount of runoff from a developed property and the corresponding fee.

Be it further resolved, The League supports all developed properties, including tax-exempt entities, fulfilling their share of the stormwater management obligation by paying the fee imposed so that the full burden does not fall on taxpayers alone.

This resolution updates The League's 2019 policy on stormwater management.