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Newsletter of the Pennsylvania State Association of Township Solicitors

February 14, 2022

Headlines

Have Your Township Clients Completed Legislative Survey on Municipal Damages Cap?

PSATS is urging townships to complete a critical survey that could help provide the data necessary to keep lawsuits and liability insurance from getting even more expensive for all townships. The General Assembly has directed the Legislative Budget and Finance Committee to study the impact of lawsuits on local governments and make recommendations as to whether the \$500,000 damages cap in the Political Subdivision Tort Claims Act should be adjusted. The committee's report is due to the General Assembly in April.

Please encourage your township clients to participate in the survey as their input is critical to this report. By taking a few minutes to complete this anonymous online survey, they can help ensure that any increase in the damages cap is reasonable and based on real data. [Click here](#) to respond to the survey, which will close on **February 28**.

From Green Bottles to Green Charging Stations

In a recent blog post, Esch McCombie of Solicitors Association sponsor McNeese Wallace & Nurick LLC wrote about the recent effort of the Latrobe City Council to amend its zoning ordinance to establish criteria for electric vehicle charging stations. To read more about this emerging land use, [click here](#).

New Township CDL Drivers Face Increased Training Requirements

Please make sure that your township clients are aware that as of February 7 everyone who applies for their first Class A or Class B license must complete entry-level driver training from a registered training provider. Therefore, townships will no longer be able to use their existing CDL employees to train their new hires unless the township becomes a registered training provider.

Recent Decisions

Court Rejects Due Process/Spot Zoning/ERA Challenge to Natural Gas Overlay District

In *Murrysville Watch Committee v. Municipality of Murrysville Zoning Hearing Bd.*, No. 579 C.D. 2020, 2022 WL 200112 (Pa.Cmwith. Jan. 24, 2022), the Commonwealth Court rejected a citizens group's challenge to an "oil and gas recovery overlay district" located in several residential zoning districts within the municipality because the overlay district was enacted to encourage greater economic development and there was no evidence that the use was incompatible with the other uses or character of the zoning districts. The court found that the municipality "properly balanced" all rights implicated by the overlay district and that it has "rejected any presumption that [unconventional oil and gas drilling] will have an adverse effect on the environment or the population or that it is incompatible with residential zoning districts."

Legislative Update

Governor Vetoes Firearms Bill

Governor Tom Wolf recently vetoed HB 979 because it would have discouraged local governments from attempting to regulate firearms. HB 979 would have confirmed the existing prohibition on municipal regulation of firearms and ammunition and allowed persons and organizations adversely affected by a municipal ordinance adopted in violation of existing law to seek damages attributable to the violation in an appropriate court, including the awarding of reasonable expenses by the court if the judgment is against the municipality.

New Funding for EMS Act Signed

Gov. Tom Wolf recently signed [Act 10 of 2022](#) (SB 739) which establishes the Emergency Medical Services COVID-19 Recovery Grant Program. It provides \$25 million in grants from federal COVID-19 federal dollars to EMS companies for services in response to the pandemic. It will be administered by the Office of the State Fire Commissioner in consultation with the state Department of Health. This section takes effect immediately.

Upcoming Educational Offerings

[Providing for "Missing Middle" Housing Options – 3/9/22 Webinar](#)

The recent publications by Daniel Parolek of Opticos Design and policy changes from around the country have spurred a renewed interest in 'Missing Middle' Housing. Missing Middle Housing includes a diverse set of housing types that were fundamental building blocks of pre-1940s neighborhoods. Today, typical single-family zoning often prevents a range of housing options within a given district or proposed residential development. This presentation will review how Cranberry Township has worked to create greater flexibility and remove regulatory barriers imposed by typical Euclidean zoning. Specifically, the presentation will examine the Township's recently adopted Planned Neighborhood (PN) Overlay and its elements. In addition, the presentation will review important metrics to consider as other communities analyze their existing housing stock and plan for long-term solvency and financial sustainability.

[Fair Housing Fundamentals for Townships – 3/30/22 Webinar \(1 CLE\)](#)

Learn from the fair housing team at the Pennsylvania Human Relations Commission (PHRC)

about practical steps that you can take to stay in compliance with fair housing laws and promote equitable housing opportunities within your municipality.

[Conducting Internal Investigations and Minimizing Township Liability – 4/20/22 Webinar \(1 CLE\)](#)

With a heightened focus on diversity and inclusion, there is a spotlight on responses to alleged discrimination and harassment inside and outside of the workplace. This webinar is designed to help township supervisors and their staff identify issues that require rapid response, the process and procedures necessary to effectively address these issues and conducting an objective and thorough investigation to ensure the safety and equal treatment of employees and constituents and to minimize liability.

[2022 Solicitors Spring Seminar – 4/25/22 In-Person \(5 CLE\)](#)

This seminar will cover a wide variety of emerging and important trends and issues vital to the practice of every municipal solicitor. Topics will include an update on municipal HR and personnel management issues, ethics, fraud and other high crimes by township officials, zoning and fair housing requirements, and “Politicians and Residents Say the Darnedest Things.” Do not miss this opportunity to hear from experts and network with your peers from around the state.



This biweekly newsletter for members of the Pennsylvania State Association of Township Solicitors is intended to focus on news and matters of interest to solicitors, share case updates in a timely manner, and provide details about upcoming training opportunities. Email comments and suggestions to Scott Coburn at scoburn@psats.org.



Pennsylvania State Association of Township Supervisors

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