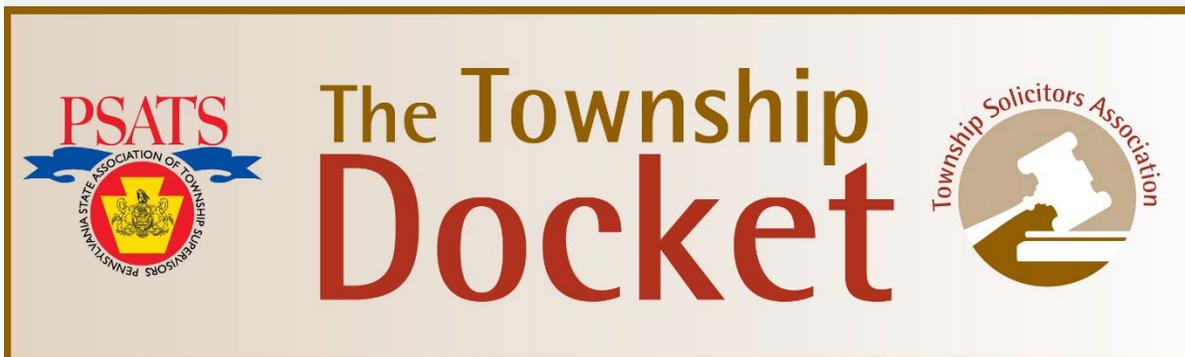


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Newsletter of the Pennsylvania State Association of Township Solicitors

February 28, 2022

Headlines

Deadline for Municipal Damages Cap Survey is Today!

Townships still have time today to respond to the Legislative Budget & Finance Committee's survey about the damages cap in the Political Subdivision Tort Claims Act. [Click here](#) to respond to the survey.

Are Non-Possessory Contractors Liable for Known Dangerous Conditions?

The Pennsylvania Supreme Court agreed last week to hear an appeal from the Commonwealth Court's decision in *Brown v. City of Oil City*, No. 292 WAL 2021, where that court held that a contractor could be found liable for the dangerous condition of steps that it built for a city-owned library even if the city had accepted the contractor's work and was aware of the allegedly defective nature of the steps.

DOJ Challenges Missouri Gun Law

The U.S. Department of Justice recently filed a lawsuit to invalidate a Missouri state law — House Bill 85 — that bans local police from enforcing five categories of federal gun laws. PSATS is aware of numerous Pennsylvania municipalities that have considered or adopted ordinances with purposes like that in House Bill 85 over the past few years. For more information, DOJ's press release can be found [here](#).

Legislative Update

Gov. Tom Wolf signed Act 12 of 2022 (HB 764) into law last week. Act 12 amends the Child Protective Services Law to allow employers to hire employees on a provisional basis on par with the 45-day provisional hiring window that is currently authorized for childcare providers. This includes employees hired for township recreational programs. Provisional employees must meet certain requirements, including having applied for required background checks and affirmed in writing that they have not been convicted of any offense which would disqualify them from being

hired. Programs no longer need waivers if all criteria are met. Act 12 took effect February 17, 2022.

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

David M. Sanko, Executive Director
4855 Woodland Drive
Enola, PA 17025