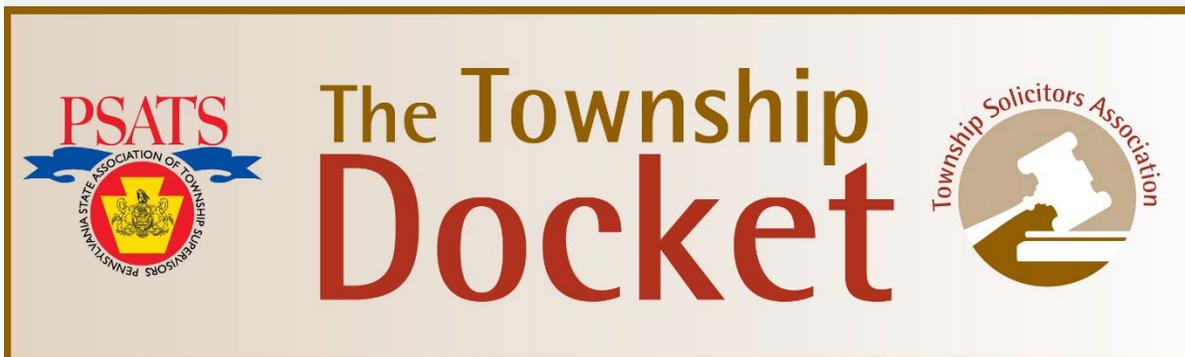


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Newsletter of the Pennsylvania State Association of Township Solicitors

March 28, 2022

Headlines

PSATS' Spring Solicitors Seminar Less Than a Month Away

Be sure to join PSATS and your fellow solicitors in Hershey on Monday, April 25, for the Spring Solicitors Seminar. Topics will include a municipal labor and employment update, a presentation on fair housing ordinances, ethical lapses and high crimes committed by municipal officials, and Part 2 of "Residents and Politicians Say the Darndest Things" (Part 1 was at the last in-person Spring Solicitors Seminar in 2019). For more information or to register, [click here](#).

PA Supreme Court Approves Final State House, Senate Maps

Last Wednesday, the Pennsylvania Supreme Court upheld the 2021 Pennsylvania Legislative Reapportionment Commission's Final Reapportionment Plan for the state House of Representatives and state Senate. The new maps will be used in all upcoming elections for the General Assembly. The court also modified the nomination petition schedule for seats in the General Assembly. Candidates will have 10 days instead of the traditional 21 to collect signatures to qualify to be on the ballot. [Click here](#) to view the final maps.

Have You Registered Yet for PSATS' 2022 Annual Conference? Rates Increase April 1!

PSATS encourages solicitors to attend the 2022 Annual Educational Conference and Exhibit Show. It is a terrific opportunity to network with current and future clients, while also taking part in more than 80 workshops on emerging issues and more. Register by March 31 at conference.psats.org to avoid higher rates.

Recent Decisions

Court Tosses Township Settlement Agreement for Lack of Court Approval

In *Murray v. Shaler Twp. Zoning Hearing Bd.*, No. 966 C.D. 2021, 2022 WL 761567 (Pa.Cmwh. March 14, 2022), the court ruled that a settlement agreement allowing six unrelated

individuals to live in a single dwelling when the township's zoning ordinance permitted only three unrelated residents was not enforceable without court approval because it circumvented the township's zoning ordinance and the Municipalities Planning Code.

The applicant filed an application with the zoning hearing board (ZHB) to operate a residential home for up to eight unrelated individuals who have suffered brain injuries. Alternatively, they sought reasonable accommodation for the proposed use. The ZHB denied the application and the applicant filed an action against the township and ZHB in federal court. The township and applicant settled, with the township allowing up to six unrelated individuals to live at the property. The applicant withdrew the prior application and submitted a new one, which the zoning officer granted.

There was a question as to whether the settlement agreement was enforceable because the ZHB did not approve it. The court found that because the president of the board of commissioners signed the agreement on behalf of the township and the ZHB, the ZHB was bound by the agreement to the extent that it was valid.

As for the validity of the settlement agreement, the court found that it memorialized the township's concession to grant a zoning certificate without regard to the restrictions in that zoning district, as well as other specifications, including the zoning officer's review and inspection. It also found that the "Township disregarded the Zoning Officer's duty to grant zoning certificates in accordance with the Ordinance's clear language." It also found that the "Township impermissibly bypassed the Board's legislative power and granted an Ordinance amendment, and/or disregarded the ZHB's variance process." Without court approval, the court found, such a significant deviation from the township's ordinance was unenforceable.

Court Refuses to Override Municipal Board's Credibility Determination

In *Troiani Group v. City of Pittsburgh Bd. of Appeals*, __ A.3d __, 2022 WL 829832 (Pa.Cmwlth. March 21, 2022), the Commonwealth Court reversed a trial court decision in favor of a city board's determination and validated the principle that courts must not "reweigh the evidence or override the Board's credibility determinations." The board rejected a demolition application that sought permission to demolish two structures because of the alleged dangers associated with demolishing just one structure. The court held that it was constrained to uphold the board's decision because it, "informed by its members' expertise," disagreed with the applicant's experts.

Upcoming Educational Offerings

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

Learn from the fair housing team at the Pa. Human Relations Commission (PHRC) about practical steps that you can take to comply with fair housing laws and promote equitable housing opportunities in 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 and the process and procedures necessary to effectively address these issues, as well as conduct an objective and thorough investigation to ensure the safety and equal treatment of employees and constituents and minimize liability.

[2022 PAAZO Spring Educational Forum – 4/24/22 In Person \(5 CLE\)](#)

This seminar will cover issues that zoning officials and townships face on a regular basis, including encouraging controlled and collaborative development, fair housing ordinances, short-term rentals, best practices for complaint management, and developing the record and drafting decisions.

[2022 Solicitors Spring Seminar – 4/25/22 In-Person \[5 CLE \(1 Ethics\)\]](#)

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; fair housing requirements; and “Politicians and Residents Say the Darndest 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.



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