



The Township Docket



Newsletter of the Pennsylvania State Association of Township Solicitors

April 11, 2022

Headlines

Still Time to Register for PSATS' Spring Solicitors Seminar

Registrations are coming in at a steady pace for the Spring Solicitors Seminar on Monday, April 25 at the Hotel Hershey. Topics include a municipal labor and employment update, a review of municipal wireless regulation after Act 65, fair housing ordinances, ethical lapses and high crimes by municipal officials, and Part 2 of "Residents and Politicians Say the Darndest Things." For more information or to register, [click here](#).

Constitutional Challenge to Damages Cap Before Supreme Court

Attorneys for a woman injured after being struck by a SEPTA bus filed an application with the Pennsylvania Supreme Court last week and challenged the constitutionality of the \$250,000 damages cap in the Sovereign Immunity Act. There is a \$500,000 damages cap in the Political Subdivision Tort Claims Act that was called into question in a 2013 concurring opinion in *Zauflik v. Pennsbury School District*. To read the application in *Freilich v. SEPTA*, [click here](#).

Resource Document Available on Pennsylvania Homeowner Assistance Fund's Impact on Real Estate Tax/Municipal Claim Collection

Governor Wolf recently launched the Pennsylvania Homeowner Assistance Fund, which will provide approximately \$350 million in financial assistance for qualified housing-related expenses. Daniel P. Schley of Portnoff Law Associates, Ltd. wrote an article titled "The Pennsylvania Homeowner Assistance Fund: What Municipalities, School Districts and Municipal Authorities Need to Know." To read it, [click here](#).

Recent Decisions

Change to Condo Ownership Not Subdivision & Does Not Defeat Prior Nonconforming Use

In *Charlestown Twp. v. CMI Hartman, LLC*, No. 678 C.D. 2021, 2022 WL 982533 (Pa.Cmwlth. April 1, 2022), the court rejected a township's efforts to prevent a change to condominium use, finding instead that the township was impermissibly trying to regulate the form of ownership, not the use.

The property at issue had four structures that were constructed prior to 1950 and were used as residential rental units. In 2012, CMI proposed to convert the property to condominium ownership; that proposal was not received favorably by the township. In 2016, CMI filed a declaration of condominium with the recorder of deeds. The township responded by issuing letters to the unit owners that they were in violation of the MPC, the Uniform Condominium Act and the township's SALDO. After the owners failed to respond, the township sought an order nullifying the condominium deeds.

The court found that the township was improperly attempting to regulate ownership because the use of the four structures as single-family residences was a lawful nonconforming use, and the owner had a vested property right that was not impacted by a change in the manner of ownership. It also rejected the township's argument that the condominiums represented a subdivision of the property because nothing changed on the property other than new tax parcel numbers.

Legislative Update

Last week, the Senate Local Government Committee approved SB 1058, which would amend the Second Class Township Code to authorize boards of supervisors to increase the compensation for elected auditors from \$10/hour to up to \$17/hour for performing the annual audit and other necessary duties of office. In addition, the Senate Transportation Committee reported out [SB 145](#), which would exempt municipal vehicles and vehicles of local government contractors providing material for road maintenance from bonding requirements on commonwealth-owned highways.

Upcoming Educational Offerings

[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.

[Five Things Empowering Leaders Do – 5/12/22 In-Person \(Penn/Butler County\)](#)

What separates a good leader from a great leader? The key to exceptional leadership is empowerment. The most outstanding leaders find unrivaled success and fulfillment by

empowering others to reach their full potential. How does one become an empowering leader? This class will cover the five quintessential elements of empowering leadership and guide listeners to overcome common barriers to empowering others. Along with any practical application points, participants will understand how and when to give away control and consider questions they should ask before empowering others.

Townships, HOAs and Stormwater BMPs – 5/12/22 Webinar

This webinar is designed to provide participants with strategies for ensuring that their Homeowner Associations (HOAs) maintain post-construction stormwater management practices, including tips for educating HOAs on the importance of stormwater management facility operation and maintenance; considerations for municipal acceptance of facilities; facility tracking and inspection; and identifying owners and responsibility.



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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