

NewsBulletin

A NEWSLETTER
CONTAINING
THE LATEST
INFORMATION
ON LEGISLATION
AND NEWS OF
INTEREST TO
TOWNSHIPS

Capitol Roundup

2021-2022 Legislative Session Ends — The 2021-2022 legislative session has come to a close as no further days are scheduled to consider legislation. Both House and Senate will return briefly after the election to vote on leadership for the 2023-2024 legislative session. While the session technically ends November 30, the General Assembly has not considered legislation after the general election in more than a decade.

In the final days and hours, many bills fell short. A package of bills that would have made it easier to obtain permits to perform needed maintenance in streams to prevent flooding did not make it through the Senate, despite moving forward in the final days. While Right-to-Know Law reform was an active subject of debate, the weak reforms under consideration also fortunately stalled. PSATS will pursue member priorities in the new session seeking better solutions with the new General Assembly. See page 2 for bills on the governor's desk.

Commonwealth Court Enjoins Enforcement of UCC Accessibility Updates

The Commonwealth Court has issued an opinion in *Pennsylvania Builders Association v. Department of Labor and Industry*, which permanently enjoined enforcement of the 2021 accessibility updates to the Uniform Construction Code.

As such, the state Department of Labor and Industry has advised that effective immediately, all enforcement of the 2021 accessibility standards must cease. Since the 2018 accessibility standards were in effect before December 25, 2021, and were unchallenged, L&I has advised that all structures must still comply with the 2018 accessibility requirements.

The Court's decision does not affect enforcement of the non-accessibility requirements of the Uniform Construction Code. Contact Michael Kegg, Director of the Bureau of Occupational & Industrial Safety, with questions at mkegg@pa.gov or 717-783-6304.

PSATS Comments on State Water Plan Revisions — PSATS submitted comments to the state Department of Environmental Protection on the Draft 2022 Pennsylvania State Water Plan. The plan identifies regional and statewide water resources priorities and recommends actions to address them. PSATS emphasized that the plan's recommendations to strengthen the link between land use and water resources management should include voluntary tools, not mandates. PSATS supports the recommendation to NOT require any fees, taxes, or restrictions on private water wells and that well drillers be licensed and construct wells to established standards. To view the comments, go to psats.org and choose "Legislation & Policy" and then "Letters to Agencies."

DEP Extends General Permit for Small MS4's (PAG-13) — The state Department of Environmental Protection (DEP) has extended the availability of the current National Pollutant Discharge Elimination System (NPDES) [General Permit for Discharges of Stormwater Discharges from Small Municipal Separate Storm Sewer Systems](#) (MS4) (PAG-13) for 24 months. The existing PAG-13 in effect at this time will expire March 15, 2023. With the 24-month extension, permittees who are operating under PAG-13 may continue to operate until March 15, 2025. Questions on the PAG-13 may be directed to Jamie Eberl, PE, at jeberl@pa.gov or (717) 772-4058.

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EPA noted that it appears COVID restrictions precluded many states from staffing and inspecting actual progress on Chesapeake Bay cleanup efforts.

Pennsylvania to Receive \$25.4 Million for Electric Vehicle Infrastructure —

Pennsylvania will receive \$25.4 million to invest in electric vehicle infrastructure from the federal Bipartisan Infrastructure Law. The federal funding is part of a new [National Electric Vehicle Infrastructure](#) (NEVI) Formula Program that will provide Pennsylvania with \$170 million over five years. There are more than 31,000 EVs registered in Pennsylvania, nearly triple the roughly 9,700 that were registered in March 2019, yet none pay any fees to support to roads and bridges.

EPA Releases 2-Year Milestone Evaluations on Chesapeake Bay Cleanup Effort

The U.S. Environmental Protection Agency announced the results of its evaluation of the Chesapeake Bay jurisdictions (*Delaware, the District of Columbia, Maryland, New York, Pennsylvania, Virginia, and West Virginia*) two-year milestones, noting that although most of the Bay states are not on track to meet the 2025 water quality restoration goals, 2022 saw new significant successes. It appears COVID restrictions precluded many states from staffing and inspecting actual progress.

Only the District of Columbia and West Virginia are on track to meet their overall cleanup goals by 2025. The EPA noted the new programs, laws, and funding in Pennsylvania designed to help farmers. To learn more, go to <https://www.epa.gov/chesapeake-bay-tmdl>

Townships May Apply for 2023 Governor’s Awards for Environmental Excellence

Townships that developed or participated in a project between October 4, 2021, and October 11, 2022, that promotes environmental protection and stewardship in the commonwealth may apply for the 2023 Governor’s Awards for Environmental Excellence, the state’s top environmental honor. This year’s spotlight is on the spirit of resistance, for entities who’ve transformed environmental obstacles into opportunities. Applications are due **December 21**. To learn more, go to dep.pa.gov and search for “Environmental Excellence.”

Governor Signs New Laws (Revised 11-4-22)

The following new laws impacting townships were signed into law by Gov. Tom Wolf on November 3. The acts take effect January 3, 2023 unless indicated otherwise.

[Act 99 of 2022](#) creates a **felony offense for assaulting a law enforcement officer** if the person intentionally or knowingly caused or attempted to cause the law enforcement officer to come into contact with body fluids or feces.

[Act 102 of 2022](#) permits the Pennsylvania Historical and Museum Commission **to retrieve an archival record from a private entity upon request of a local government.**

[Act 104 of 2022](#) increases the time limit on additional funding for merged fire and EMS companies from the Fire Company and EMS Grant program from 10 to 20 years. The cap on fire grants increases from \$15,000 to \$20,000 per fire company and from \$10,000 to \$15,000 per EMS company.

In addition, the act **creates new programs funded by the fireworks tax in Act 74 of 2022. This includes a loan forgiveness and tuition assistance program for active volunteer firefighters** and volunteer EMS providers of up to \$1,000 per year for full-time students and \$500 per year for part-time students; scholarships for EMS personnel and reimbursement for EMS agency recruitment and retention costs; fireworks public safety education; reimbursement to bomb squads for storage and destruction of illegal fireworks; and capital grants for municipal and combination fire departments and emergency services training centers.

Act 104 requires the Office of the State Fire Commissioner to make online access to

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training through an education certification management system, including registration, transcripts, and certificates. The act extends the deadline for the State Fire Advisory Board's report to change the Fire Relief Funding Formula and Fire Relief Services from November 30, 2022, to December 31, 2023. The act allows volunteer fire tax credits to be established by resolution in addition to ordinance. **Act 104 addresses several PSATS Resolutions** and PSATS urged the governor to sign this act.

[Act 121 of 2022](#) authorizes the Municipal Police Officers' Education and Training Commission (MPOETC) to **certify Pennsylvania State System of Higher Education campus police officers** that have completed MPOETC training. In addition, the act provides for certification of school police officers.

[Act 126 of 2022](#) amends **Act 135 of 2008 to include land banks as a "party in interest" that may petition the court to become a conservator**, with the ability to bring residential, commercial, and industrial buildings into municipal code compliance when the owners of these properties do not comply.

[Act 130 of 2022](#) **regulates the operation of highly automated vehicles (HAVs)** with and without a driver and authorize testing conditions for these vehicles, including platooning. The act directs the state Department of Transportation to oversee and regulate the operation of HAVs. The act has various effective dates.

[Act 136 of 2022](#) **makes changes to the Oil and Gas Well Plugging Grant program** to bring it into compliance with requirements for federal funding. The maximum grant amounts are increased from \$10,000 to \$40,000 for wells 3,000 feet deep or less and from \$20,000 to \$70,000 for wells greater than 3,000 feet in depth.

[Act 145 of 2022](#) **increases the maximum allowable weight for commercial vehicles powered by electric batteries from 80,000 to 82,000 pounds.**

[Act 149 of 2022](#) **makes permanent the optional \$15 county fee for each deed and mortgage recorded**, which is used to demolish blighted property.

[Act 151 of 2022](#) **requires the state and local governments to notify affected individuals within seven business days following determination of a breach of personal information**, such as driver's license number, financial account numbers or credit or debit card numbers, medical and health insurance information, and username and password. The act requires local governments to notify the district attorney of the breach within three business days. Act 151 takes effect May 1, 2023.

[Act 155 of 2022](#) **allows a 17-year-old to train for an interior firefighting module with live burns** if they have permission to engage from a fire chief and a parent or guardian. The Jr. Firefighter is required to be under the supervision of a credentialed Pennsylvania State Fire Academy Instructor. Act 155 addresses a PSATS resolution and PSATS urged the governor to sign this act.

[Act 158 of 2022](#) **requires law enforcement officers to report overdose incidents** to an overdose information network no later than 72 hours after the overdose. Municipal officials and police chiefs may receive data from the network on overdose spikes in their community.

To view these acts, go to legis.state.pa.us.

Don't Miss PSATS Training Opportunities!

Don't miss these in-person and virtual training options! Go to learn.psats.org for details.

- **Virtual Seminar for Zoning Officials:** PSATS is hosting a virtual seminar for those unable to attend one of the in-person fall sessions. The PAAZO Virtual Zoning seminar will be held on **November 3**.
- **HR & Labor Management Institute:** PSATS has sessions scheduled in Montgomery County on **November 17** and a virtual session on **December 5**. These sessions will bring those with personnel management responsibilities up to speed on current practices and updates to the law.
- **QuickBooks Training:** PSATS will host several QuickBooks classes in November and December, including ones on intermediate skills and year-end reports.
- **Zoning Academy:** PSATS will hold a Zoning Academy on **November 30-December 1** that will provide a strong foundation for newer zoning officials, supervisors, and employees looking to better understand the zoning process, as well as those looking to make zoning a career.

This and That...

Be sure to check this section each month, where you will find important reminders and information.

- **Show Me the Money! Grants Available for Townships!** — Can your township benefit from a state or federal grant or loan? Check out the many opportunities currently available to townships in this month's handy insert.
- **Date Clarified for Annual Organization Meeting** — The annual organization meeting required by Section 602 of the Second Class Township Code must be held on the first Monday in January unless it is a legal holiday. As **Monday, January 2, 2023 is a legal holiday, the board of supervisor's organization meeting will be held on Tuesday, January 3, 2023**. The elected auditors' annual organization meeting must be held the following day, Wednesday, January 4, 2023.
- **2023 Estimated Liquid Fuels Rates Released** — Townships should have recently received notification from the state Department of Transportation about your township's estimated liquid fuels distribution for 2023. The 2023 distribution is estimated to be about 1% more than the 2022 actual distribution. The amount per mile is estimated to be \$3,148.1179 and the amount per capita is estimated to be \$17.7084.
- **DCED Annual Filing Notice Mailed** — The state Department of Community and Economic Development mailed its Annual Notice to File to all municipalities in October. Township officials should look for this notice, which contains important information about required filings. If you have not received this letter, you may download a copy of it and the tip sheets referenced in it at dced.pa.gov. Choose Local Government, then Municipal Statistics, and then E-filing Library on the right-hand side of the page. Call 1-888-223-6837 with any questions.
- **Act 57 Waiver Form Now Available from DCED** — [Act 57 of 2022](https://legis.pa.gov/legislation/acts/act57) allows taxpayers who fail to receive a tax notice during their first year of occupancy to apply for a waiver from penalties and additional costs from the tax collector. The state Department of Community and Economic Development has now made a standard waiver form available. Please keep in mind that Act 57 applies to tax notices sent beginning in 2023. The waiver form was included with the DCED mailing noted above and can be found by searching dced.pa.gov for "Act 57 of 2022 waiver."
- **PSATS Accepting Entries for All PSATS Excellence Awards to be presented at 2023 Annual Conference**
 - Attention, township officials and staff! Enter your outstanding printed or electronic publications in PSATS' 2022 **Citizen Communications Contest** by **December 1**. Entries must be from member townships and have been produced between November 30, 2021 and December 1, 2022.
 - **Applications for President's Leadership Awards, PSATS Youth Awards, Intergovernmental Cooperation Awards are due January 31, 2023.**
 - To learn more, go to psats.org and choose "Programs & Services," then "PSATS Awards Programs."