

2022 PHFA Housing Forum



Pennsylvania: Constructing Housing in the Land of Local Governments

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LOCAL GOVERNMENT COMMISSION
of the PENNSYLVANIA GENERAL ASSEMBLY

Introduction



The **Local Government Commission** is a bicameral, bipartisan legislative service agency. Created in 1935 by an Act of Assembly, it is one of the oldest agencies of its kind in the country. The Commission is comprised of five Senate Members and five House Members, appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, respectively. A small staff, consisting of professional and support personnel, assists the Commission with its administrative and statutory duties.



History



- Townships were first form of local governments
- Populations increased in "downtown" areas of the townships
- Boroughs formed from in these town centers
- If a borough's population continued to grow, residents could elect to change their municipality from a borough to a city.
- If remaining township's population density increases, they can elect to become 1st class township

Municipal Organization



2nd Class Townships

- Board of Supervisors – elected at large
 - Default 3 members, but can be increased to 5
 - 6 year terms
- No Mayor – but can appoint a manager

Municipal Organization



Boroughs

- Council – can be elected at large or in wards
 - Maximum 13 wards
 - At large council default is 7 members – can be reduced to 5 or 3
 - 4 year terms
- Mayor – 4 year term

Municipal Organization



1st Class Townships

- Board of Commissioners – can be elected at large or in wards
 - Maximum 15 wards
 - At large board of is 5 members
 - 4 year terms
- No Mayor – but can appoint a manager

Municipal Organization



Third Class Cities

- Council – can be elected at large or in wards
 - Default council is 4 members – can be increased to 6
 - 4 year term
- Mayor – 4 year term
 - Mayor serves as president of council (5th or 7th member)

Dillon's Rule



- Dillon's Rule is the cornerstone of American municipal law.
- Municipal government has authority to act *only* when:
 - Power is granted in express words
 - Power is implied by the powers expressly granted; or
 - Power is otherwise implied as essential.
- If action is in question, courts are to defer *against* the municipality.

Home Rule



- Exact opposite of Dillion's Rule:
 - "Municipalities shall have the right and power to frame and adopt home rule charters. ... A municipality which has a home rule charter may exercise any power or perform any function *not denied* by this Constitution, by its home rule charter or by the General Assembly at any time." (Pa. Const. Art. IX, §2)
- Again, opposite of Dillon's Rule, if action is in question, courts are to defer *in favor* of municipality:
 - All grants of municipal power to municipalities governed by a home rule charter...shall be liberally construed in favor of the municipality. (53 Pa.C.S. §2961)

Land Use



- Zoning
 - Review ordinances carefully
 - Informal discussion may prevent need for appeals
- SALDO
 - Subdivision and Land Development Ordinance
- Planning Commission
- Other considerations
 - Historical Commission, authority approval, etc.



Questions?

