



pennsylvania
DEPARTMENT OF COMMUNITY
& ECONOMIC DEVELOPMENT

HOME RULE IN PENNSYLVANIA

GOVERNOR'S CENTER FOR LOCAL
GOVERNMENT SERVICES

HOME RULE

Home Rule transfers the basic authority to act in municipal affairs from state law, to a local charter, drafted, adopted and amended by the municipal voters.

WHAT IS HOME RULE?

- Home Rule Municipalities may exercise powers and perform functions not denied by
 - US constitution
 - PA Constitution
 - State Laws
 - Specific restrictions; Act 62
 - Laws that are uniform and applicable in every part of the Commonwealth
 - Home Rule Charter itself
- Transfers authority in municipal affairs from state law (municipal codes) to a local charter adopted and amended by the voters
- Decided upon, approved and amended by the voters

PRINCIPALS OF HOME RULE

- Opportunity to shift governance from state municipal code to local citizens.
- Allows for flexibility in defining structure, powers, taxation and other functions of the municipality
- Opportunity to create a government that best meets the needs of the municipality

REASONS FOR HOME RULE

- Identifies accountability
- Focused political leadership
- Professional administration
- Enhances fiscal procedures and controls
- Flexibility
- Separate legislative and executive functions
- Residual Powers
 - Write own administrative code
- Increase citizen participation
- Increase responsiveness
- Wider representation

LIMITATIONS

- Arbitration/Labor Relations
- Boundary Change Law
- Election Code
- Ethics Law
- Recall
- Reapportionment
- Sunshine Law
- Open Records Law
- Recycling and Waste Reduction Act
- Vehicle Code
- Firearms/Hunting Regulations
- Private Business Limitations
- Regulation of Utilities
- Eminent Domain
- Zoning: Pennsylvania Municipalities Planning Code
- Local Agency Law
- Tort Claims
- Unit Debt Act
- Taxation Subjects
- Veterans Preference
- Clean Streams
- Sewage Facilities Act
- Storm Water Management Act

HOME RULE CONSIDERATIONS

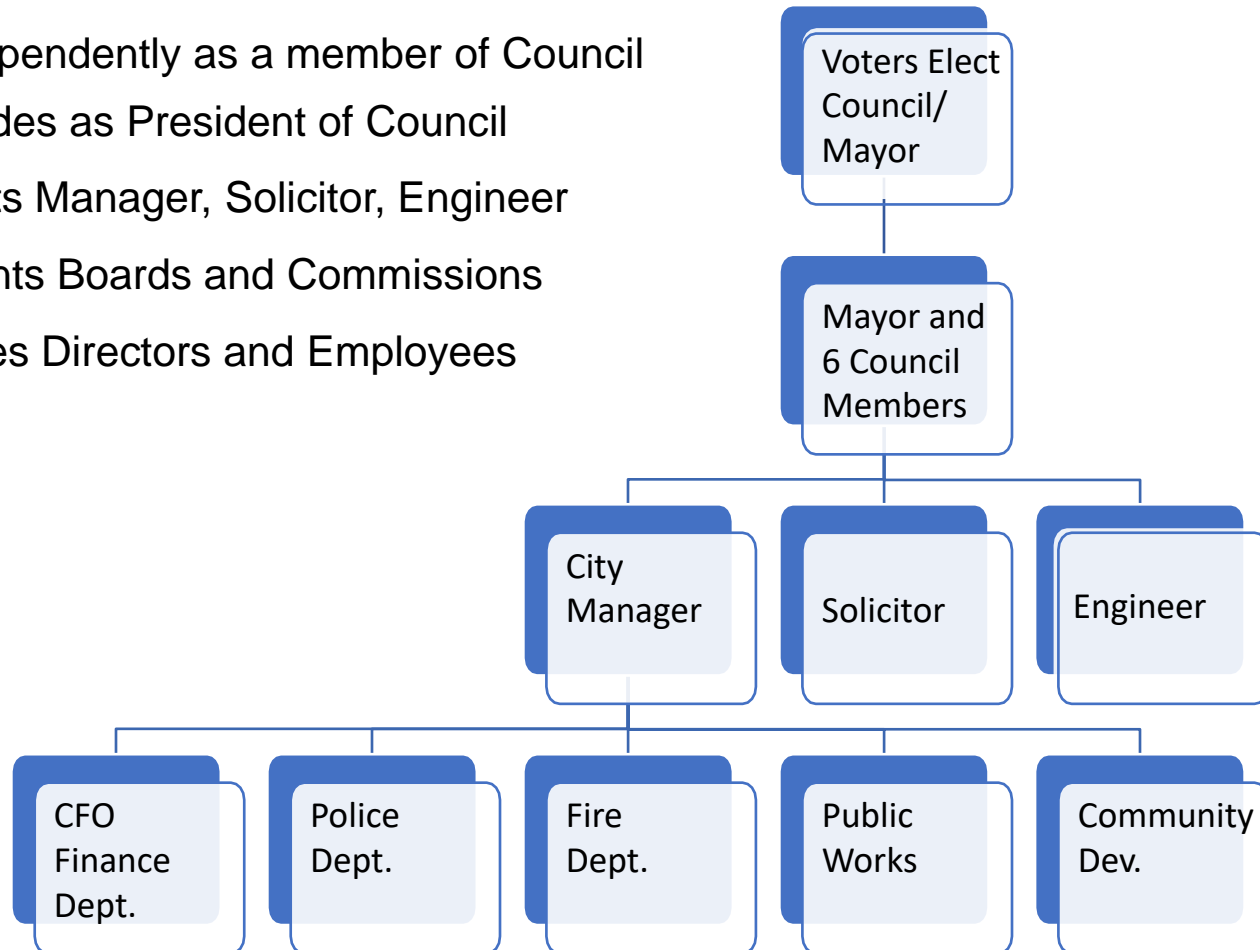
- Forms of Government
- Taxation
 - Real Estate Code Limitations (General Purposes)
- Operation and Procedures
 - Meetings
 - Public Hearings
 - Records
 - Operating Rules
- Legislative Actions
 - Form of action by governing body
 - Publication and effective dates
 - Ordinance codification

HOME RULE MUNICIPALITIES

- 1968 Commonwealth adopted Article 9, Section 2 of the PA Constitution guaranteeing the right of all Counties & Municipalities to adopt Home Rule Charters and Exercise Home Rule Powers
- Law was enacted in 1972
- Since 1972 Home Rule Charters have been adopted by
 - 79 municipalities
 - 7 Counties
 - Allegheny
 - Delaware
 - Erie
 - Lackawanna
 - Lehigh
 - Luzerne
 - Northampton

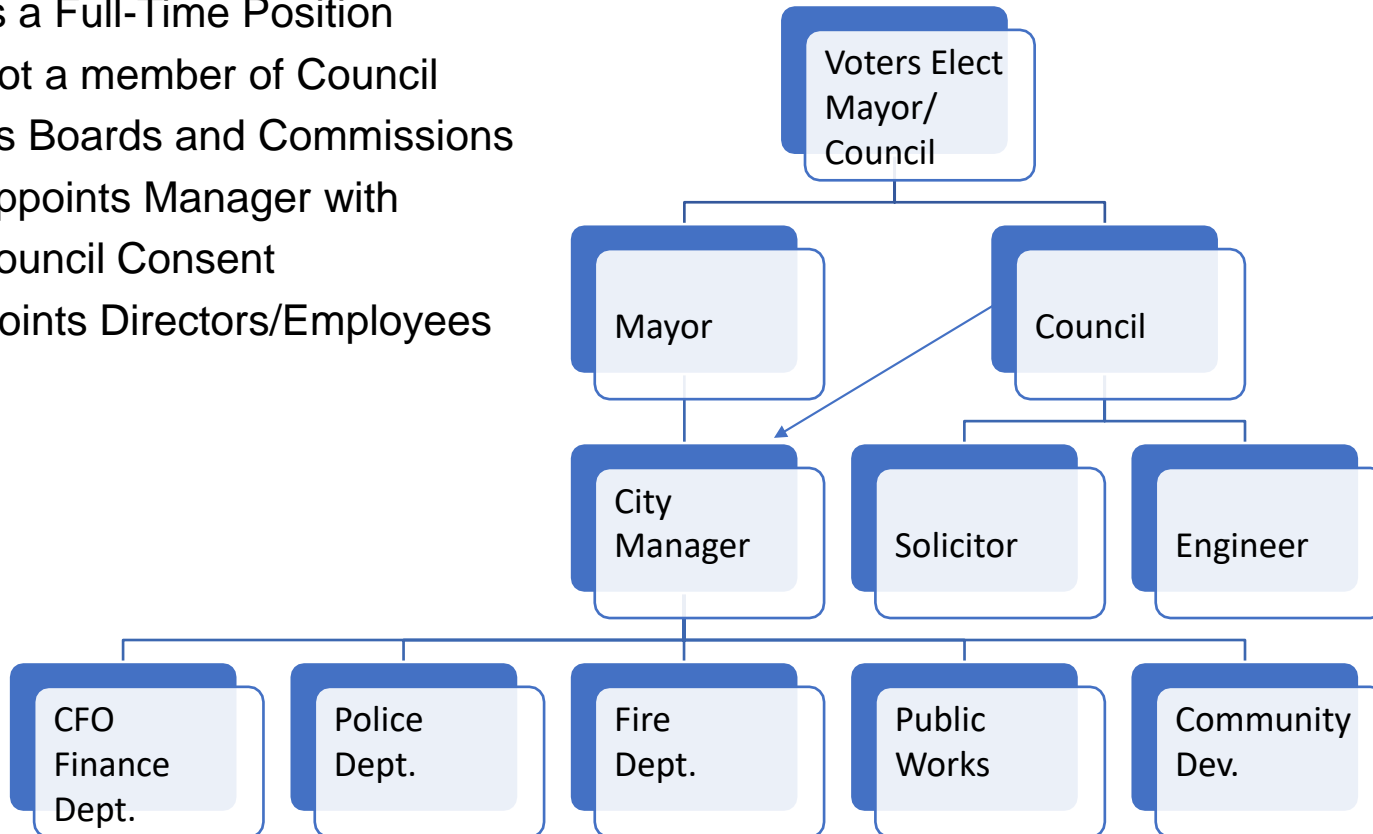
SAMPLE HOME RULE MUNICIPALITY STRUCTURE OPTIONS

- Mayor Elected Independently as a member of Council
- Mayor presides as President of Council
- Council Appoints Manager, Solicitor, Engineer
- Council appoints Boards and Commissions
- Manager hires Directors and Employees



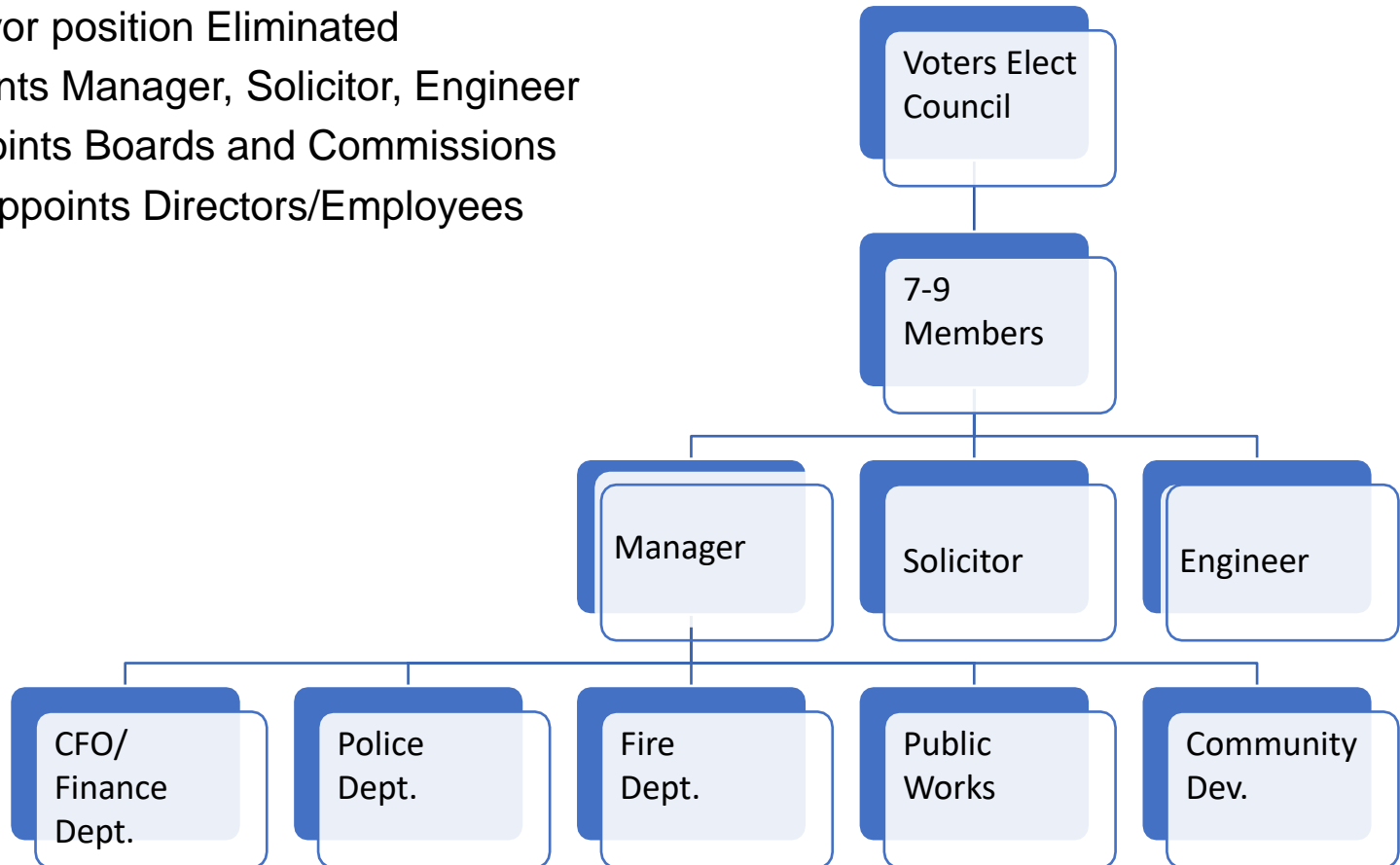
SAMPLE HOME RULE MUNICIPALITY STRUCTURE CONT.

- Mayor is a Full-Time Position
- Mayor is not a member of Council
- Mayor appoints Boards and Commissions
- Mayor appoints Manager with Council Consent
- Manager appoints Directors/Employees



SAMPLE HOME RULE MUNICIPALITY STRUCTURE CONT.

Mayor position Eliminated
Council appoints Manager, Solicitor, Engineer
Council appoints Boards and Commissions
Manager appoints Directors/Employees



TAXATION

- Ability to adopt a new taxation system
 - More modern and efficient
 - Based on municipalities needs
 - Provides for quality services
 - Offers relief for aging population
- Taxation limits
 - Currently limited by Pa legislation
 - Third-Class City 30 mills
 - Boroughs 30 mills
 - First Class Townships 30 mills
 - Second Class Townships 14 mills

HOME RULE PROCESS

- Forming a Government Study Commission (GSC)
 - Referendum is placed on the ballot by ordinance of the governing body or 5% of electors in the last gubernatorial general election
- Voters are asked two questions
 - Elect a GSC to study existing form of government and home rule
 - Select electors on the ballot running for GSC, 7,9 or 11 members dependent on ordinance
- If home rule fails to pass, “the same question” can not be placed on the ballot as a referendum for five years

GOVERNMENT STUDY COMMISSION TIMELINE

- Within 10 days of the certification of elections GSC elected member must take oath
- Within 15 days of the certification of election, GSC must organize and hold its first public meeting
- Within 9 months of election certification GSC must determine no change or proceed with home rule
 - No change final report is drafted and GSC role is complete
 - Home Rule recommended, GSC will have 18 months from election certification to draft a charter for referendum.

IMPLEMENTATION

- The municipality shall be governed under the provisions of the plan from the first Monday in January following the municipal election occurring after the next succeeding primary election, except as provided by in section 2924(c)
- Write the Administrative Code as a companion document to the home rule charter to provide guidance and context to the home rule charter.
Adopted/amended by ordinance rather than referendum
- Codification of ordinances

HOME RULE RESOURCES OF INFORMATION

- Governor's Center for Local Government Services – Home Rule in PA
 - dced.pa.gov
 - 1.888.223.6837
- Other Home Rule Municipalities
- PML Home Rule Advocacy Committee
- League of Woman Voters
- Colleges and Universities
- International City/County Management Association
 - Carefully consider where your information is coming from, it may be wise to use multiple sources to help ensure that a sound charter is produced

Governor's Center for Local Government Services

Department of Community and Economic
Development