Home Rule Basics

ALTOONA GOVERNMENT STUDY COMMISSION

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Presentation By:

Michael Foreman

Department of Community & Economic Development

Home Rule Basics

Municipalities shall have the ***right*** and power to frame and adopt home rule charters. Adoption, amendment or repeal of a home rule charter shall be by ***referendum***…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.

Pennsylvania Constitution, Article IX, Section 2

Time Frame

- GSC question approved and 7 members elected – May 21, 2013
- GSC must report findings and recommendations –
  - Decision: no change or home rule charter – no later than February 2014
  - If home rule charter recommended – no later than November 2014
  - Charter w/districts – no later than mid Jan 2015
- May amend up to 60 days before referendum
- Implementation Date … depends

Home Rule Basics

DEFINITION -

- The basic authority to act in municipal affairs is transferred from state law, as set forth by the General Assembly, to a local charter, adopted and amended by the voters.

- Under the state 3rd Class City code, you can only do what is permitted by law. Under home rule, you can do anything not prohibited by law.

Historic Reasons for Home Rule

- Residual powers – write own administrative code
- Increased citizen access – initiative & referendum
- Improved accountability & responsiveness
- Improved fiscal procedures & controls
- Flexibility
- Professional administration
- Wider representation
- Focused political leadership
- Separate legislative & executive functions
- Merit hiring & advancement

Home Rule Limitations

- United States Constitution
- Pennsylvania Constitution
- State laws
  - Specific restrictions – Home Rule and Optional Plans Act
  - Laws that are uniform & applicable throughout the Commonwealth
  - Laws directed expressly at home rule governments (tax rates, special taxation)
- The charter itself

Restrictions in State Law

- Arbitration/Labor Relations
- Boundary Change Law
- Independence of municipalities
- Election Code
- Ethics Law
- Recall
- Reapportionment
- Sunshine Law
- Open Records Law

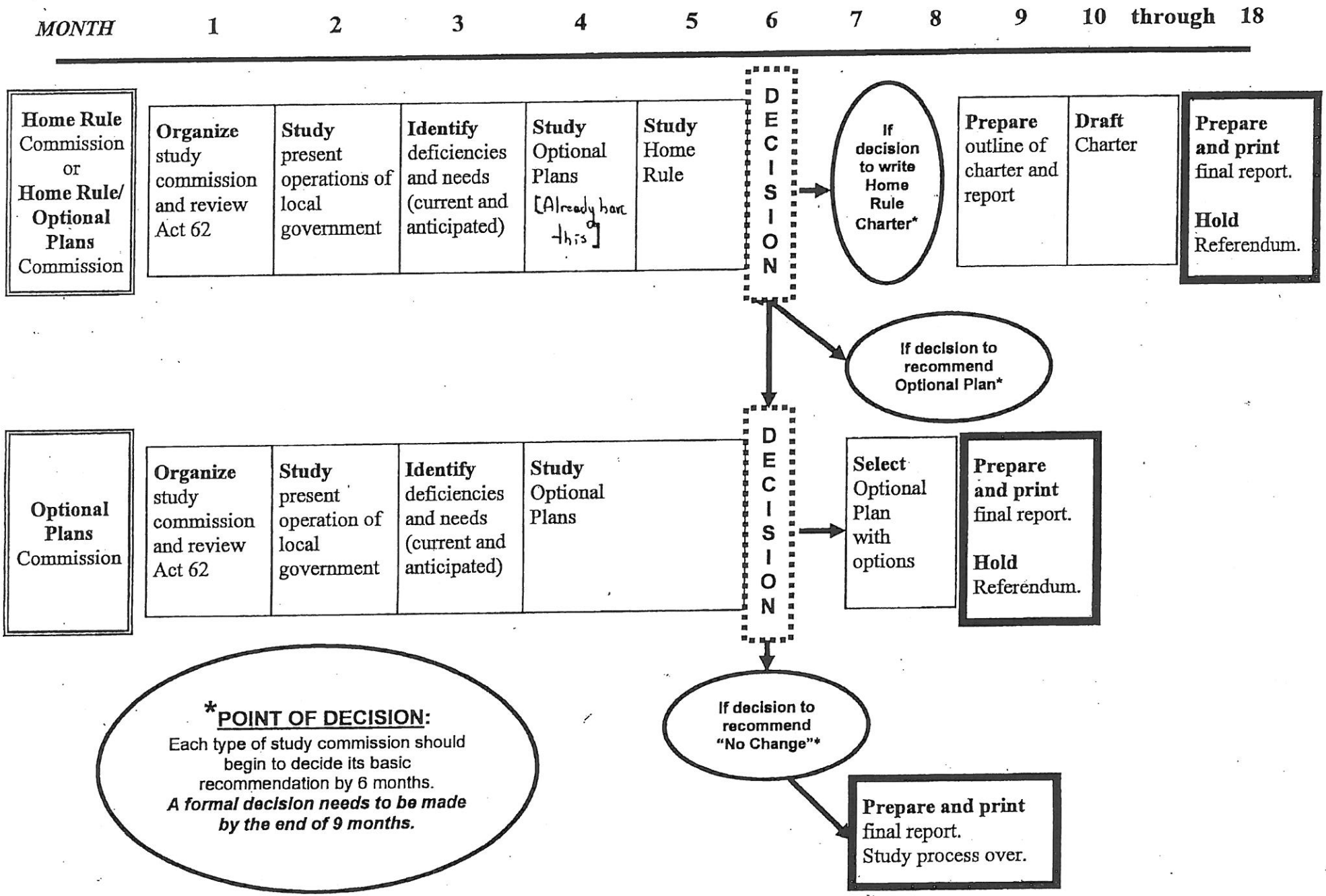
Specific Restrictions

- Local Agency Law
- Tort claims
- Unit Debt Act
- Taxation subjects
- Court appointed personnel
- Veterans preference
- Clean streams
- Sewage Facilities Act
- Storm Water Management Act

Specific Restrictions

- Recycling & Waste Reduction Act
- Vehicle Code
- Firearms/hunting regulations
- Private business limitations
- Regulation of utilities
- Eminent domain
- Local government autonomy
- Zoning - Pennsylvania Municipalities Planning Code

Home Rule Basics

Questions/Discussion/Issues

SUGGESTED SCHEDULE FOR STUDY COMMISSION