

Home Rule Basics

Concord Township

January 29, 2015

Presentation By:

Marita Kelley, Program Manager

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 – November 4, 2014
- GSC must report findings and recommendations –
 - Decision: no change, choice optional plan for the third class City, or home rule charter –
 - no later than study existing form of government August 2015
 - If home rule charter recommended – no later than May 2016
 - Charter w/districts – no later than mid July 2016
- May amend up to 60 days before referendum
- Implementation Date ..Defined within Charter

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 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