

Home Rule Basics

CITY OF ALIQUIPPA

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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

Forming Government Study Commission (GSC)

- Voters are asked two questions:
- 1) whether to elect GSC to study existing form of govt. and home rule?
- 2) which members running for GSC shall be elected to study existing form of govt. and decide whether to draft home rule charter for voter approval; GSC will have 7, 9, or 11 members – number decided in ordinance or petition before election.

Forming GSC

How are both questions put before voters?

- 1) Adoption of ordinance of governing body;
or
- 2) Petition of registered voters of City
requiring minimum number of signatures
(at least 5% of those who voted in last
gubernatorial general election within City).

Forming GSC

2a) Those running for GSC must obtain signatures of registered voters of at least 2% of votes cast in last gubernatorial general election within City.



Time Frame

- GSC question approved and 7/9/11 members elected – any primary, municipal or general election
- GSC must report findings and recommendations including “final report” –
 - Decision: no change or home rule charter – no later than 9 mos. from date of election
 - If home rule charter recommended – no later than 18 mos. from date of election
 - Charter w/districts – no later than 20 mos. from date of election
- May amend up to 60 days before referendum
- Implementation Date ... depends



Home Rule Basics

DEFINITION -

- The basic authority to act is transferred from municipal code, as set forth by the General Assembly, to a local charter, adopted and amended by the voters. Advantage.
- Under the municipal code, you can only do what is permitted by law. Under home rule, you can do anything not prohibited by law. Advantage.



Historic Reasons for Home Rule - Benefits

- 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 Power Limitations

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



Uniform State Laws – Charter Cannot Change

- Arbitration/Labor Relations
- Boundary Change Law
- Intergovernmental Cooperation Law
- Election Code
- Ethics Law
- Removal of Public Officials
- Municipal Reapportionment
- Sunshine Law
- Open Records Law



Uniform State Laws

- Local Agency Law
- Tort Claims Act
- Local Govt. Unit Debt Act
- Tax Collection
- Subjects of Taxation
- Assessment of Property
- Veterans Preference
- Clean Streams Act
- Sewage Facilities Act
- Storm Water Management Act



Uniform State Laws

- Recycling & Waste Reduction Act
- Vehicle Code/Criminal Code
- Firearms/Hunting Regulations
- Engaging in Private Business Activity
- Regulation of Utilities
- Eminent Domain
- Municipal Claim & Tax Lien Law
- PA Municipalities Planning Code
- Regulation of Schools
- Municipality Authorities Act

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Questions/Discussion/Issues

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