THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 275
Session of 2021

INTRODUCED BY YAW, STEFANO, PITTMAN, ARGALL, MENSCH, YUDICHAK, HUTCHINSON, PHILLIPS-HILL, SCHWANK, J. WARD, DiSANTO, BREWSTER AND MARTIN, FEBRUARY 24, 2021

SENIOR DUSH, LOCAL GOVERNMENT, AS AMENDED, OCTOBER 19, 2021

AN ACT

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in preemptions, providing for restrictions on utility services prohibited.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 53 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 306.307. Restrictions on utility services prohibited.

(a) Prohibitions.--

(1) A municipality may not:

(i) Adopt a policy that restricts or prohibits, or has the effect of restricting or prohibiting, the connection or reconnection of a utility service based upon the type of source of energy to be delivered to an individual consumer within the municipality.

(ii) Discriminate against a utility service provider based in whole or in part on the nature or source of the utility service provided for an individual consumer.
within the municipality.

(2) A policy, or part of a policy, that is adopted by a municipality may not restrict or prohibit, or have the effect of restricting or prohibiting, the ability of an individual or entity within the municipality to use the services of a utility service provider that is capable and authorized to provide utility service for the property of the individual or entity.

(b) Effect.--This section does not affect the authority of a municipality to manage or operate a publicly owned utility:

(1) MANAGE OR OPERATE A PUBLICLY OWNED UTILITY; OR

(2) TAKE STEPS DESIGNED TO REDUCE GREENHOUSE GAS EMISSIONS FROM MUNICIPAL FACILITIES AND OPERATIONS, INCLUDING PURCHASING RENEWABLE ENERGY.

(C) CONSTRUCTION.--A MUNICIPALITY'S EXERCISE OF ITS LAND USE AUTHORITY IN ACCORDANCE WITH THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, SHALL NOT BE CONSTRUED AS RESTRICTING OR PROHIBITING AN INDIVIDUAL OR ENTITY FROM CHOOSING A UTILITY SERVICE PROVIDER.

(e) (D) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Municipality." Any of the following:

(1) A county, city, borough, incorporated town or township.

(2) A home rule, optional plan or optional charter municipality.

(3) Any other general purpose unit of government established by the General Assembly.

(4) A municipal authority.
(5) An entity formed under Subchapter A of Chapter 23 (relating to intergovernmental cooperation).

"Policy." A requirement, including a zoning or building code requirement or restriction, which is imposed by ordinance, resolution, rule, code, land use regulation, general or specific plan provision or otherwise.

"Utility service." Service from a utility service provider, which includes electric, manufactured gas, liquefied petroleum gas, natural gas, hydrogen, fuel oil, a renewable source or any other source, and which is capable of providing and authorized to provide the service for the property of an individual or entity.

Section 2. This act shall take effect in 60 days.