

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1379 Session of
1984

INTRODUCED BY BRIGHTBILL, WENGER, STAPLETON, SNYDER, ANDREZESKI
AND O'PAKE, MAY 9, 1984

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 2, 1984

AN ACT

1 ~~Amending the act of April 7, 1982 (P.L.228, No.74), entitled "An~~ <—
2 ~~act relating to noxious weeds; creating a Noxious Weed~~
3 ~~Control Committee and defining its powers and duties;~~
4 ~~imposing powers and duties on the Secretary of Agriculture~~
5 ~~and municipalities; providing penalties; and making a~~
6 ~~repeal," adding additional noxious weeds to the control list.~~
7 PROVIDING FOR THE ADMINISTRATION AND ALLOCATION OF CERTAIN <—
8 FEDERAL BLOCK GRANTS.

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

11 ~~Section 1. Section 8 of the act of April 7, 1982 (P.L.228,~~ <—
12 ~~No.74), known as the Noxious Weed Control Law, is amended to~~
13 ~~read:~~

14 ~~Section 8. Noxious weed control list.~~

15 ~~The noxious weed control list shall include but not be~~
16 ~~limited to the following weeds:~~

17 ~~(1) Cannabis sativa, commonly known as marihuana.~~

18 ~~(2) Cichorium intybus, commonly known as chicory or~~
19 ~~succory or blue daisy.~~

~~(3) Cirsium arvense, commonly known as Canadian thistle.~~

~~(4) Rosa multiflora, commonly known as multiflora rose.~~

~~(5) Sorghum halepense, commonly known as Johnson grass.~~

~~(6) Cirsium vulgare, commonly known as bull thistle or
spear thistle.~~

~~Section 2. This act shall take effect immediately.~~

SECTION 1. DECLARATION OF PURPOSE.

THE PURPOSE OF THIS ACT IS TO ESTABLISH AN ANNUAL COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT FOR CERTAIN CITIES, BOROUGH, TOWNS AND TOWNSHIPS AND FOR 54 COUNTIES TO BE USED BY SAID COUNTIES PRINCIPALLY IN BOROUGH, TOWNS AND TOWNSHIPS WHICH ARE NOT ALLOCATED ANNUAL ENTITLEMENTS. ASSURED ANNUAL FUNDING WILL PERMIT MEANINGFUL PROGRAMS TO BE DEVELOPED AND LOCAL STAFF CAPACITY TO BE CREATED AND MAINTAINED. BOROUGH, TOWNS AND TOWNSHIPS WILL ALSO HAVE THE OPPORTUNITY TO OBTAIN ANNUALLY DISCRETIONARY FUNDING FOR PROJECTS FOR COMMUNITY DEVELOPMENT ACTIVITIES WHICH ARE ELIGIBLE UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT. INITIALLY, IT WILL PUT 54 COUNTIES AND CERTAIN MUNICIPALITIES ON A COMPARABLE BASIS WITH THE 12 URBAN COUNTIES AND 28 CITIES, BOROUGH AND TOWNSHIPS WHICH RECEIVE DIRECT ANNUAL COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENTS FROM THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

SECTION 2. SHORT TITLE.

THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT PROGRAM FOR NONURBAN COUNTIES AND CERTAIN OTHER MUNICIPALITIES.

SECTION 3. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"COUNTY'S NET POPULATION." THE BALANCE REMAINING AFTER
SUBTRACTING THE POPULATIONS OF ALL METROPOLITAN CITIES AND
ELIGIBLE CITIES, BOROUGH, INCORPORATED TOWNS AND TOWNSHIPS
SITUATE WITHIN THE COUNTY FROM ITS TOTAL POPULATION.

"DEPARTMENT." THE DEPARTMENT OF COMMUNITY AFFAIRS.

"ELIGIBLE CITY, BOROUGH, INCORPORATED TOWN AND TOWNSHIP." ALL
CITIES, BOROUGH, INCORPORATED TOWNS AND TOWNSHIPS WHICH ARE
ELIGIBLE TO RECEIVE AND WHICH APPLY DIRECTLY OR THROUGH A COUNTY
OR A DESIGNATED LOCAL PUBLIC AGENCY FOR FUNDS WHICH ARE
AVAILABLE TO THE COMMONWEALTH PURSUANT TO THE HOUSING AND
COMMUNITY DEVELOPMENT ACT AND WHICH ARE NOT ELIGIBLE AS A
METROPOLITAN CITY AND WHICH WERE NOT CONSIDERED IN FEDERAL
FISCAL YEAR 1984 AS PART OF AN URBAN COUNTY'S FEDERALLY FUNDED
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. IN ADDITION, A
BOROUGH, INCORPORATED TOWN AND TOWNSHIP TO BE ELIGIBLE MUST HAVE
A POPULATION ACCORDING TO THE LATEST DECENNIAL CENSUS OF
~~POPULATION OF~~ 4,000 OR MORE AND AT THE TIME OF FILING FOR THE
ANNUAL ENTITLEMENT GRANT ~~AND~~ MUST ALSO MEET THE CURRENT MINIMUM
STANDARDS OF PHYSICAL AND ECONOMIC DISTRESS FOR THE FEDERAL
URBAN DEVELOPMENT ACTION GRANT PROGRAM AS DETERMINED BY THE
SECRETARY OF HOUSING AND URBAN DEVELOPMENT PURSUANT TO SECTION
119 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT. ALL ELIGIBLE
ENTITLEMENT MUNICIPALITIES MUST ALSO MEET THE GENERAL
QUALIFICATIONS CRITERIA OF THIS SECTION.

"ELIGIBLE COUNTY." THOSE COUNTIES WHICH ARE ELIGIBLE TO
RECEIVE AND WHICH APPLY FOR FUNDS AVAILABLE TO THE COMMONWEALTH
PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT AND WHICH
ARE NOT ELIGIBLE AS AN URBAN COUNTY. ALL ELIGIBLE ENTITLEMENT
COUNTIES MUST ALSO MEET THE GENERAL QUALIFICATIONS CRITERIA OF
THIS SECTION.

1 "ELIGIBLE ENTITLEMENT ENTITY." ANY ELIGIBLE COUNTY OR ANY
2 ELIGIBLE CITY, BOROUGH, INCORPORATED TOWN AND TOWNSHIP.

3 "GENERAL QUALIFICATIONS CRITERIA."

4 (1) AN ELIGIBLE ENTITLEMENT ENTITY MUST HAVE THE LEGAL
5 CAPACITY TO UNDERTAKE ASSISTED HOUSING PROGRAMS AND COMMUNITY
6 DEVELOPMENT ACTIVITIES. THE DESIGNATION OF A HOUSING OR
7 REDEVELOPMENT AUTHORITY TO UNDERTAKE ASSISTED HOUSING
8 PROGRAMS IN THE ENTITLEMENT ENTITY'S JURISDICTION SHALL BE
9 CONSIDERED PRIMA FACIE EVIDENCE OF CAPACITY TO UNDERTAKE
10 ASSISTED HOUSING PROGRAMS. EVERY ELIGIBLE ENTITLEMENT ENTITY
11 SHALL ADOPT A THREE-YEAR COMMUNITY DEVELOPMENT PLAN, WHICH <—
12 SHALL BE REVIEWED AND APPROVED BY THE DEPARTMENT, AND
13 IDENTIFY THE ACTIVITIES TO BE UNDERTAKEN AND THE PROJECTED
14 USE OF FUNDS FOR THE YEAR FOR WHICH FUNDING IS APPLIED. THE
15 ENTITLEMENT ENTITY SHALL ALSO CERTIFY THAT IT HAS THE LEGAL
16 CAPACITY TO CARRY OUT THE COMMUNITY DEVELOPMENT PROGRAM
17 EITHER DIRECTLY, OR THROUGH THE DESIGNATION OF A LOCAL PUBLIC
18 AGENCY.

19 (2) HOWEVER, IN THE CASE OF AN ELIGIBLE BOROUGH,
20 INCORPORATED TOWN OR TOWNSHIP WHICH IS UNDER 10,000 IN
21 POPULATION, IT SHALL BE DEEMED TO HAVE MET THE GENERAL
22 QUALIFICATIONS CRITERIA, IF THE COUNTY IN WHICH IT IS LOCATED
23 AND WHICH RECEIVES THE ANNUAL GRANT ON BEHALF OF THE ELIGIBLE
24 ENTITLEMENT ENTITY MEETS THE CRITERIA. FURTHER, ANY BOROUGH,
25 INCORPORATED TOWN OR TOWNSHIP WITH A POPULATION OF 10,000 OR
26 MORE AND WHICH BY RESOLUTION DESIGNATES THE ELIGIBLE COUNTY
27 TO RECEIVE ITS GRANT ON ITS BEHALF SHALL ALSO BE DEEMED TO
28 HAVE MET THE GENERAL QUALIFICATIONS CRITERIA IF SAID COUNTY
29 MEETS THE CRITERIA.

30 (3) THE DEPARTMENT SHALL REVIEW AND APPROVE THE THREE-

1 YEAR COMMUNITY DEVELOPMENT PLAN AND THE PROJECTED USE OF
2 FUNDS, IN WHOLE OR IN PART, WITHIN ~~30~~ 45 DAYS OF RECEIPT. AN <—
3 ACTIVITY OR USE OF FUNDS MAY ~~ONLY~~ BE DISAPPROVED IF <—
4 INELIGIBLE OR IF THE DEPARTMENT DEEMS THE SCOPE OF THE
5 PROJECT TO BE INADEQUATE TO MEET THE ~~COMMUNITY'S~~ <—
6 MUNICIPALITY'S COMMUNITY DEVELOPMENT NEEDS. TO THE EXTENT AN
7 ACTIVITY OR USE OF FUNDS IS DEEMED INELIGIBLE OR INADEQUATE,
8 THE COMMUNITY SHALL BE ELIGIBLE TO SUBMIT AN AMENDED PROPOSAL
9 FOR REVIEW AND APPROVAL WITHIN ~~30~~ 45 DAYS OF RECEIPT. <—

10 "HOUSING AND COMMUNITY DEVELOPMENT ACT." TITLE I OF THE
11 FEDERAL HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 (PUBLIC
12 LAW 93-383), AS AMENDED.

13 "LOCAL PUBLIC AGENCY." A REDEVELOPMENT AUTHORITY UNDER THE
14 ACT OF MAY 24, 1945 (P.L.991, NO.385), KNOWN AS THE URBAN
15 REDEVELOPMENT LAW, OR A HOUSING AUTHORITY UNDER THE ACT OF MAY
16 28, 1937 (P.L.955, NO.265), KNOWN AS THE HOUSING AUTHORITIES
17 LAW.

18 "METROPOLITAN CITY." A METROPOLITAN CITY AS DEFINED IN
19 SECTION 102(A)(4) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT.

20 "POPULATION." THE NUMBER OF INHABITANTS AS REFLECTED IN THE
21 LATEST DECENNIAL CENSUS.

22 "URBAN COUNTY." AN URBAN COUNTY AS DEFINED IN SECTION
23 102(A)(6) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT.

24 SECTION 4. ALLOCATION OF FUNDS FOR ~~1986~~ 1985 AND THEREAFTER. <—

25 THE FUNDS WHICH THE COMMONWEALTH RECEIVES PURSUANT TO THE
26 HOUSING AND COMMUNITY DEVELOPMENT ACT SHALL BE ALLOCATED BY THE
27 DEPARTMENT IN ACCORDANCE WITH THE FOLLOWING FORMULA:

28 (1) AN AMOUNT OF 2% OF THE FUNDS SHALL BE USED BY THE
29 DEPARTMENT FOR ADMINISTRATIVE COSTS.

30 (2) AN ADDITIONAL AMOUNT OF 13% OF THE FUNDS MAY BE USED

1 BY THE DEPARTMENT FOR DISCRETIONARY PROJECTS IN BOROUGH,
2 TOWNS AND TOWNSHIPS WHICH ARE NOT ELIGIBLE ENTITLEMENT
3 ENTITIES, FOR URGENT NEED PROJECTS, PLANNING PROJECTS,
4 ECONOMIC DEVELOPMENT PROJECTS AND OTHER PROJECTS ELIGIBLE
5 UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT; OR IN <—
6 ELIGIBLE ENTITLEMENT ENTITIES WITH A POPULATION LESS THAN
7 10,000, FOR URGENT NEED PROJECTS OR TO COMPLETE PLANNING
8 PROJECTS, ECONOMIC DEVELOPMENT PROJECTS AND OTHER PROJECTS
9 ELIGIBLE UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT
10 UNDERTAKEN BY THE ELIGIBLE ENTITLEMENT ENTITY WITH ITS
11 ENTITLEMENT.

12 (3) THE BALANCE OF THE FUNDS WHICH REMAIN AFTER
13 SUBTRACTING THE ADMINISTRATIVE COSTS OF THE DEPARTMENT AND
14 THE AMOUNT RESERVED BY THE DEPARTMENT FOR DISCRETIONARY
15 PROJECTS SHALL BE ALLOCATED AS FOLLOWS:

16 (I) THIRTY-EIGHT PERCENT TO ELIGIBLE COUNTIES.

17 (II) THIRTY-EIGHT PERCENT TO ELIGIBLE BOROUGH,
18 INCORPORATED TOWNS AND TOWNSHIPS.

19 (III) TWENTY-FOUR PERCENT TO ELIGIBLE CITIES.

20 (IV) THE AMOUNT OF FUNDS ALLOCATED TO AN ENTITLEMENT
21 ENTITY AND WHICH ARE NOT AWARDED TO THE ENTITLEMENT
22 ENTITY WHETHER DUE TO FAILURE TO TIMELY APPLY FOR THE
23 FUNDS OR DUE TO A FAILURE TO MEET THE GENERAL
24 QUALIFICATIONS CRITERIA SHALL, FOR THAT FUNDING YEAR BE
25 ADDED TO THE FUNDS AVAILABLE TO THE CLASS OF WHICH THE
26 ENTITY IS A PART AND ALLOCATED TO OTHER MEMBERS OF THE
27 CLASS IN ACCORDANCE WITH THE PROVISIONS FOR ADDITIONAL
28 GRANTS PURSUANT TO SECTION 6 OR 7 UNLESS PROVISIONS OF
29 SECTION 7(C) ARE OPERATIVE.

30 SECTION 5. MINIMUM GRANTS FOR ~~1986~~ 1985 AND THEREAFTER. <—

1 (A) AMOUNTS.--EACH ELIGIBLE ENTITLEMENT ENTITY SHALL RECEIVE
2 A MINIMUM ANNUAL GRANT OF \$200,000 IF A COUNTY; \$300,000 IF A
3 CITY; AND \$50,000 IF A BOROUGH, INCORPORATED TOWN OR TOWNSHIP.

4 (B) DIVISION OF INSUFFICIENT FUNDS.--IN ANY YEAR IN WHICH
5 THE AMOUNT OF FEDERAL FUNDS WHICH ARE AVAILABLE TO THE
6 COMMONWEALTH PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT
7 ACT ARE INSUFFICIENT TO PROVIDE IN FULL ALL OF THE MINIMUM
8 GRANTS PROVIDED FOR BY SUBSECTION (A), EACH ELIGIBLE ENTITLEMENT
9 ENTITY SHALL RECEIVE AN ANNUAL GRANT WHICH SHALL BE EQUAL TO THE
10 SUM WHICH IS OBTAINED BY MULTIPLYING THE MINIMUM GRANT IT IS
11 AUTHORIZED PURSUANT TO SUBSECTION (A) TIMES A FRACTION, THE
12 NUMERATOR OF WHICH SHALL BE THE AMOUNT OF FEDERAL MONEY
13 AVAILABLE TO THE CLASS OF WHICH IT IS A PART AND THE DENOMINATOR
14 OF WHICH SHALL BE THE TOTAL AMOUNT OF FUNDS WHICH WOULD BE
15 NECESSARY TO PROVIDE EACH ELIGIBLE ENTITLEMENT ENTITY OF THE
16 CLASS OF WHICH IT IS A PART WITH A GRANT IN AN AMOUNT IN
17 ACCORDANCE WITH SUBSECTION (A).

18 SECTION 6. ADDITIONAL GRANTS FOR COUNTIES FOR ~~1986~~ 1985

<—

19 AND THEREAFTER.

20 (A) BASIC GRANT.--EACH ELIGIBLE COUNTY SHALL RECEIVE AN
21 ANNUAL GRANT, IN ADDITION TO THE MINIMUM ANNUAL GRANT PROVIDED
22 UNDER SECTION 5, WHICH SHALL BE EQUAL TO THE SUM WHICH IS
23 OBTAINED BY MULTIPLYING THE BALANCE OF FUNDS AVAILABLE TO
24 ELIGIBLE COUNTIES BY A FRACTION, THE NUMERATOR OF WHICH SHALL BE
25 EACH ELIGIBLE COUNTY'S NET POPULATION AND THE DENOMINATOR OF
26 WHICH SHALL BE THE TOTAL NET POPULATION FOR ALL ELIGIBLE
27 COUNTIES.

28 (B) INCLUSIONS.--TO THE TOTAL ANNUAL GRANT TO THE COUNTY
29 DETERMINED BY SECTIONS 5 AND 6(A) SHALL BE ADDED THE ANNUAL
30 GRANTS OF EACH BOROUGH, INCORPORATED TOWN AND TOWNSHIP LOCATED

1 IN THE ELIGIBLE COUNTY WHOSE POPULATION IS LESS THAN 10,000.
2 THERE SHALL ALSO BE ADDED TO THE ANNUAL GRANTS OF THE COUNTY,
3 THE ANNUAL GRANTS OF EACH BOROUGH, INCORPORATED TOWN AND
4 TOWNSHIP WITH A POPULATION OF 10,000 OR MORE PROVIDED SUCH
5 ELIGIBLE ENTITLEMENT ENTITY SPECIFICALLY DESIGNATES THE COUNTY
6 TO ~~APPLY FOR~~ ADMINISTER THE GRANT ON ITS BEHALF. THESE ADD-ON <—
7 GRANTS PURSUANT TO THIS SUBSECTION MUST BE EXPENDED BY THE
8 COUNTY ON BEHALF OF THE ELIGIBLE BOROUGH, INCORPORATED TOWN OR
9 TOWNSHIP FOR ELIGIBLE ACTIVITIES DESIGNATED BY SAID ELIGIBLE
10 ENTITY. THE COUNTY SHALL, HOWEVER, HAVE THE RIGHT TO SUBTRACT
11 FROM SUCH ADD-ON GRANT THE PROPORTIONATE SHARE OF ~~APPLICATION,~~ <—
12 ENVIRONMENTAL COMPLIANCE, ADMINISTRATION, MONITORING AND AUDIT
13 COSTS INCURRED BY THE COUNTY UP TO THE AMOUNT ALLOWED UNDER
14 FEDERAL LAW.

15 SECTION 7. ADDITIONAL GRANTS FOR CITIES, BOROUGHS, INCORPORATED
16 TOWNS AND TOWNSHIPS FOR ~~1986~~ 1985 AND THEREAFTER. <—

17 (A) AMOUNT.--EACH ELIGIBLE CITY, BOROUGH, INCORPORATED TOWN
18 AND TOWNSHIP SHALL RECEIVE AN ANNUAL GRANT, IN ADDITION TO THE
19 MINIMUM ANNUAL GRANT PROVIDED BY SECTION 5, WHICH SHALL BE EQUAL
20 TO THE SUM WHICH IS OBTAINED BY MULTIPLYING THE BALANCE OF FUNDS
21 AVAILABLE TO ELIGIBLE CITIES, IN THE CASE OF CITIES AND THE
22 BALANCE OF FUNDS AVAILABLE TO ELIGIBLE BOROUGHs, INCORPORATED
23 TOWNS AND TOWNSHIPS IN THE CASE OF SUCH ELIGIBLE ENTITIES, BY A
24 FRACTION THE NUMERATOR OF WHICH SHALL BE EACH ELIGIBLE CITY'S,
25 BOROUGH'S, INCORPORATED TOWN'S AND TOWNSHIP'S POPULATION AND THE
26 DENOMINATOR OF WHICH SHALL BE THE TOTAL POPULATION IN THE CASE
27 OF A CITY, FOR ALL ELIGIBLE CITIES; AND IN THE CASE OF A
28 BOROUGH, INCORPORATED TOWN OR TOWNSHIP, THE NET POPULATION OF
29 ALL ELIGIBLE BOROUGHs, INCORPORATED TOWNS AND TOWNSHIPS.

30 (B) DISCRETIONARY PROJECTS.--A NONENTITLEMENT BOROUGH, TOWN

1 OR TOWNSHIP MAY APPLY TO THE DEPARTMENT ANNUALLY FOR FUNDS
2 RESERVED BY THE DEPARTMENT UNDER SECTION 4 FOR DISCRETIONARY
3 PROJECTS. ~~THE DEPARTMENT SHALL MAKE THESE FUNDS AVAILABLE ON A~~ <—
4 ~~NONCOMPETITIVE DEMONSTRATED NEED BASIS.~~ EACH ELIGIBLE
5 MUNICIPALITY MAY AUTHORIZE AN ELIGIBLE ENTITLEMENT ENTITY OR ITS
6 DESIGNATED LOCAL PUBLIC AGENCY TO ~~APPLY TO, AND~~ CONTRACT WITH <—
7 THE DEPARTMENT FOR SUCH FUNDS AND ADMINISTER THE PROJECT ON ITS
8 BEHALF.

9 (C) UNUSED GRANTS. ~~--IF AN ELIGIBLE COUNTY FAILS TO APPLY FOR~~ <—

10 (1) IF AN ELIGIBLE COUNTY FAILS TO APPLY FOR AN ANNUAL <—
11 GRANT ~~AND, IF THERE IS AN~~ OF ANY ELIGIBLE ENTITLEMENT <—
12 BOROUGH, INCORPORATED TOWN OR TOWNSHIP WITHIN SAID COUNTY,
13 SUBJECT TO SECTION 6(B), THE ELIGIBLE ENTITLEMENT ENTITY MAY <—
14 APPLY FOR ~~THE COUNTY'S GRANT AND~~ ITS OWN GRANT. ~~AND USE THE~~ <—
15 ~~TOTAL GRANT FOR ANY ELIGIBLE ACTIVITY IT SELECTS. IF THERE~~
16 ~~ARE MORE THAN ONE SUCH ELIGIBLE ENTITLEMENT ENTITIES WITHIN~~
17 ~~SAID COUNTY, EACH SHALL SHARE IN THE COUNTY'S ALLOCATION IN~~
18 ~~PROPORTION TO THEIR POPULATION AND EACH MAY UTILIZE ITS SHARE~~
19 ~~OF THE COUNTY ALLOCATION FOR ANY ELIGIBLE ACTIVITY IT~~
20 ~~SELECTS.~~

21 (2) IF AN ELIGIBLE COUNTY FAILS TO APPLY FOR ITS ANNUAL <—
22 GRANT DETERMINED BY SECTIONS 5 AND 6(A), THE DEPARTMENT SHALL
23 DISTRIBUTE THE COUNTY GRANT TO ONE OR MORE BOROUGH OR
24 TOWNSHIPS WITHIN SUCH COUNTY WHICH ARE NOT ENTITLEMENT
25 ENTITIES PURSUANT TO THIS ACT AND ARE NOT CONSIDERED A
26 METROPOLITAN CITY.

27 SECTION 8. USE OF FUNDS FOR ~~1986~~ 1985 AND THEREAFTER. <—

28 (A) ~~USE~~ ELIGIBLE ACTIVITIES. ~~--THE FUNDS WHICH ARE ALLOCATED~~ <—
29 TO ELIGIBLE ENTITLEMENT ENTITIES BY THE DEPARTMENT IN ACCORDANCE
30 WITH THIS ACT SHALL BE USED ONLY FOR ELIGIBLE ACTIVITIES WHICH

1 ARE PERMITTED IN ACCORDANCE WITH THE HOUSING AND COMMUNITY
2 DEVELOPMENT ACT.

3 (B) ~~PROPORTION USE.--THOSE FUNDS WHICH ARE ALLOCATED TO~~ <—
4 COUNTIES PURSUANT TO SECTIONS 5 AND 6(A) MUST BE USED BY THE <—
5 COUNTY TO BENEFIT BOROUGHs AND TOWNSHIPS, WHICH ARE NOT
6 ENTITLEMENT ENTITIES PURSUANT TO THIS ACT NOR CONSIDERED A
7 METROPOLITAN CITY. ~~IN PROPORTION TO THE TOTAL POPULATION AS~~ <—
8 ~~REFLECTED IN THE LATEST AVAILABLE DECENNIAL CENSUS OF~~
9 ~~POPULATIONS. THE PROPORTIONAL BENEFIT NEED NOT BE ACHIEVED IN~~
10 ~~ANY GIVEN YEAR PROVIDED IT IS ACHIEVED IN EACH THREE YEAR CYCLE~~
11 ~~OF THE COUNTY'S PROGRAM. A DEVIATION OF LESS THAN 10% FROM THE~~
12 ~~PROPORTIONAL REQUIREMENT SHALL BE DEEMED TO MEET THE~~
13 ~~REQUIREMENT. THE PROPORTIONAL BENEFIT REQUIREMENT OF THIS~~
14 ~~SUBSECTION SHALL BE CONSIDERED MET EVEN IF ALL THE EXPENDITURES~~
15 ~~ARE MADE IN, AND BENEFIT, IN THE CASE OF TOWNSHIPS, ONLY ONE~~
16 ~~TOWNSHIP, AND IN THE CASE OF BOROUGHs, ONLY ONE BOROUGH. FOR THE~~
17 ~~PURPOSE OF THIS SECTION, THE TERM "BOROUGH" SHALL INCLUDE~~
18 ~~INCORPORATED TOWNS.~~

19 ~~(C) ECONOMIC DEVELOPMENT PROJECTS. IN THE CASE OF AN~~
20 ~~ECONOMIC DEVELOPMENT PROJECT, THE REQUIREMENTS OF SUBSECTION (B)~~
21 ~~SHALL NOT APPLY TO A COUNTY IF THE COUNTY'S EXPENDITURES FOR THE~~
22 ~~PROJECT ARE MATCHED BY EXPENDITURES BY CITIES, BOROUGHs,~~
23 ~~INCORPORATED TOWNS OR TOWNSHIPS AND THE COUNTY'S EXPENDITURES~~
24 ~~FOR THE PROJECT DO NOT EXCEED 25% OF ITS TOTAL ALLOCATIONS FOR A~~
25 ~~THREE YEAR PERIOD. IN THE CASE OF A PROJECT FOR THE BENEFIT OF A~~
26 ~~UNIT OF LOCAL GOVERNMENT WHICH IS CONSIDERED DISTRESSED AS~~
27 ~~DETERMINED BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT~~
28 ~~PURSUANT TO THE CRITERIA OF SECTION 119 OF THE HOUSING AND~~
29 ~~COMMUNITY DEVELOPMENT ACT, THE REQUIREMENTS OF SUBSECTION (B)~~
30 ~~SHALL NOT APPLY.~~

~~(D) LOCATION. THE SITUS OF ANY COUNTYWIDE OR AREAWIDE
PROJECT MAY BE IN ANY CITY, BOROUGH, INCORPORATED TOWN OR
TOWNSHIP WITHIN THE COUNTY. HOWEVER, IF~~

(C) COUNTYWIDE PROJECTS.--IF A COUNTYWIDE OR AN AREAWIDE
PROJECT BENEFITS AN ELIGIBLE ENTITLEMENT CITY ENTITY OR
METROPOLITAN CITY, THE PROPORTIONAL COST OF THE PROJECT
BENEFITING THE ELIGIBLE ENTITLEMENT CITY ENTITY OR METROPOLITAN
CITY SHALL BE MET BY FUNDS NOT ALLOCATED TO THE COUNTY UNDER
SECTIONS 5 AND 6. ~~THE COUNTYWIDE OR AREAWIDE PROJECT SHALL BE
CONSIDERED MEETING THE PROPORTIONALITY REQUIREMENT OF SUBSECTION
(B).~~

~~(E)~~ (D) AUTHORITY.--

(1) FUNDS ALLOCATED TO AN ELIGIBLE ENTITLEMENT BOROUGH,
INCORPORATED TOWN OR TOWNSHIP, AND WHICH ARE ADDED ON TO THE
COUNTY'S ANNUAL GRANT PURSUANT TO SECTION 6(B), SHALL BE
SPENT, LESS THE COUNTY'S PROPORTIONATE SHARE OF APPLICATION,
ENVIRONMENTAL, ADMINISTRATIVE, MONITORING AND AUDIT COSTS,
SOLELY FOR ELIGIBLE PROJECTS SPECIFICALLY DESIGNATED BY
RESOLUTION BY THE ELIGIBLE BOROUGH, INCORPORATED TOWN OR
TOWNSHIP.

(2) FURTHER, IF AN ELIGIBLE BOROUGH, INCORPORATED TOWN
OR TOWNSHIP WISHES TO UNDERTAKE AN ELIGIBLE PROJECT AT A COST
WHICH EXCEEDS THE AMOUNT OF THE ANNUAL ALLOCATION GRANT, OR
IF THE DEPARTMENT DETERMINES THAT THE SCOPE OF THE PROPOSED
PROJECT EXCEEDS THE AMOUNT OF THE ANNUAL ALLOCATION GRANT,
THE ELIGIBLE BOROUGH, INCORPORATED TOWN OR TOWNSHIP MAY
TEMPORARILY WAIVE, IN WHOLE OR IN PART, ITS ANNUAL ALLOCATION
IN ORDER TO AGGREGATE A LARGER AMOUNT BY COMBINING THE AMOUNT
OF THE TEMPORARILY WAIVED GRANT WITH A GRANT ANTICIPATED FOR
RECEIPT IN THE SECOND AND/OR THIRD YEAR OF ANY THREE-YEAR

1 CYCLE. TEMPORARY WAIVER OF AN ANNUAL ALLOCATION GRANT SHALL
2 BE ACCOMPLISHED BY RESOLUTION BY THE ELIGIBLE BOROUGH,
3 INCORPORATED TOWN OR TOWNSHIP.

4 (3) IN THE EVENT OF A TEMPORARY WAIVER THE AMOUNT OF THE
5 WAIVED GRANT SHALL BE CONSIDERED A COUNTY GRANT FOR SAID YEAR
6 OR YEARS AND EXPENDED BY THE COUNTY IN ACCORDANCE WITH
7 SUBSECTIONS ~~(B), (C) AND (D)~~ (B) AND (C). <—

8 (4) THE COUNTY IN THE SUBSEQUENT YEAR OR YEARS SHALL
9 FIRST USE THE FUNDS ALLOCATED TO IT FOR NONENTITLEMENT
10 ENTITIES TO REIMBURSE THE TEMPORARILY WAIVED GRANT OR GRANTS
11 OF THE ELIGIBLE BOROUGH, INCORPORATED TOWN OR TOWNSHIP TO BE
12 USED FOR THE PURPOSES DESIGNATED BY SAID ELIGIBLE ENTITY.

13 (5) IF THE TOTAL AMOUNT OF THE TEMPORARILY WAIVED GRANTS
14 IN ANY YEAR IS ADEQUATE TO FUND ANY OF THE ANTICIPATED
15 PROJECTS, THEN THE COUNTY SHALL IMMEDIATELY FUND THOSE
16 PROJECTS FOR WHICH SUFFICIENT FUNDING IS AVAILABLE. ANY
17 ELIGIBLE BOROUGH, INCORPORATED TOWN OR TOWNSHIP WHICH
18 RECEIVES A GRANT PURSUANT TO THIS PARAGRAPH SHALL FOREGO
19 FUTURE FUNDING, IN WHOLE OR IN PART, UNTIL THE AMOUNT OF THE
20 ADVANCED GRANT, IN EXCESS OF THE COMMUNITY'S ENTITLEMENT, IS
21 RETURNED TO THE COUNTY.

22 SECTION 9. ALLOCATION OF FUNDS FOR ~~1985~~ 1984. <—

23 (A) BROAD ALLOCATION.--THE FUNDS WHICH THE COMMONWEALTH <—
24 RECEIVES PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT
25 FOR FEDERAL FISCAL YEAR ~~1985~~ 1984 SHALL BE ALLOCATED BY THE <—
26 DEPARTMENT AS FOLLOWS:

27 (1) AN AMOUNT OF 2% SHALL BE USED BY THE DEPARTMENT FOR
28 ADMINISTRATIVE COSTS.

29 (2) THE BALANCE OF FUNDS SHALL BE DISTRIBUTED ON A
30 COMPETITIVE BASIS IN ACCORDANCE WITH SECTIONS 10, 11 AND 12.

(B) SPECIFIC ALLOCATION AND DISTRIBUTION.--IT SHALL BE
ASSUMED THAT HAD AN ENTITLEMENT PROGRAM BEEN IN PLACE FOR 1984,
THE FUNDS AVAILABLE UNDER SUBSECTION (A)(2) WOULD HAVE BEEN
ALLOCATED AS FOLLOWS:

(1) THIRTY-EIGHT PERCENT TO ELIGIBLE COUNTIES TO BE
DISTRIBUTED PURSUANT TO SECTIONS 5 AND 6.

(2) THIRTY-EIGHT PERCENT TO ELIGIBLE BOROUGH,
INCORPORATED TOWNS OR TOWNSHIPS TO BE DISTRIBUTED PURSUANT TO
SECTIONS 5 AND 7.

(3) TWENTY-FOUR PERCENT TO ELIGIBLE CITIES TO BE
DISTRIBUTED PURSUANT TO SECTIONS 5 AND 7.

SECTION 10. GRANTS TO CITIES FOR ~~1985~~ 1984.

(A) FUNDING LIMIT.--TOTAL GRANTS TO ALL CITIES WHICH WILL BE
ENTITLEMENT ENTITIES IN ~~1986~~ 1985 AND THEREAFTER ACCORDING TO
SECTIONS 4, 5, 7 AND 8 SHALL BE EQUAL TO THE TOTAL AMOUNT ALL
SUCH CITIES WOULD HAVE RECEIVED HAD THE ENTITLEMENT PROGRAM BEEN
IN PLACE FOR ~~1985~~ 1984, PLUS OR MINUS 15% OF THE SUM OF ALL SUCH
GRANTS.

(B) REPAYMENT OF EXCESS.--CITIES RECEIVING A GRANT UNDER THE
~~1985~~ 1984 PROGRAM WHICH IS IN EXCESS OF WHAT THEY WOULD HAVE
RECEIVED HAD THE ENTITLEMENT PROGRAM BEEN IN PLACE SHALL REPAY
THAT EXCESS, IN THIRDS, IN THE FORM OF A REDUCED ENTITLEMENT
DURING THE FOLLOWING THREE YEARS.

(C) ADDITIONAL AMOUNT FOR UNDERPAYMENT.--ENTITLEMENT CITIES
NOT RECEIVING A GRANT UNDER THE ~~1985~~ 1984 PROGRAM OR RECEIVING A
GRANT WHICH IS LESS THAN THEY WOULD HAVE RECEIVED HAD THE
ENTITLEMENT PROGRAM BEEN IN PLACE SHALL RECEIVE THE AMOUNT
NECESSARY TO MATCH THE AMOUNT THEY WOULD HAVE RECEIVED HAD THE
ENTITLEMENT PROGRAM BEEN IN PLACE, IN THIRDS, IN THE FORM OF AN
INCREASED ENTITLEMENT DURING THE FOLLOWING THREE YEARS.

1 (D) LIMITATION.--NO GRANT TO ANY CITY SHALL EXCEED FOUR
2 TIMES THE AMOUNT THAT SUCH CITY WOULD HAVE RECEIVED HAD THE
3 ENTITLEMENT PROGRAM BEEN IN PLACE.

4 SECTION 11. GRANTS TO BOROUGHES, INCORPORATED TOWNS AND
5 TOWNSHIPS FOR ~~1985~~ 1984. <—

6 (A) FUNDING LIMIT.--THE SUM OF THE GRANTS TO BOROUGHES,
7 INCORPORATED TOWNS AND TOWNSHIPS WHICH WILL BE ENTITLEMENT
8 ENTITIES IN ~~1986~~ 1985 AND THEREAFTER ACCORDING TO SECTIONS 4, 5, <—
9 7 AND 8 SHALL BE EQUAL TO THE TOTAL AMOUNT ALL SUCH
10 MUNICIPALITIES WOULD HAVE RECEIVED HAD THE ENTITLEMENT PROGRAM
11 BEEN IN PLACE FOR ~~1985~~ 1984, PLUS OR MINUS 15% OF THE SUM OF ALL <—
12 SUCH GRANTS.

13 (B) REPAYMENT OF EXCESS.--MUNICIPALITIES RECEIVING A GRANT
14 UNDER THE ~~1985~~ 1984 PROGRAM WHICH IS IN EXCESS OF WHAT THEY <—
15 WOULD HAVE RECEIVED HAD THE ENTITLEMENT PROGRAM BEEN IN PLACE
16 SHALL REPAY THAT EXCESS, IN THIRDS, IN THE FORM OF A REDUCED
17 ENTITLEMENT DURING THE FOLLOWING THREE YEARS.

18 (C) ADDITIONAL AMOUNT FOR UNDERPAYMENT.--ENTITLEMENT
19 MUNICIPALITIES NOT RECEIVING A GRANT UNDER THE ~~1985~~ 1984 PROGRAM <—
20 OR RECEIVING A GRANT WHICH IS LESS THAN THEY WOULD HAVE RECEIVED
21 HAD THE ENTITLEMENT PROGRAM BEEN IN PLACE SHALL RECEIVE THE
22 AMOUNT NECESSARY TO MATCH THE AMOUNT THEY WOULD HAVE RECEIVED
23 HAD THE ENTITLEMENT PROGRAM BEEN IN PLACE, IN THIRDS, IN THE
24 FORM OF AN INCREASED ENTITLEMENT DURING THE FOLLOWING THREE
25 YEARS.

26 (D) LIMITATION.--NO GRANT TO ANY MUNICIPALITY SHALL EXCEED
27 FOUR TIMES THE AMOUNT THAT SUCH MUNICIPALITY WOULD HAVE RECEIVED
28 HAD THE ENTITLEMENT PROGRAM BEEN IN PLACE.

29 SECTION 12. GRANTS TO NONENTITLEMENT COMMUNITIES FOR ~~1985~~ 1984. <—

30 (A) FUNDING LIMIT.--TOTAL GRANTS TO MUNICIPALITIES WHICH

1 WILL NOT BE ENTITLEMENT ENTITIES IN ~~1986~~ 1985 AND THEREAFTER <—
2 ACCORDING TO SECTIONS 4, 5, 7 AND 8 IN EACH COUNTY SHALL BE
3 EQUAL TO THE AMOUNT THAT COUNTY WOULD HAVE RECEIVED TO MAKE
4 GRANTS TO SUCH MUNICIPALITIES HAD THE ENTITLEMENT PROGRAM BEEN
5 IN PLACE FOR ~~1985~~ 1984, PLUS OR MINUS 15% OF THE AMOUNT EACH <—
6 COUNTY WOULD RECEIVE UNDER THE ENTITLEMENT PROGRAM.

7 (B) REPAYMENT OF EXCESS.--IF TOTAL GRANTS UNDER THIS SECTION
8 ARE IN EXCESS OF THE SUM OF THE GRANTS COUNTIES WOULD HAVE
9 RECEIVED HAD THE ENTITLEMENT PROGRAM BEEN IN PLACE, SUCH EXCESS
10 SHALL BE REPAID, IN THIRDS, IN THE FORM OF A REDUCTION IN THE
11 ADMINISTRATIVE AND DISCRETIONARY POOL PROVIDED IN SECTION 4
12 DURING THE FOLLOWING THREE YEARS.

13 SECTION 13. USE OF LOCAL PUBLIC AGENCIES.

14 ANY ENTITLEMENT ENTITY, WHICH IS ELIGIBLE TO RECEIVE AN
15 ANNUAL GRANT DIRECTLY AND WHICH HAS NOT DESIGNATED A COUNTY TO
16 APPLY FOR A GRANT ON ITS BEHALF, AND THOSE MUNICIPALITIES UNDER
17 SECTIONS 10, 11 AND 12, MAY DESIGNATE ANY LOCAL PUBLIC AGENCY TO
18 ADMINISTER ANY PROGRAM OR PROJECT ON ITS BEHALF AND MAY
19 AUTHORIZE THE AGENCY TO APPLY TO THE DEPARTMENT AND CONTRACT
20 WITH THE DEPARTMENT FOR ITS ANNUAL ENTITLEMENT. FURTHER, IN THE
21 CASE OF AN ELIGIBLE ENTITLEMENT BOROUGH OR TOWNSHIP WHICH IS
22 LOCATED IN AN URBAN COUNTY, IT MAY APPLY AND ADMINISTER ITS
23 GRANT IN ITS OWN NAME OR IT MAY DESIGNATE A COUNTY LOCAL PUBLIC
24 AGENCY.

25 SECTION 14. REGULATIONS.

26 (A) AUTHORITY.--THE DEPARTMENT ~~MAY~~ SHALL ADOPT REGULATIONS <—
27 TO CARRY OUT THE PROVISIONS OF THIS ACT AND TO PROVIDE FOR <—
28 PROJECTS WHOSE SCOPE IS ADEQUATE TO MEET THE COMMUNITY
29 DEVELOPMENT NEEDS OF THE MUNICIPALITIES COVERED BY THIS ACT.
30 SUCH REGULATIONS, UNLESS SPECIFICALLY REQUIRED BY FEDERAL OR

1 STATE LAW, SHALL NOT BE MORE RESTRICTIVE OR MORE BURDENSOME THAN
2 THE FEDERAL REGULATIONS WHICH ARE APPLICABLE TO URBAN COUNTIES
3 AND METROPOLITAN CITIES WHICH RECEIVE FUNDING DIRECTLY FROM THE
4 FEDERAL GOVERNMENT UNDER THE HOUSING AND COMMUNITY DEVELOPMENT
5 ACT. THE DEPARTMENT SHALL MAKE PROMPT REVIEW OF APPLICATIONS FOR
6 FUNDS AND AMENDMENTS THERETO AND RELY ON LOCAL CERTIFICATIONS
7 UNLESS INDEPENDENT EVIDENCE IS AVAILABLE WHICH TENDS TO
8 CHALLENGE IN A SUBSTANTIAL MANNER THE CERTIFICATIONS. THE

<—

~~9 DEPARTMENT SHALL NOT REQUIRE AN ENTITLEMENT ENTITY TO OBTAIN THE
10 DEPARTMENT'S PRIOR CONCURRENCE IN CONTRACTS EXECUTED BY AN
11 ENTITLEMENT ENTITY WITH THIRD PARTIES. PRIOR TO THE EFFECTIVE
12 DATE OF THE GRANT AGREEMENT BETWEEN THE DEPARTMENT AND THE
13 ENTITLEMENT ENTITY, THE ENTITLEMENT ENTITY MAY INCUR COSTS FOR
14 THE PURPOSES OF ENVIRONMENTAL ASSESSMENTS, FOR PLANNING,
15 APPLICATION AND ADMINISTRATIVE COSTS, FOR ENGINEERING AND DESIGN
16 COSTS ASSOCIATED WITH AN ELIGIBLE ACTIVITY AND FOR THE PROVISION
17 OF INFORMATION AND OTHER RESOURCES TO RESIDENTS. AFTER THE
18 EFFECTIVE DATE OF THE GRANT AGREEMENT, THE ENTITLEMENT ENTITY
19 MAY BE REIMBURSED WITH FUNDS FROM ITS GRANT TO COVER SUCH
20 PREAGREEMENT COSTS PROVIDED SUCH ACTIVITIES WERE OTHERWISE
21 PROPERLY UNDERTAKEN.~~

~~22 (B) TIME. THE DEPARTMENT SHALL ISSUE REGULATIONS FOR FILING
23 FOR FUNDS ALLOCATED TO ENTITLEMENT ENTITIES UNDER THIS ACT
24 WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ACT.~~

(B) TIME.--

<—

(1) THE DEPARTMENT SHALL, WITHIN 45 DAYS OF THE
EFFECTIVE DATE OF THIS ACT, SUBMIT FOR REVIEW PURSUANT TO
SECTION 5(E) OF THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),
KNOWN AS THE REGULATORY REVIEW ACT, REGULATIONS FOR THE
ALLOCATION OF FUNDS TO ELIGIBLE ENTITIES UNDER SECTIONS 10,

1 11 AND 12 OF THIS ACT, WITH NOTICE OF PROPOSED RULEMAKING
2 OMITTED PURSUANT TO SECTION 204 OF THE ACT OF JULY 31, 1968
3 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS
4 LAW.

5 (2) THE DEPARTMENT SHALL, WITHIN 90 DAYS OF THE
6 EFFECTIVE DATE OF THIS ACT, SUBMIT FOR REVIEW PURSUANT TO
7 SECTION 5(A) OF THE REGULATORY REVIEW ACT, NOTICE OF PROPOSED
8 RULEMAKING FOR REGULATIONS TO GOVERN THE ALLOCATION OF FUNDS
9 TO ELIGIBLE ENTITIES FOR FEDERAL FISCAL YEAR 1985 AND
10 THEREAFTER. IF, FOR ANY REASON THE DEPARTMENT FAILS TO ISSUE
11 SUCH REGULATIONS WITHIN THE 30 DAYS, AN ELIGIBLE ENTITLEMENT
12 ENTITY SHALL FOLLOW THE PRESUBMISSION AND SUBMISSION
13 REQUIREMENTS OF THE FEDERAL REGULATIONS CONTAINED IN SUBPART
14 D - ENTITLEMENT GRANTS OF TITLE 24 PART 570, COMMUNITY
15 DEVELOPMENT BLOCK GRANTS. HOWEVER, WHERE "HUD" IS CONTAINED
16 IN SAID REGULATIONS, THE DEPARTMENT SHALL BE SUBSTITUTED IN
17 ITS PLACE; AND THE REQUIREMENTS OF 24 CFR § 570.306 FOR
18 HOUSING ASSISTANCE PLAN SHALL NOT BE APPLICABLE.

19 SECTION 15. APPLICABILITY.

20 THIS ACT SHALL APPLY TO THE DISTRIBUTION OF FEDERAL COMMUNITY
21 DEVELOPMENT BLOCK GRANT FUNDS WHICH ARE AVAILABLE TO THE
22 COMMONWEALTH BEGINNING WITH THE FEDERAL FISCAL YEAR ~~1985~~ 1984 <—
23 AND THEREAFTER PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT
24 ACT AND ANY AMENDMENTS THERETO. THE STATE SHALL NOT BE LIABLE
25 FOR ANY COMMITMENT OR FOR COMPLETION OF ANY PARTIALLY COMPLETED
26 OR PARTIALLY FUNDED PROJECT WHICH CAN NOT BE COMPLETED DUE TO
27 THE UNAVAILABILITY FOR FEDERAL FUNDS OR FUTURE FEDERAL
28 APPROPRIATIONS.

29 SECTION 16. EFFECTIVE DATE.

30 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.