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SB 877 (Printer's No. 1124) Analysis Date: September 28, 2021

Establishing the Municipal Boundary Change Act in Title 53

Prime Sponsor: Senator Kearney

A. Synopsis of Bill

This bill establishes the Municipal Boundary Change Act in Title 53 (Municipalities) by consolidating the existing legal process for contesting a municipal boundary in court, providing statutory procedures for changes in boundaries between municipalities by agreement or referendum, adopting consistent information reporting standards and addressing practical and legal matters between impacted municipalities following a change.

B. Summary and Analysis of Bill

This bill establishes two new subchapters, a and b, in Chapter 7 of Title 53 (Municipalities) of the Pennsylvania Consolidated Statutes to consolidate and modernize all law relating to a change in municipal boundaries other than changes that occur incident to a municipal merger or consolidation under existing subchapter c. To bring this to effect, the bill has four primary objectives:

1. Reenact the provisions of the Second Class Township Code, First Class Township Code, Borough Code and Third Class City Code that allow a court of common pleas to establish a legal territorial boundary where the existing boundary is in dispute by appointing a board of three commissioners to hold a hearing and view to determine the boundaries.
2. Establish a new process by which municipal officials from adjoining municipal corporations can make an agreement by ordinance to adjust a municipal boundary or settle a dispute where an existing boundary is unclear.
 - a. The agreement of the municipalities would lead to a boundary change taking effect on the following January 1 in most cases after the officials notify the commissioners of the county or counties impacted by the change and any owner of land that would be impacted by the change if no petition is filed protesting the ordinance.

- b. A petition protesting the ordinance can be filed by any directly impacted landowner or by 20% of the registered electors in any impacted municipal corporation. In response to a petition, the question of whether the boundary should change would be submitted to the voters of the municipal corporation at the next primary, municipal, or general election for approval. A boundary change can only take effect if it has been approved by each impacted municipality.
3. Require consistent notification of county and state officials and agencies of the boundary change. Modeled after the notification requirements contained in the Merger and Consolidation Act, after an effective boundary change, municipal officials would submit a report describing the boundary change, including a land survey of the boundary, coordinates of monuments and information regarding the assessed valuation of the impacted territory to:
 - a. The appropriate county board of elections
 - b. The Department of Community and Economic Development
 - c. The Department of Transportation
 - d. The Governor's Office of Policy Development
 - e. The Department of Education
 - f. The State Tax Equalization Board
 - g. The Legislative Data Processing Committee
4. Clarify and establish the rights and responsibilities of municipal corporations after a change of boundary occurs, including adjustment of municipal wards, collection of taxes, adjustment of election districts and adjustment of debts associated with impacted territory. The governing bodies of the municipal corporations may resolve questions of apportionment of property rights, finances, apportionment of indebtedness and tax collections by agreement, or petition the court of common pleas for adjustment proceedings under subchapter b.

C. Relevant Current Law

Current law regarding boundary disputes, changes and reporting are disparate and potentially unclear:

1. The First and Second Class Township Codes, the Borough Code and Third Class City Code all contain similar, but separate procedures for a court to conduct boundary dispute proceedings. Because each code approaches this process in a slightly different manner, it is possible for a court to find conflicting statutory guidance.
2. After the enactment of the 1968 Constitution, all prior acts providing for municipal boundary changes by annexation were rendered legally ineffective by the inclusion of Article IX, Section 8. The Constitution permits a change of boundary to occur by referendum conducted by the affected municipalities, in addition to any statutory mechanism implemented by the General Assembly by statute. The General Assembly has not adopted a statute implementing the Constitutional provision;

municipalities that have conducted boundary changes by referendum have done so without clear procedural guidance.

D. Background of Bill

Unclear application of current law, and limited availability of documentation regarding boundary changes have led to a challenge across the Commonwealth to accurately map municipal boundaries. Map data is essential for a variety of local and state services including 911 deployment and allocation of liquid fuels tax revenues. Accurate data is also essential to coordinate with the United States Census Bureau, and many industries to provide a wide range of public, nonprofit and commercial services.

This bill is an effort to consolidate existing law related to boundary change into an appropriate chapter of the Consolidated Statutes, improve reporting of boundary changes in a manner consistent with the merger and consolidation act and provide an option for communities to work with neighboring communities to address boundary change issues amicably.

E. Effect of Bill

The primary impacts of the bill are:

1. Improve the consistency of current law.
2. Permit boundary change proceedings to occur by agreement without additional electoral procedures when non-controversial.
3. Allow communities to resolve contested boundaries, fiscal and property rights issues related to a boundary change by agreement, rather than necessitating court proceedings.

F. Issues, Policy Questions and Stakeholder Feedback

1. The Department of Community and Economic Development provided comments on a prior draft of the bill which have been incorporated.
2. The Departments of the Commonwealth, Education, and Transportation were each provided with a draft of the bill and have raised no objections to date.
3. The State Tax Equalization Board provided comments on a prior draft of the bill which have been incorporated.
4. The County Commissioners Association of Pennsylvania, the Pennsylvania Municipal League, the Pennsylvania State Association of Township Commissioners, the Pennsylvania State Association of Boroughs, the Pennsylvania State Association of Township Supervisors, the Pennsylvania State Association of Elected County Officials and the Pennsylvania School Boards Association were each provided with a draft of the bill and have raised no objections to date.

G. Bill History

None.