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SB 754 (Printer's No. 799) Analysis

Date: June 1, 2023

**Amending the Municipalities Planning Code –
Providing for Digital Transmittals and Submissions to Governmental Bodies**

Prime Sponsor: Senator Brown

A. Synopsis of Bill

This bill amends Act 247 of 1968, the Municipalities Planning Code (MPC), to specifically provide authorization for digital submissions and electronic transmittals of a proposed comprehensive plan or amendment, a proposed land use ordinance or amendment, or an adopted comprehensive plan, land use ordinance or amendment for review, comments, or recommendations.

B. Summary and Analysis of Bill

This bill adds Section 110, Certain Transmittals and Submissions to Governmental Bodies, which provides authorization for a municipality to forward, send, or submit a proposed comprehensive plan or amendment, a proposed land use ordinance or amendment, or an adopted comprehensive plan, land use ordinance or amendment electronically via an emailed electronic document or link to a publicly accessible online document. This section also requires that the transmitting municipality make a good faith effort to submit all documentation to reasonably appropriate electronic contacts and requires the municipality to retain a written or electronic record of every electronic transmission.

C. Relevant Current Law

The MPC currently requires that copies of proposed comprehensive plans or amendments, proposed land use ordinances or amendments, and adopted comprehensive plans, land use ordinances and amendments be submitted to the county planning agency, contiguous municipalities, and local school districts for review, comments and recommendations. The MPC does not specify whether the copies must be physical, paper copies or may be in digital format.

D. Background of Bill

The Local Government Commission staff received feedback from professional planners and consultants within the Department of Community and Economic Development noting the advisability of clarifying authority for electronic transmittal of documents under the MPC. This bill is a result of a cooperative effort to provide express authority to do so.

E. Effect of Bill

This bill would codify what is generally already current practice and eliminate the confusion on whether digital transmittals are permissible. The bill does not require documents to be submitted electronically, but rather specifies that such submissions are permissible.

F. Issues, Policy Questions and Stakeholder Feedback

This legislation is supported by the Pennsylvania State Association of Boroughs, the Pennsylvania Municipal League, and the Pennsylvania State Association of Township Commissioners. The Pennsylvania chapter of the American Planners Association supports the concept of this bill, and the County Commissioners Association of Pennsylvania (CCAP) supported a previous version of the bill. CCAP and the Pennsylvania State Association of Township Supervisors have not provided feedback on the current version of this bill.

G. Bill History

In the 2021-2022 Session, this bill was introduced as Senate Bill 755. Senate Bill 755 passed the Senate unanimously and was referred to the House Local Government Committee where it remained upon sine die adjournment. This legislation was also introduced in the House during the 2021-2022 session as House Bill 1592. House Bill 1592 was tabled on first consideration in the House where it remained upon sine die adjournment.