

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 RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 26, 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.~~

- 1 ~~(3) Cirsium arvense, commonly known as Canadian thistle.~~
- 2 ~~(4) Rosa multiflora, commonly known as multiflora rose.~~
- 3 ~~(5) Sorghum halepense, commonly known as Johnson grass.~~
- 4 ~~(6) Cirsium vulgare, commonly known as bull thistle or~~
5 ~~spear thistle.~~

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

7 SECTION 1. DECLARATION OF PURPOSE. ←

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

23 SECTION 2. SHORT TITLE.

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

27 SECTION 3. DEFINITIONS.

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

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

5 "DEPARTMENT." THE DEPARTMENT OF COMMUNITY AFFAIRS.

6 "ELIGIBLE CITY, BOROUGH, INCORPORATED TOWN AND TOWNSHIP." ALL
7 CITIES, BOROUGH, INCORPORATED TOWNS AND TOWNSHIPS WHICH ARE
8 ELIGIBLE TO RECEIVE AND WHICH APPLY DIRECTLY OR THROUGH A COUNTY
9 OR A DESIGNATED LOCAL PUBLIC AGENCY FOR FUNDS WHICH ARE
10 AVAILABLE TO THE COMMONWEALTH PURSUANT TO THE HOUSING AND
11 COMMUNITY DEVELOPMENT ACT AND WHICH ARE NOT ELIGIBLE AS A
12 METROPOLITAN CITY AND WHICH WERE NOT CONSIDERED IN FEDERAL
13 FISCAL YEAR 1984 AS PART OF AN URBAN COUNTY'S FEDERALLY FUNDED
14 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. IN ADDITION, A
15 BOROUGH, INCORPORATED TOWN AND TOWNSHIP TO BE ELIGIBLE MUST HAVE
16 A POPULATION ACCORDING TO THE LATEST DECENNIAL CENSUS OF
17 POPULATION OF 4,000 OR MORE AND AT THE TIME OF FILING FOR THE
18 ANNUAL ENTITLEMENT GRANT AND MUST ALSO MEET THE CURRENT MINIMUM
19 STANDARDS OF PHYSICAL AND ECONOMIC DISTRESS FOR THE FEDERAL
20 URBAN DEVELOPMENT ACTION GRANT PROGRAM AS DETERMINED BY THE
21 SECRETARY OF HOUSING AND URBAN DEVELOPMENT PURSUANT TO SECTION
22 119 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT. ALL ELIGIBLE
23 ENTITLEMENT MUNICIPALITIES MUST ALSO MEET THE GENERAL
24 QUALIFICATIONS CRITERIA OF THIS SECTION.

25 "ELIGIBLE COUNTY." THOSE COUNTIES WHICH ARE ELIGIBLE TO
26 RECEIVE AND WHICH APPLY FOR FUNDS AVAILABLE TO THE COMMONWEALTH
27 PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT AND WHICH
28 ARE NOT ELIGIBLE AS AN URBAN COUNTY. ALL ELIGIBLE ENTITLEMENT
29 COUNTIES MUST ALSO MEET THE GENERAL QUALIFICATIONS CRITERIA OF
30 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 AND
12 IDENTIFY THE ACTIVITIES TO BE UNDERTAKEN AND THE PROJECTED
13 USE OF FUNDS FOR THE YEAR FOR WHICH FUNDING IS APPLIED. THE
14 ENTITLEMENT ENTITY SHALL ALSO CERTIFY THAT IT HAS THE LEGAL
15 CAPACITY TO CARRY OUT THE COMMUNITY DEVELOPMENT PROGRAM
16 EITHER DIRECTLY, OR THROUGH THE DESIGNATION OF A LOCAL PUBLIC
17 AGENCY.

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

29 (3) THE DEPARTMENT SHALL REVIEW AND APPROVE THE THREE-
30 YEAR COMMUNITY DEVELOPMENT PLAN AND THE PROJECTED USE OF

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

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

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

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

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

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

23 SECTION 4. ALLOCATION OF FUNDS FOR 1986 AND THEREAFTER.

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

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

29 (2) AN ADDITIONAL AMOUNT OF 13% OF THE FUNDS MAY BE USED
30 BY THE DEPARTMENT FOR DISCRETIONARY PROJECTS IN BOROUGHS,

1 TOWNS AND TOWNSHIPS WHICH ARE NOT ELIGIBLE ENTITLEMENT
2 ENTITIES, FOR URGENT NEED PROJECTS, PLANNING PROJECTS,
3 ECONOMIC DEVELOPMENT PROJECTS AND OTHER PROJECTS ELIGIBLE
4 UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT.

5 (3) THE BALANCE OF THE FUNDS WHICH REMAIN AFTER
6 SUBTRACTING THE ADMINISTRATIVE COSTS OF THE DEPARTMENT AND
7 THE AMOUNT RESERVED BY THE DEPARTMENT FOR DISCRETIONARY
8 PROJECTS SHALL BE ALLOCATED AS FOLLOWS:

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

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

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

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

23 SECTION 5. MINIMUM GRANTS FOR 1986 AND THEREAFTER.

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

27 (B) DIVISION OF INSUFFICIENT FUNDS.--IN ANY YEAR IN WHICH
28 THE AMOUNT OF FEDERAL FUNDS WHICH ARE AVAILABLE TO THE
29 COMMONWEALTH PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT
30 ACT ARE INSUFFICIENT TO PROVIDE IN FULL ALL OF THE MINIMUM

1 GRANTS PROVIDED FOR BY SUBSECTION (A), EACH ELIGIBLE ENTITLEMENT
2 ENTITY SHALL RECEIVE AN ANNUAL GRANT WHICH SHALL BE EQUAL TO THE
3 SUM WHICH IS OBTAINED BY MULTIPLYING THE MINIMUM GRANT IT IS
4 AUTHORIZED PURSUANT TO SUBSECTION (A) TIMES A FRACTION, THE
5 NUMERATOR OF WHICH SHALL BE THE AMOUNT OF FEDERAL MONEY
6 AVAILABLE TO THE CLASS OF WHICH IT IS A PART AND THE DENOMINATOR
7 OF WHICH SHALL BE THE TOTAL AMOUNT OF FUNDS WHICH WOULD BE
8 NECESSARY TO PROVIDE EACH ELIGIBLE ENTITLEMENT ENTITY OF THE
9 CLASS OF WHICH IT IS A PART WITH A GRANT IN AN AMOUNT IN
10 ACCORDANCE WITH SUBSECTION (A).

11 SECTION 6. ADDITIONAL GRANTS FOR COUNTIES FOR 1986 AND
12 THEREAFTER.

13 (A) BASIC GRANT.--EACH ELIGIBLE COUNTY SHALL RECEIVE AN
14 ANNUAL GRANT, IN ADDITION TO THE MINIMUM ANNUAL GRANT PROVIDED
15 UNDER SECTION 5, WHICH SHALL BE EQUAL TO THE SUM WHICH IS
16 OBTAINED BY MULTIPLYING THE BALANCE OF FUNDS AVAILABLE TO
17 ELIGIBLE COUNTIES BY A FRACTION, THE NUMERATOR OF WHICH SHALL BE
18 EACH ELIGIBLE COUNTY'S NET POPULATION AND THE DENOMINATOR OF
19 WHICH SHALL BE THE TOTAL NET POPULATION FOR ALL ELIGIBLE
20 COUNTIES.

21 (B) INCLUSIONS.--TO THE TOTAL ANNUAL GRANT TO THE COUNTY
22 DETERMINED BY SECTIONS 5 AND 6(A) SHALL BE ADDED THE ANNUAL
23 GRANTS OF EACH BOROUGH, INCORPORATED TOWN AND TOWNSHIP LOCATED
24 IN THE ELIGIBLE COUNTY WHOSE POPULATION IS LESS THAN 10,000.
25 THERE SHALL ALSO BE ADDED TO THE ANNUAL GRANTS OF THE COUNTY,
26 THE ANNUAL GRANTS OF EACH BOROUGH, INCORPORATED TOWN AND
27 TOWNSHIP WITH A POPULATION OF 10,000 OR MORE PROVIDED SUCH
28 ELIGIBLE ENTITLEMENT ENTITY SPECIFICALLY DESIGNATES THE COUNTY
29 TO APPLY FOR THE GRANT ON ITS BEHALF. THESE ADD-ON GRANTS
30 PURSUANT TO THIS SUBSECTION MUST BE EXPENDED BY THE COUNTY ON

1 BEHALF OF THE ELIGIBLE BOROUGH, INCORPORATED TOWN OR TOWNSHIP
2 FOR ELIGIBLE ACTIVITIES DESIGNATED BY SAID ELIGIBLE ENTITY. THE
3 COUNTY SHALL, HOWEVER, HAVE THE RIGHT TO SUBTRACT FROM SUCH ADD-
4 ON GRANT THE PROPORTIONATE SHARE OF APPLICATION, ENVIRONMENTAL
5 COMPLIANCE, ADMINISTRATION, MONITORING AND AUDIT COSTS INCURRED
6 BY THE COUNTY UP TO THE AMOUNT ALLOWED UNDER FEDERAL LAW.

7 SECTION 7. ADDITIONAL GRANTS FOR CITIES, BOROUGH, INCORPORATED
8 TOWNS AND TOWNSHIPS FOR 1986 AND THEREAFTER.

9 (A) AMOUNT.--EACH ELIGIBLE CITY, BOROUGH, INCORPORATED TOWN
10 AND TOWNSHIP SHALL RECEIVE AN ANNUAL GRANT, IN ADDITION TO THE
11 MINIMUM ANNUAL GRANT PROVIDED BY SECTION 5, WHICH SHALL BE EQUAL
12 TO THE SUM WHICH IS OBTAINED BY MULTIPLYING THE BALANCE OF FUNDS
13 AVAILABLE TO ELIGIBLE CITIES, IN THE CASE OF CITIES AND THE
14 BALANCE OF FUNDS AVAILABLE TO ELIGIBLE BOROUGH, INCORPORATED
15 TOWNS AND TOWNSHIPS IN THE CASE OF SUCH ELIGIBLE ENTITIES, BY A
16 FRACTION THE NUMERATOR OF WHICH SHALL BE EACH ELIGIBLE CITY'S,
17 BOROUGH'S, INCORPORATED TOWN'S AND TOWNSHIP'S POPULATION AND THE
18 DENOMINATOR OF WHICH SHALL BE THE TOTAL POPULATION IN THE CASE
19 OF A CITY, FOR ALL ELIGIBLE CITIES; AND IN THE CASE OF A
20 BOROUGH, INCORPORATED TOWN OR TOWNSHIP, THE NET POPULATION OF
21 ALL ELIGIBLE BOROUGH, INCORPORATED TOWNS AND TOWNSHIPS.

22 (B) DISCRETIONARY PROJECTS.--A NONENTITLEMENT BOROUGH, TOWN
23 OR TOWNSHIP MAY APPLY TO THE DEPARTMENT ANNUALLY FOR FUNDS
24 RESERVED BY THE DEPARTMENT UNDER SECTION 4 FOR DISCRETIONARY
25 PROJECTS. THE DEPARTMENT SHALL MAKE THESE FUNDS AVAILABLE ON A
26 NONCOMPETITIVE DEMONSTRATED NEED BASIS. EACH ELIGIBLE
27 MUNICIPALITY MAY AUTHORIZE AN ELIGIBLE ENTITLEMENT ENTITY OR ITS
28 DESIGNATED LOCAL PUBLIC AGENCY TO APPLY TO, AND CONTRACT WITH
29 THE DEPARTMENT FOR SUCH FUNDS AND ADMINISTER THE PROJECT ON ITS
30 BEHALF.

1 (C) UNUSED GRANTS.--IF AN ELIGIBLE COUNTY FAILS TO APPLY FOR
2 AN ANNUAL GRANT AND, IF THERE IS AN ELIGIBLE ENTITLEMENT
3 BOROUGH, INCORPORATED TOWN OR TOWNSHIP WITHIN SAID COUNTY, THE
4 ELIGIBLE ENTITLEMENT ENTITY MAY APPLY FOR THE COUNTY'S GRANT AND
5 ITS OWN GRANT AND USE THE TOTAL GRANT FOR ANY ELIGIBLE ACTIVITY
6 IT SELECTS. IF THERE ARE MORE THAN ONE SUCH ELIGIBLE ENTITLEMENT
7 ENTITIES WITHIN SAID COUNTY, EACH SHALL SHARE IN THE COUNTY'S
8 ALLOCATION IN PROPORTION TO THEIR POPULATION AND EACH MAY
9 UTILIZE ITS SHARE OF THE COUNTY ALLOCATION FOR ANY ELIGIBLE
10 ACTIVITY IT SELECTS.

11 SECTION 8. USE OF FUNDS FOR 1986 AND THEREAFTER.

12 (A) USE.--THE FUNDS WHICH ARE ALLOCATED TO ELIGIBLE
13 ENTITLEMENT ENTITIES BY THE DEPARTMENT IN ACCORDANCE WITH THIS
14 ACT SHALL BE USED ONLY FOR ELIGIBLE ACTIVITIES WHICH ARE
15 PERMITTED IN ACCORDANCE WITH THE HOUSING AND COMMUNITY
16 DEVELOPMENT ACT.

17 (B) PROPORTION.--THOSE FUNDS WHICH ARE ALLOCATED TO COUNTIES
18 MUST BE USED BY THE COUNTY TO BENEFIT BOROUGHES AND TOWNSHIPS,
19 WHICH ARE NOT ENTITLEMENT ENTITIES PURSUANT TO THIS ACT NOR
20 CONSIDERED A METROPOLITAN CITY, IN PROPORTION TO THE TOTAL
21 POPULATION AS REFLECTED IN THE LATEST AVAILABLE DECENNIAL CENSUS
22 OF POPULATIONS. THE PROPORTIONAL BENEFIT NEED NOT BE ACHIEVED IN
23 ANY GIVEN YEAR PROVIDED IT IS ACHIEVED IN EACH THREE-YEAR CYCLE
24 OF THE COUNTY'S PROGRAM. A DEVIATION OF LESS THAN 10% FROM THE
25 PROPORTIONAL REQUIREMENT SHALL BE DEEMED TO MEET THE
26 REQUIREMENT. THE PROPORTIONAL BENEFIT REQUIREMENT OF THIS
27 SUBSECTION SHALL BE CONSIDERED MET EVEN IF ALL THE EXPENDITURES
28 ARE MADE IN, AND BENEFIT, IN THE CASE OF TOWNSHIPS, ONLY ONE
29 TOWNSHIP, AND IN THE CASE OF BOROUGHES, ONLY ONE BOROUGH. FOR THE
30 PURPOSE OF THIS SECTION, THE TERM "BOROUGH" SHALL INCLUDE

1 INCORPORATED TOWNS.

2 (C) ECONOMIC DEVELOPMENT PROJECTS.--IN THE CASE OF AN
3 ECONOMIC DEVELOPMENT PROJECT, THE REQUIREMENTS OF SUBSECTION (B)
4 SHALL NOT APPLY TO A COUNTY IF THE COUNTY'S EXPENDITURES FOR THE
5 PROJECT ARE MATCHED BY EXPENDITURES BY CITIES, BOROUGHS,
6 INCORPORATED TOWNS OR TOWNSHIPS AND THE COUNTY'S EXPENDITURES
7 FOR THE PROJECT DO NOT EXCEED 25% OF ITS TOTAL ALLOCATIONS FOR A
8 THREE-YEAR PERIOD. IN THE CASE OF A PROJECT FOR THE BENEFIT OF A
9 UNIT OF LOCAL GOVERNMENT WHICH IS CONSIDERED DISTRESSED AS
10 DETERMINED BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT
11 PURSUANT TO THE CRITERIA OF SECTION 119 OF THE HOUSING AND
12 COMMUNITY DEVELOPMENT ACT, THE REQUIREMENTS OF SUBSECTION (B)
13 SHALL NOT APPLY.

14 (D) LOCATION.--THE SITUS OF ANY COUNTYWIDE OR AREAWIDE
15 PROJECT MAY BE IN ANY CITY, BOROUGH, INCORPORATED TOWN OR
16 TOWNSHIP WITHIN THE COUNTY. HOWEVER, IF A COUNTYWIDE OR AN
17 AREAWIDE PROJECT BENEFITS AN ELIGIBLE ENTITLEMENT CITY OR
18 METROPOLITAN CITY, THE PROPORTIONAL COST OF THE PROJECT
19 BENEFITING THE ELIGIBLE ENTITLEMENT CITY OR METROPOLITAN CITY
20 SHALL BE MET BY FUNDS NOT ALLOCATED TO THE COUNTY UNDER SECTIONS
21 5 AND 6. THE COUNTYWIDE OR AREAWIDE PROJECT SHALL BE CONSIDERED
22 MEETING THE PROPORTIONALITY REQUIREMENT OF SUBSECTION (B).

23 (E) AUTHORITY.--

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

1 TOWNSHIP.

2 (2) FURTHER, IF AN ELIGIBLE BOROUGH, INCORPORATED TOWN
3 OR TOWNSHIP WISHES TO UNDERTAKE AN ELIGIBLE PROJECT AT A COST
4 WHICH EXCEEDS THE AMOUNT OF THE ANNUAL ALLOCATION GRANT, THE
5 ELIGIBLE BOROUGH, INCORPORATED TOWN OR TOWNSHIP MAY
6 TEMPORARILY WAIVE, IN WHOLE OR IN PART, ITS ANNUAL ALLOCATION
7 IN ORDER TO AGGREGATE A LARGER AMOUNT BY COMBINING THE AMOUNT
8 OF THE TEMPORARILY WAIVED GRANT WITH A GRANT ANTICIPATED FOR
9 RECEIPT IN THE SECOND AND/OR THIRD YEAR OF ANY THREE-YEAR
10 CYCLE. TEMPORARY WAIVER OF AN ANNUAL ALLOCATION GRANT SHALL
11 BE ACCOMPLISHED BY RESOLUTION BY THE ELIGIBLE BOROUGH,
12 INCORPORATED TOWN OR TOWNSHIP.

13 (3) IN THE EVENT OF A TEMPORARY WAIVER THE AMOUNT OF THE
14 WAIVED GRANT SHALL BE CONSIDERED A COUNTY GRANT FOR SAID YEAR
15 OR YEARS AND EXPENDED BY THE COUNTY IN ACCORDANCE WITH
16 SUBSECTIONS (B), (C) AND (D).

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

22 (5) IF THE TOTAL AMOUNT OF THE TEMPORARILY WAIVED GRANTS
23 IN ANY YEAR IS ADEQUATE TO FUND ANY OF THE ANTICIPATED
24 PROJECTS, THEN THE COUNTY SHALL IMMEDIATELY FUND THOSE
25 PROJECTS FOR WHICH SUFFICIENT FUNDING IS AVAILABLE. ANY
26 ELIGIBLE BOROUGH, INCORPORATED TOWN OR TOWNSHIP WHICH
27 RECEIVES A GRANT PURSUANT TO THIS PARAGRAPH SHALL FOREGO
28 FUTURE FUNDING, IN WHOLE OR IN PART, UNTIL THE AMOUNT OF THE
29 ADVANCED GRANT, IN EXCESS OF THE COMMUNITY'S ENTITLEMENT, IS
30 RETURNED TO THE COUNTY.

1 SECTION 9. ALLOCATION OF FUNDS FOR 1985.

2 THE FUNDS WHICH THE COMMONWEALTH RECEIVES PURSUANT TO THE
3 HOUSING AND COMMUNITY DEVELOPMENT ACT FOR FEDERAL FISCAL YEAR
4 1985 SHALL BE ALLOCATED BY THE DEPARTMENT AS FOLLOWS:

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

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

9 SECTION 10. GRANTS TO CITIES FOR 1985.

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

16 (B) REPAYMENT OF EXCESS.--CITIES RECEIVING A GRANT UNDER THE
17 1985 PROGRAM WHICH IS IN EXCESS OF WHAT THEY WOULD HAVE RECEIVED
18 HAD THE ENTITLEMENT PROGRAM BEEN IN PLACE SHALL REPAY THAT
19 EXCESS, IN THIRDS, IN THE FORM OF A REDUCED ENTITLEMENT DURING
20 THE FOLLOWING THREE YEARS.

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

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

1 SECTION 11. GRANTS TO BOROUGH, INCORPORATED TOWNS AND
2 TOWNSHIPS FOR 1985.

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

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

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

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

25 SECTION 12. GRANTS TO NONENTITLEMENT COMMUNITIES FOR 1985.

26 (A) FUNDING LIMIT.--TOTAL GRANTS TO MUNICIPALITIES WHICH
27 WILL NOT BE ENTITLEMENT ENTITIES IN 1986 AND THEREAFTER
28 ACCORDING TO SECTIONS 4, 5, 7 AND 8 IN EACH COUNTY SHALL BE
29 EQUAL TO THE AMOUNT THAT COUNTY WOULD HAVE RECEIVED TO MAKE
30 GRANTS TO SUCH MUNICIPALITIES HAD THE ENTITLEMENT PROGRAM BEEN

1 IN PLACE FOR 1985, PLUS OR MINUS 15% OF THE AMOUNT EACH COUNTY
2 WOULD RECEIVE UNDER THE ENTITLEMENT PROGRAM.

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

9 SECTION 13. USE OF LOCAL PUBLIC AGENCIES.

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

21 SECTION 14. REGULATIONS.

22 (A) AUTHORITY.--THE DEPARTMENT MAY ADOPT REGULATIONS TO
23 CARRY OUT THE PROVISIONS OF THIS ACT. SUCH REGULATIONS, UNLESS
24 SPECIFICALLY REQUIRED BY FEDERAL OR STATE LAW, SHALL NOT BE MORE
25 RESTRICTIVE OR MORE BURDENSOME THAN THE FEDERAL REGULATIONS
26 WHICH ARE APPLICABLE TO URBAN COUNTIES AND METROPOLITAN CITIES
27 WHICH RECEIVE FUNDING DIRECTLY FROM THE FEDERAL GOVERNMENT UNDER
28 THE HOUSING AND COMMUNITY DEVELOPMENT ACT. THE DEPARTMENT SHALL
29 MAKE PROMPT REVIEW OF APPLICATIONS FOR FUNDS AND AMENDMENTS
30 THERETO AND RELY ON LOCAL CERTIFICATIONS UNLESS INDEPENDENT

1 EVIDENCE IS AVAILABLE WHICH TENDS TO CHALLENGE IN A SUBSTANTIAL
2 MANNER THE CERTIFICATIONS. THE DEPARTMENT SHALL NOT REQUIRE AN
3 ENTITLEMENT ENTITY TO OBTAIN THE DEPARTMENT'S PRIOR CONCURRENCE
4 IN CONTRACTS EXECUTED BY AN ENTITLEMENT ENTITY WITH THIRD
5 PARTIES. PRIOR TO THE EFFECTIVE DATE OF THE GRANT AGREEMENT
6 BETWEEN THE DEPARTMENT AND THE ENTITLEMENT ENTITY, THE
7 ENTITLEMENT ENTITY MAY INCUR COSTS FOR THE PURPOSES OF
8 ENVIRONMENTAL ASSESSMENTS, FOR PLANNING, APPLICATION AND
9 ADMINISTRATIVE COSTS, FOR ENGINEERING AND DESIGN COSTS
10 ASSOCIATED WITH AN ELIGIBLE ACTIVITY AND FOR THE PROVISION OF
11 INFORMATION AND OTHER RESOURCES TO RESIDENTS. AFTER THE
12 EFFECTIVE DATE OF THE GRANT AGREEMENT, THE ENTITLEMENT ENTITY
13 MAY BE REIMBURSED WITH FUNDS FROM ITS GRANT TO COVER SUCH
14 PREAGREEMENT COSTS PROVIDED SUCH ACTIVITIES WERE OTHERWISE
15 PROPERLY UNDERTAKEN.

16 (B) TIME.--THE DEPARTMENT SHALL ISSUE REGULATIONS FOR FILING
17 FOR FUNDS ALLOCATED TO ENTITLEMENT ENTITIES UNDER THIS ACT
18 WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ACT. IF, FOR ANY
19 REASON THE DEPARTMENT FAILS TO ISSUE SUCH REGULATIONS WITHIN THE
20 30 DAYS, AN ELIGIBLE ENTITLEMENT ENTITY SHALL FOLLOW THE
21 PRESUBMISSION AND SUBMISSION REQUIREMENTS OF THE FEDERAL
22 REGULATIONS CONTAINED IN SUBPART D - ENTITLEMENT GRANTS OF TITLE
23 24 PART 570, COMMUNITY DEVELOPMENT BLOCK GRANTS. HOWEVER, WHERE
24 "HUD" IS CONTAINED IN SAID REGULATIONS, THE DEPARTMENT SHALL BE
25 SUBSTITUTED IN ITS PLACE; AND THE REQUIREMENTS OF 24 CFR §
26 570.306 FOR HOUSING ASSISTANCE PLAN SHALL NOT BE APPLICABLE.
27 SECTION 15. APPLICABILITY.

28 THIS ACT SHALL APPLY TO THE DISTRIBUTION OF FEDERAL COMMUNITY
29 DEVELOPMENT BLOCK GRANT FUNDS WHICH ARE AVAILABLE TO THE
30 COMMONWEALTH BEGINNING WITH THE FEDERAL FISCAL YEAR 1985 AND

1 THEREAFTER PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT
2 AND ANY AMENDMENTS THERETO. THE STATE SHALL NOT BE LIABLE FOR
3 ANY COMMITMENT OR FOR COMPLETION OF ANY PARTIALLY COMPLETED OR
4 PARTIALLY FUNDED PROJECT WHICH CAN NOT BE COMPLETED DUE TO THE
5 UNAVAILABILITY FOR FEDERAL FUNDS OR FUTURE FEDERAL
6 APPROPRIATIONS.

7 SECTION 16. EFFECTIVE DATE.

8 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.