



Acts Affecting County Government 2021

The following is a list of acts and vetoes affecting county government that passed in 2021. Included are the bill number and printer's number (bill version) and the date the act was signed into law. Copies of each act are available from the Legislature's website by clicking on the link.

[ACT 1](#) (SB 109, P.N. 144; February 5, 2021) – Amends the Fiscal Code, in COVID-19 response, to establish the Hospitality Industry Recovery Program, providing \$145 million in state funds to counties for block grants that can be awarded to offset COVID-19 related economic impacts. Counties are required to contract with one or more Certified Economic Development Organizations (CEDOs) or Community Development Financial Institutions (CDFIs) to award and administer the grants. Further creates the Rental and Utility Assistance Grant Program to administer \$569.8 million in federal relief aid, which counties will administer to provide assistance for rent, utilities and costs in arrears related to the impacts of COVID-19. The administrative cost cap for this program is set at 5%.

[ACT 4](#) (HB 326, P.N. 388; March 3, 2021) – Amends Title 51 (Military Affairs), to allow the Pennsylvania National Guard, in conjunction with the Department of Health (DOH) and the Pennsylvania Emergency Management Agency (PEMA), to develop plans for the establishment and operation of community distribution and administration of pharmaceuticals, medical equipment and supplies, and vaccinees for a virus.

[ACT 7](#) (SB 84, P.N. 66; March 23, 2021) – Amends the County Code, to clarify the first assistant district attorney will become the district attorney in the event of a vacancy for class 2A through 8th class counties until the next municipal election. This does not change existing law for 4th through 8th class counties.

[ACT 8](#) (SB 85, P.N. 141; March 23, 2021) – Amends the Second Class County Code, to clarify the first assistant district attorney will become the district attorney in the event of a vacancy for 2nd class counties until the next municipal election.

[ACT 9](#) (SB 86, P.N. 68; March 23, 2021) – Amends Title 53 (Municipalities Generally), to require counties under a home rule charter to follow the procedures for succession under the county codes in the event of a vacancy in the office of district attorney.

[ACT 24](#) (HB 1348, P.N. 1932; June 30, 2021) – Omnibus amendments to the Fiscal Code providing for implementation of the FY 2021-2022 state budget. Among other provisions, requires federal funds received by the commonwealth under the American Rescue Plan (ARP) that are not specifically appropriated to be transferred to the General Fund starting FY 2022-2023, provides for ARP funding to address mental health in schools, provides COVID relief funding to nursing, long-term care facilities and libraries, temporarily eliminates the \$15 million transfer from the Judicial Computer System Augmentation Account which was critical to the maintenance of the Common Pleas Case Management System (CPCMS), prevents DHS from creating new programs not authorized by the General Assembly, gives the authority to determine the appropriation of any funds the state receives from a settlement of its claims in opioid-related litigation solely to the General Assembly. Further, changes to the Emergency Rental Assistance Program (ERAP), including removal of the 5% cap on administrative costs; new language prohibiting counties from placing any stipulations, restrictions, or limitations on assistance or program eligibility; updated program deadlines; and new language related to state reallocation. Additionally, establishes the American Rescue Plan Rental and Utility Assistance Grant Program, commonly referred to as ERA-2. This \$451 million program closely aligns with the current Emergency Rental and Utility Assistance Program (ERA-1), with differences including the following: counties may use up to 10% of the funds for housing stability services and up to 15% of the funds for administrative costs; applicants may self-certify income eligibility; and counties must certify the percentage of obligated funds beginning Jan. 1, 2022. Further clarifies the ability of municipalities to use federal funding allocated through the ARP for Public Transportation Trust Fund's local operating match requirement, for FY 2020-2021 and FY 2021-2022.

[ACT 33](#) (HB 264, P.N. 1003; June 30, 2021) – Amends the Real Estate Tax Sale Law, to create a program in each county to have prospective tax sale bidders register before each sale and certify that they do not have delinquent taxes or outstanding code violations.

[ACT 35](#) (HB 741, P.N. 1866; June 30, 2021) – Amends the Administrative Code, to require a recovery house to notify a resident's emergency contact by a method consented to by the resident within 12 hours if the resident self-discharges or leaves the recovery house unless the resident has revoked consent or there are allegations that the emergency contact has abused the resident. Further provides recovery houses are required to advise residents of the notification requirements.

[ACT 41](#) (HB 944, P.N. 1865; June 30, 2021) – Amends the Administrative Code, to require a treatment facility to notify a patient's emergency contact by a method consented to

by the patient within 12 hours when the patient leaves the treatment facility against medical advice unless the patient has revoked consent or there are allegations that the emergency contact has abused the patient. Further provides treatment facilities are required to advise patients of the notification requirements.

[ACT 42](#) (HB 954, P.N. 1323; June 30, 2021) – Amends Titles 18 (Crimes and Offenses) and 23 (Domestic Relations), to allow the sharing of law enforcement information related to an allegation or instance of child abuse to a county agency, Department of Human Services, and multidisciplinary investigative teams for investigation.

[ACT 50](#) (HB 1621, P.N. 1797; June 30, 2021) – Creates the Small Wireless Facilities Deployment Act, to codify Federal Communications Commission (FCC) guidelines pertaining to the deployment of small wireless facilities within a right-of-way. Further provides for guidelines for right-of-way use for small wireless facilities for municipalities, including the ability to charge an annual fee for use of right-of-way, fees for colocation, application timeframes, limiting heights of poles to five feet above existing poles or no more than 50 feet above ground and repairs to rights of way by providers. A municipality may provide for repairs not completed within 30 days and may charge a penalty. Further clarifies a municipality shall have the right to charge an application fee and may adjust any rate or fee levels to remain consistent with any FCC fee level adjustments.

[ACT 59](#) (SB 411, P.N. 967; June 30, 2021) – Amends Title 42 (Judiciary) & Title 61 (Prisons & Parole) to transfer post release parole and certain probation supervision responsibilities from the Pennsylvania Board of Probation and Parole (BPP) to the Pennsylvania Department of Corrections (DOC) and merges various operations of the Board within the Department. Further reflects numerous ancillary and other changes to current law regarding parole, parole supervision, and corrections that have already been implemented through a MOU among the DOC, BPP and Board of Pardons.

[ACT 65](#) (SB 554, P.N. 875; June 30, 2021) – Amends the Sunshine Act, to require state government agencies, local municipalities, and school districts to post an agenda online no later than 24 hours before the start of a public meeting. The legislation further prohibits agency action on business that was not included in the agenda notification unless it meets specific criteria, including emergency business, de minimis business or business brought forward by a resident.

[ACT 70](#) (HB 336, P.N. 1933; July 9, 2021) – Omnibus amendments to the Administrative Code providing for implementation of the FY 2021-2022 state budget. Among other provisions, establishes the Judicial Computer System Financial Audit Committee tasked with evaluating the system and funding by June 30, 2023, and transfers the powers and

duties of the Department of Community Affairs and the Department of Community and Economic Development under the Flood Plain Management Act to the Pennsylvania Emergency Management Agency. Further requires drug and alcohol treatment providers to substantially align service delivery conditions with the American Society of Addiction Medicine (ASAM) criteria by July 1, 2021, unless DDAP grants an application for extension until December 31, 2021.

[ACT 73](#) (HB 1861, P.N. 2200; September 30, 2021) – Amends the Administrative Code, to temporarily extend regulatory suspensions for the Department of Drug and Alcohol Programs, Office of Administration, Department of Banking and Securities, Department of Military and Veterans Affairs, Department of Labor and Industry, Department of Health and Department of Human Services for COVID-19 regulatory until March 31, 2022, unless sooner terminated by the authority that initially authorized the suspension.

[ACT 74](#) (HB 1591, P.N. 2139; October 1, 2021) – Amends the County Code, to freeze any county class changes until 2030, unless a change based on population outcome is otherwise adopted via county ordinance or resolution.

[ACT 88](#) (SB 420, P.N. 1110; November 17, 2021) – Amends the County Code, to clarify a person elected to the office of district attorney must possess an active license to practice law in the commonwealth from the time of election throughout the term of office. Further sets parameters for operations in circumstances where suspension or disbarment occurs, clarifying if the district attorney is disbarred, the position will be vacant and be filled and if suspended, the position will not be vacant, but the district attorney will be suspended from the office until the license is reinstated or the expiration of the term, whichever is sooner, and the line of succession is the first assistant district attorney, followed by an appointment from the Court of Common Pleas.

[ACT 89](#) (SB 550, P.N. 686; November 17, 2021) – Amends the Second Class County Code, to align special powers and duties for a second class county regarding flags to decorate veterans' graves with the same provisions found in the County Code.

Appropriations Bills

[ACT 1A](#) (SB 255, P.N. 971; June 30, 2021) – The Commonwealth General Fund Appropriation Act for FY 2021-2022, provides funding for FY 2020-2021 at approximately \$36.7 billion in total for the year. Does not include any tax increases or across the board cuts (Total appropriated number reflects the deduction made in Gov. Wolf's line item veto).

Vetoed Bills

[HB 1300](#) (P.N. 1869, Veto 1; June 30, 2021) – Amends the Pennsylvania Election Code providing for expansive elections reforms and requirements related to the administration of elections.

[ACT 1A](#) (SB 255, P.N. 971; June 30, 2021) – Line item veto. Amended the General Fund Appropriation excluding partial funding for the Office of the Auditor General, reducing the total budget expenditure by \$3.1 million.

[SB 516](#) (P.N. 802, Veto 2, July 1, 2021) – Amends Title 42 (Judiciary and Judicial Procedure), to allow for the referral of defendant cases owing unpaid fines, fees and restitution to collections when a defendant fails to appear for hearings designed to appear at a hearing set to determine ability to pay.