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**Pennsylvania Municipal League**  
**Testimony before the**  
**Senate Local Government Committee and the**  
**Senate Environmental Resources and Energy Committee**  
**Regarding Senate Bill 275 (PN 263)**

Thank you for the invitation to provide testimony today on behalf of the members of the PA Municipal League (The League). I am Amy Sturges, Director of Governmental Affairs.

The League is a non-profit, non-partisan organization representing like-minded urban and suburban townships, boroughs, cities, and home rule communities. Currently serving 117 members, The League reaches nearly four million Pennsylvanians in our mission to strengthen, empower and advocate for effective local government. Since its formation in 1900, the association has been dedicated to providing the highest level of service to its members through advocacy, programs and services.

The League is strongly opposed the Senate Bill 275. Our members view the legislation as a preemption of local authority. Additionally, the language of the bill is unclear and broadly written which will be harmful to communities as they try to sort out the extent of its impact.

**Local Preemption Negates Local Democracy**

A community's values are reflected in the actions taken by its local government. Local government is closest to citizens; most trusted by citizens; and best able to protect the most vulnerable populations. On a daily basis, local officials are working to solve issues and address the needs and desires of their residents.

Problem solving and policy making have the greatest opportunity to be innovative and responsive to citizen needs when done at the local level. Very often, a local initiative is prompted by a lack of action at the federal or state level. Therefore, when state government interferes with local problem solving by limiting its tools and authority, the local citizens and their wishes are most negatively affected. Preemption ignores unique local needs and values in favor of a one size fits all approach. And, we all know that in Pennsylvania – one size does not fit all.

State action to preempt local governments is not new, but it is increasing at an alarming rate as local leaders seek to address the social, health, equity, environmental and economic desires and values expressed by their residents. This interference ultimately negates our local democracy by ignoring the will of the citizens.

In the instance of Senate Bill 275, the community driven values of proactively working to mitigate the many and varied effects of climate change are being negated in order to continue our over-reliance on fossil fuels. The bill is a clear preemption of local governments' duty to protect the health, safety and welfare of its citizens. This duty is expressed in the various municipal codes, as well as the Municipalities Planning Code.

### **Senate Bill 275 and Its Impact on Local Policy**

The bill would prohibit local policies (which is defined broadly) on the types of energy used within a municipality. Although described as targeting the local prohibition of natural gas in new construction, the bill's language is very broad; and we view its implications as certainly unclear and potentially far-reaching. In our reading of the bill, any local action in the form of programs, policies, regulations, codes, or ordinances that favor and encourage one type of energy over another would be prohibited.

Citizens across our Commonwealth and the Nation are concerned about the environment in which they live. They are looking to their local governments to address issues like indoor and outdoor air quality, energy efficiency, energy costs, and the current and future health impacts of not making changes toward renewable energy. This conversation at the local level means local governments are stepping up to the plate, acknowledging and addressing citizen concerns with innovation, collaboration and education.

Like their residents, Pennsylvania municipalities started in their own backyard – evaluating their own operations, educating themselves and taking action to become more energy efficient. Community-wide initiatives are now taking hold. Comprehensive plans now include energy conservation measures and green building policies. Residents, businesses, educational institutions,

their local governments are taking greater action and more targeted initiatives to meet community goals, not just in terms of environmental health, but also in terms of the overall sustainability and resiliency of their communities. This is a movement toward a better future for all Pennsylvanians.

A perfect example of this movement is The League's Sustainable PA program which is in conjunction with Sustainable Pittsburgh. This is a free program open to any municipality in Pennsylvania with the goal of fostering the overall health of the municipality and its residents. This popular program encourages communities to start small, recognizing actions they are already taking and building upon their successes while meeting various measures and taking best practices from each other as they progress. There are nearly 140 communities from large cities to small townships and boroughs participating in this program at varying levels of certification, all with the goal of community prosperity. This program involves the whole community and takes a holistic look at many aspects including the fiscal health of the municipality, the local economy, local equity, and the physical environment. We believe, Senate Bill 275 would have a significant and negative impact on the success of the communities in this program.

Another very recent example of local climate action that would be hampered by this bill is the City of Bethlehem's climate action plan released in April. This is a comprehensive and community driven plan as the City's website explains, "The CPA sets out targeted policies, programs and projects that will mitigate Bethlehem's contribution to climate change and will also help the city build resilience and adapt to the effects of a changing climate. The plan includes action and goals for both municipal operations and the community as a whole. In this way, our City government will continue to lead by example, while City residents and businesses also play key roles...." We believe the preemption measures in Senate Bill 275 will negate policies and programs that encourage the community to take specific actions to meet the goals of the plan.

Furthermore, our Commonwealth is promoting and assisting in local climate action planning. Over twenty-five communities have finalized or are working with DEP in the development of both individual and regional plans.

Finally, large and small scale examples of sustainable development projects are in abundance across the Commonwealth. This movement is opening up tremendous possibilities for community revitalization with visions and goals that are locally driven.

## **The Broad Language of SB 275 is Unclear and Will Create Problems Locally**

As I mentioned at the outset of my testimony, the language of Senate Bill 275 is broad and unclear. For example, the term “policy” is not typically used to refer to ordinances, laws, and regulations. And, the phrase, “has the effect of restricting or prohibiting” is open to interpretation and has the potential to include any local action. Additionally, the term “discriminate” is also broad and subjective – would the promotion of a residential solar panel program be considered discrimination against the fossil fuel utilities? Would the approval of a redevelopment project that wants to focus on green buildings as a selling point be considered discrimination? What is the legal liability to a municipality of being prohibited from enforcing certain local zoning and building codes? What is the legal liability if they don’t enforce local zoning and building codes? These are just some of the questions we have as we interpret the impact of the legislation.

## **Conclusion**

The movement to address climate change and promote the overall health and welfare of communities and residents is here to stay. Local governments play a huge role in this effort. Tools that are available today must not be clawed away only to slow progress toward healthier communities. Senate Bill 275 may sound innocuous, but the intent is to tie the hands of community leaders who are listening to their constituents, working locally to solve problems, and protecting their health, safety and welfare with initiatives that promote a sustainable future for their localities and our Commonwealth as a whole. Again, The League opposes Senate Bill 275 and asks that it not be brought up for committee consideration.

Thank you.