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## Did you know?

- Home rule has been used by municipalities to make local decisions on topics ranging from property taxes to natural gas drilling.
  - Every state (except Alabama, Idaho, Indiana, Mississippi, Virginia, and Vermont) allows the adoption of home rule.
  - Home rule allows municipalities to better tailor policies to the needs of the community.
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# How does home rule impact the response to wet weather challenges in Allegheny County?

## Questions

This document will explore the following questions:

- 1) What is home rule?
- 2) What are storm water utilities and how do they relate to home rule?
- 3) How does the distribution of municipalities with home rule in Allegheny County impact the region's response to storm water challenges?

## What is Home Rule?

Home rule allows counties and municipalities to exert local control over municipal matters. In Pennsylvania, if a municipality does not adopt home rule, then all actions must be authorized by state law and are subject to borough and township codes<sup>1</sup>. Home rule governance transfers the decision-making process from the state to the municipality. With home rule, municipalities are able to govern themselves except on matters that are expressly forbidden by state law.

Pennsylvania adopted a home rule policy into its constitution in 1968. This guaranteed the right for all counties and municipalities in the state to adopt their own home rule charters to create new policies. Only 96 of Pennsylvania's 2,560 municipalities currently choose to have home rule. A common argument against home rule made by residents is that home rule municipalities are not confined to state tax limits<sup>2</sup>. This means that the municipality has the ability to increase taxes, such as in the case of storm water utilities. However, these increased fees serve an important purpose in improving the wellbeing of the community.

## Storm Water Utilities and Home Rule

A storm water utility is a mechanism used to allow municipalities to collect fees from property owners to pay for the management of storm water that runs off of their property<sup>3</sup>. When rain comes in contact with areas like sidewalks, roofs, and roads, the water runs off more quickly than it does on natural surfaces, requiring more expensive management methods. The water also collects any bacteria, sediment, and trash on these surfaces. This polluted water flows into storm drains, eventually impacting local streams and rivers and affecting the quality of the drinking and recreational water of the community<sup>4</sup>.

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The sustained revenue from a storm water utility allows municipalities to pay the substantial costs of maintaining an aging storm water infrastructure system to collect and treat polluted storm water. In general, storm water fees are designed to reflect the relative contribution of storm water generated by each individual property.

In Allegheny County, storm water utilities are considered one important part of regional strategies to eliminate sewer overflows. In particular, emerging tools like green infrastructure have uncertain operations and maintenance needs, and storm water utilities can allow certainty in funding to spark the innovation needed to pursue these projects. Further, with a storm water fee, property owners become more aware of the storm water runoff and subsequent pollution that their property causes, and have an incentive to install property-scale systems such as rain gardens to decrease runoff, easing management pressure on the municipality and decreasing the property owner's storm water fees.

Home rule municipalities are one of the only governing bodies that can impose a storm water fee without state approval. With home rule, municipalities have the power to create a storm water fee without needing to bring it to the state government or other higher authority.

## Home Rule in Allegheny County

Within Allegheny County, Mt. Lebanon and White Hall already impose storm water fees, which are made possible through home rule. In Mt. Lebanon, residents pay an average of \$8 a month for their storm water utility fee. The money generated from the tax is used exclusively for storm water upgrades and improvements, which have helped to reduce flooding in the community. The Pittsburgh Water and Sewer Authority is currently considering adding a storm water fee to pay for the disposal of runoff and create a green infrastructure fund to reduce runoff<sup>5</sup>.

The map below shows the municipalities in Allegheny County that presently have home rule. These municipalities have the power to put a storm water utility into effect. However, the majority of municipalities in the county do not currently have home rule. Unless Pennsylvania creates a statewide storm water tax, these areas would need to claim home rule status before a utility fee to reduce storm water runoff is enacted.

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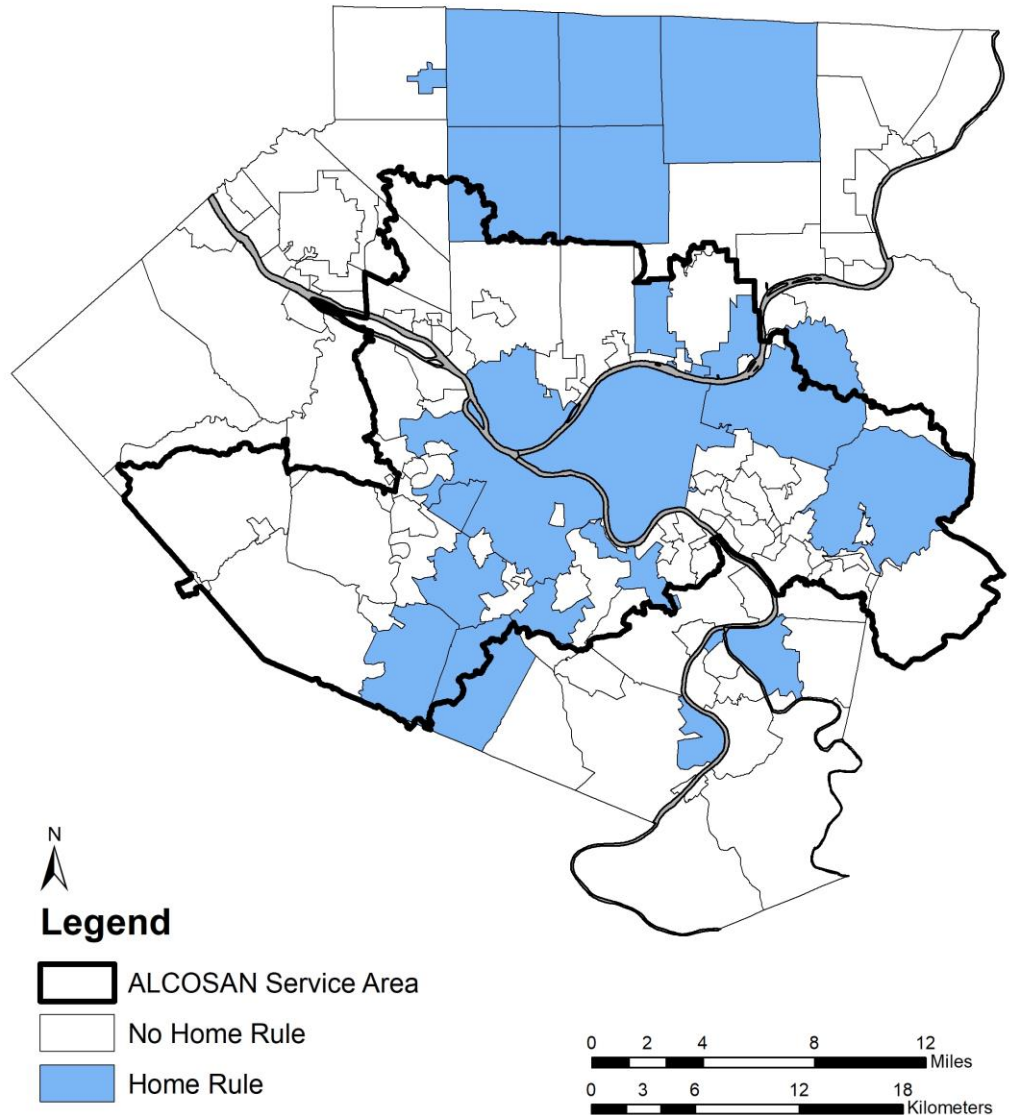
## Figure 1:

*This map shows the municipalities in Allegheny County that have adopted home rule governance.*

*96 municipalities in Pennsylvania have adopted home rule, with 18 of them being in Allegheny County. Many of those home rule municipalities also fall within the service area of the Allegheny County Sanitary Authority (ALCOSAN). Of the 84 municipalities that are served by ALCOSAN, 11 currently have home rule.*

*Home rule municipalities can more easily adopt storm water tax policies, as they do not have to bring the proposal to the state level.*

Municipalities in Allegheny County Within ALCOSAN's Service Area with Home Rule



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## Contact Us

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## Summary

Home rule allows municipalities to respond to the needs of their communities. One policy that can be adopted using a home rule charter is a storm water fee that will allow the municipality to improve the quality of recreational and drinking water. This utility fee would provide funds for infrastructure and projects to better collect and treat polluted storm water.

In Allegheny County, only 11 of the 84 municipalities served by ALCOSAN currently have home rule. This means that the majority of ALCOSAN's service area does not have the ability to easily create a storm water utility. Progress in updating storm water management systems is facilitated by municipalities having the ability to implement storm water utilities. A policy fix to enable storm water utilities, particularly for municipalities without home rule, is important to continued progress on Allegheny County's storm water management challenges.

## References

<sup>1</sup> *Home Rule in Pennsylvania*. Pennsylvania Department of Community and Economic Development, May 2018.

<sup>2</sup> Lao Shaffner, Kate. "What is home rule?" WHY, July 24, 2014.

<sup>3</sup> "Maryland's "Rain Tax" Debunked." PRLog, Jan. 31, 2014.

<sup>4</sup> *Stormwater Runoff*. Chesapeake Bay Program, 2019.

<sup>5</sup> Bauder, Bob. "PWSA poised to introduce stormwater fee." TribLive, Aug. 25, 2018.