



Pennsylvania Municipal League
President – Danene Sorace, Mayor, City of Lancaster



Pennsylvania State Association of Township Commissioners
President – Sam Valenza, Commissioner, Upper Moreland Township

MEMO

To: Members of the House Commerce Committee
From: Amy Sturges, Deputy Executive Director- Advocacy, PML and PSATC
Re: Opposition to House Bill 2286 (PN2674)
Date: April 12, 2022

On behalf of the members of the PA Municipal League and the PA State Association of Township Commissioners, **I write in opposition to House Bill 2286** which is on the Committee’s agenda for tomorrow.

House Bill 2286 amends the Municipalities Planning Code (MPC) mandating that municipalities allow low-impact home-based businesses by right in residentially zoned districts on a temporary basis. The triggers for this authorization are a disaster emergency declaration that renders the operation of a business unsafe or impossible; or the loss or damage to a business location by a natural disaster that renders regular business operations unsafe or impossible. The right to operate a business under either scenario is limited to the duration of the emergency declaration or 180 days in the case of a natural disaster.

While this concept sounds like a laudable idea, our members have numerous concerns and are opposed to the bill for the following reasons:

- The exercise of local zoning is very specific and driven by the land use goals of a community. Requiring uses by right is a preemption of local zoning decisions.
- This legislation would require every zoning ordinance to be amended.
- In reviewing various local zoning ordinances and the provisions for *no-impact* home-based businesses which are required by right, a local permitting and approval process to operate is still required. HB 2286 circumvents local permitting with mere notification to the municipality of the intent to operate a low-impact home based business.
- The definition of low-impact home-based business uses subjective phrases including “minimal customer, client or patient traffic” and “may not unreasonably interfere.” It appears the business owner is the one determining if a low-impact business meets or exceeds these provisions.
- Some of the provisions defining low-impact would have a substantial impact on neighbors, such as allowing business activity on weekdays from 8 a.m. to 8 p.m. that creates noise, vibration, glare, fumes or odors.

- Parking and signage for a low-impact business is also a concern. In dense areas, parking may already be restricted to residents only and signage prohibited. These local regulations should not be superseded, even temporarily.
- Finally, temporary operation could easily become long-term without controls at the local level through a permitting process. Once the door is open, it is difficult to close.

We appreciate the sponsor's interest in seeing that businesses remain open and in operation during disasters, but it should not be at the expense of local zoning, neighborhoods or residents. If a municipality wants to provide for low-impact home-based businesses they have the ability to do so now through their own, locally determined land use regulations.

For the above reasons, we are opposed to House Bill 2286.