

PPA REQUIRED TRAINING TASK FORCE

**FINAL REPORT TO THE
PPA EDUCATION COMMITTEE AND
PPA LEGISLATIVE COMMITTEE**

**Legislative Proposal to Amend the
Pennsylvania Municipalities Planning Code
to Require Training for Planning Commissioners,
Zoning Hearing Boards,
and Zoning Officers**

February 2008

PPA Required Training Task Force

The Required Training Task Force is a joint task force of the PPA Education Committee and Legislative Committee created in February 2007. It was formed to examine the issues and options related to required training for planning commission and zoning hearing board members, as well as zoning officers. The Task Force builds upon work previously undertaken by the Education Committee and similar legislative action in several other states. The work of the Task Force was to be completed in eight months, in time for presentation to the PPA membership at the Annual Conference.

The mission of the Required Training Task Force (RTTF) is to:

1. Develop a position on such a required training program in Pennsylvania, using the previous work of the Education Committee as a starting point;
2. Examine current statutes in other states for possible applicability in Pennsylvania;
3. Prepare a description of the contents of such a proposed program in Pennsylvania;
4. Consult with various interests (local government associations, Department of Community and Economic Development, State Planning Board and pertinent local government-related committees of the General Assembly) on their opinion about the merits or concerns about a required training program; and
5. If possible, prepare draft language for a potential legislative initiative that PPA could use to seek sponsorship and a proposed House or Senate bill(s) in the General Assembly.

The work of the Task Force was completed in timely fashion. A draft legislative proposal was presented at the PPA Annual Conference in Gettysburg. Two articles appeared in the PPA newsletter, *Vantage Point*. The proposal is now ready for the next steps toward enactment.

Members of the Required Training Task Force who contributed to the final proposal are:

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Statement of the Required Training Task Force

The accompanying draft legislation deals with the matter of mandating training for members of local and county planning commissions, zoning hearing boards, and municipal and county zoning administrators. It has been the subject of our intensive discussion during 2007.

Why Required Training Now?

Planning has a long and distinguished history in the Commonwealth of Pennsylvania. This history includes the State Planning Board under whose leadership the Municipalities Planning Code was formulated and adopted by the state legislature in 1968. It includes multi-county regional planning organizations like the Delaware Valley Regional Planning Commission established in 1965, and others. It includes Executive Directives by governors over many years (the Scranton through Thornburgh administrations) dealing with the establishment of multi-county regional planning and economic development agencies, a number of which continue to exist today. The history includes city, borough, township and county planning commissions that have been established over a 70 year time period where they now total over 1,700, as well as the State Planning Board's work as a central and strategic advisor in the formulation of state capital improvements budget and program.

The work of these planning organizations, and others, has been distinguished in a variety of subject areas including land use, transportation, water resources, open space, parks and recreation, environmental issues, housing, education, economic development, public finance, capital improvements, social well-being, among many others.

So, why now do we direct attention to enacting state legislation mandating training for planning and zoning officials? Many individuals who have participated in the work and deliberations of a planning commission or zoning hearing board can testify to the fact that those who are planning and implementing land use regulations are confronted with increasingly complex issues. The questions and issue to be dealt with are more complicated. Under these circumstances good intentions no longer will suffice. Knowledge is essential to being able to deal with them.

The dynamics of community development and change which today features "smart growth" and livable communities, alternative energy sources, environmental protection, viable and well-functioning infrastructure, and others, calls for more formal and required continuing education to better prepare planning and zoning officials. (Supporting them, of course, must be qualified, credentialed, professional planners, but this is not addressed in this proposal.)

The principal purpose of required training is to enable the individuals included in the proposed legislation to be more effective in fulfilling their respective duties and responsibilities, and to emphasize the value of the advice they offer to the elected officials who must deal with the increasingly complex tasks of local governance.

Education for appointed planning and zoning officials has not been ignored in the Commonwealth. A variety of organizations including the PA Department of Community and Economic Development, The Governor's Center for Local Government Services, the Pennsylvania Planning Association, local government associations, colleges and universities,

Penn State Cooperative Extension, the PA Municipal Planning Education Institute, and various county and local planning commissions, have been directing attention to the need.

The experience that has been gained from these educational efforts should make it clear that once a municipality decides to avail itself of the authority for planning found in the MPC it must not enter into it casually. It should mean that those serving on planning commissions, zoning hearing boards, and zoning officers, are prepared to undertake their responsibilities in a proficient and effective way. There is too much at stake to continue in the old way.

The Required Training Task Force believes planning is central to county and local governance. It is in the best interest of municipal and county governments that the members of their planning commissions, zoning hearing boards, and zoning administrators be required to receive training for their assigned duties. We believe this proposed amendment to the Municipalities Planning Code will achieve this goal.

SUGGESTED LEGISLATION FOR REQUIRED TRAINING

Amending the act of July 31, 1968 (P.L. 805, No. 247), entitled, as amended, "An act to empower....and parts of acts," further providing for.....the training of members of planning commissions, zoning hearing boards, and zoning officers.

Section 1.

Section 213. Required Training. To enable all members of municipal and county planning commissions to more effectively carry out their duties, each member shall be required to attend a minimum number of hours of training in approved community planning, zoning, and related subjects as listed in Subsection (1), part (g) of this section.

(1) Requirements for training

(a) Within one (1) year of initial appointment to the planning commission the appointee shall, at a minimum, successfully complete an approved orientation course of six (6) hours, which shall consist of instruction in the PA Municipalities Planning Code; planning-related state and federal statutes; planning roles and responsibilities of planning commissions, zoning hearing boards, zoning officers, and elected governing bodies; comprehensive planning; land use regulations, and; the open meetings law. Successful completion means the applicant has met the approved minimum evaluation score for the course. The evaluation for successful course completion may be retaken without repeating a course.

(b) Each calendar year thereafter, each planning commission member shall successfully complete, at a minimum, three (3) hours of approved continuing education in community planning and related subjects as listed in part (g) of this subsection.

(c) Planning commissioners who are members in good standing of the American Institute of Certified Planners (AICP) may be exempted by the appointing authority from the requirements for orientation and continuing education training.

(d) Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning, printed, and traditional classroom instruction.

(e) Municipalities and counties may establish greater requirements for continuing training of their appointees and are encouraged to have planning commissioners attend courses in excess of the minimum hours required by this subsection.

(f) Failure to complete the requisite number of hours of orientation and continuing education shall subject the commission member to removal from office for cause, and forfeit reappointment to the commission.

(g) The subjects for continuing education required by part (b) of this subsection shall include, but are not limited to, the following: comprehensive land use planning; zoning; subdivision and land development; core communities; suburbanizing communities; rural communities and agricultural preservation; transportation; community facilities; watershed planning; flood plain management storm water management; municipal finance; capital improvements programming; environmental

planning; public participation; ethics; economic development; alternative energy; smart growth; telecommunications facilities; affordable housing; parliamentary procedure; meeting management; public hearing procedure; planning law.

(2) Reporting

(a) Each planning commissioner shall certify that the educational requirements in Subsections (1) (a) and (b) for orientation and continuing education have been satisfied by filing a standard certification form with the secretary of the municipality no later than December 31 of each calendar year. The annual statement should include: date of each program attended, subject matter, location, name of course provider and instructor(s), credit hours spent in each program.

(b) The municipal secretary shall include this documentation with the annual reporting forms sent to the Department of Community and Economic Development. This certification is the basis for reimbursement to the municipality of registration fees for required training.

(c) Each municipality shall maintain the official record of all statements and written documentation of attendance for three (3) years after the calendar year in which each statement and documentation is filed.

(d) The elected governing body of a municipality or county may not reappoint a planning commissioner who has falsified or failed to provide the annual documentation to show completion of the continuing education required by this act.

(3) Funding of Training

(a) The elected governing body shall be responsible for paying the orientation and continuing education course registration fees for each planning commission member who receives training. They may pay travel and other expenses. As permitted in § 202, appointees may be compensated for the time attending training programs.

(b) Based upon the annual report submitted by the secretary of the municipality to the Department of Community and Economic Development, the Commonwealth shall reimburse municipalities for 50% cost of registration fees for courses taken by planning commission members.

(4) Administration of Required Training

The administration of required training shall be the responsibility of the Required Training Approval Board with the assistance of the Planning Education Advisory Committee.

A. Required Training Approval Board.

(1) There is created in the Department of Community and Economic Development (the Department) a Required Training Approval Board which shall have the authority to (a) approve courses, course providers, and course instructors; and (b) the administration of required training as authorized in this act.

(2) The membership of the Board shall be one representative of the Governor's Center for Local Government Services who shall serve as chair, and one representative from the following: Pennsylvania Planning Association, State Planning Board, County Commissioners Association, PA State Association of Boroughs, PA State Association of Township Supervisors, League of Cities and Municipalities, and Penn State University Cooperative Extension. The members shall serve a three (3) year term and may be reappointed.

(3) The Board shall serve without compensation but may be reimbursed for necessary expenses incurred in furtherance of this act.

(4) The Board shall make rules for conducting its business. A quorum to conduct business shall be four (4) members.

(5) The full Board shall meet not less than two (2) times per year. The chairman has the authority to call additional meetings and conduct business by telephonic or electronic means as needed.

(6) The duties of the Board are to:

- i. Establish standards and qualifications for
 - (a) the educational content of courses to be offered for required training of planning commissioners, zoning hearing boards, and zoning officers;
 - (b) providers and developers of required training;
 - (c) instructors of required training based on their knowledge and experience in the subject matter of approved courses.
- ii. Approve courses and the number of hours of credit of each with the recommendation of the Planning Education Advisory Committee.
- iii. Approve providers and developers of courses with the recommendation of the Planning Education Advisory Committee.
- iv. Approve instructors of required training.
- v. Compile and distribute a list of approved education programs. The list of approved courses shall be updated at least annually. It may be distributed by posting on the web site of the Department of Community and Economic Development.
- vi. Prepare and distribute a standard certification and documentation form to be used by appointed officials for reporting orientation and continuing planning education credit hours.
- vii. Encourage both public and private entities to develop and deliver new, relevant courses for continuing education.
- viii. May establish reasonable fees for entities applying for approval of orientation or continuing education courses, which fees may be applied to the annual operating expenses of the Required Training Approval Board and/or Planning Education Advisory Committee.
- ix. May set maximum fees per credit for required training.
- x. Make an annual report to the Secretary of the Department of Community and Economic Development no later than April 15 of each year, providing a detailed account of the Board's activities regarding approval of courses, providers, developers, and instructors; number of participants completing approved training and evaluation results; expenses, and fees collected and dispersed.

B. Planning Education Advisory Committee.

(1) There is created to assist the Required Training Approval Board a Planning Education Advisory Committee to advise and make recommendations on matters of planning education. The Committee shall serve without compensation but may be reimbursed for necessary expenses.

(2) The Committee shall consist of four members as follows. One member shall be a representative of the Governor's Center for Local Government Services; one member shall be appointed by the Associate Dean and Director of Penn State University Cooperative Extension; one faculty member from a state university which grants an undergraduate or graduate degree in planning shall be appointed by the Chancellor of the State System of Higher Education; one member shall be appointed by the President of the Pennsylvania Planning Association. The members shall serve a two (2) year term and may be reappointed.

(3) The Committee shall select its own chairperson and make rules for its operation. A quorum to conduct business shall be two (2) members.

(4) The Committee shall meet not less than two (2) times per year. The chairperson has the authority to call additional meetings and conduct meetings by telephonic or electronic conference if necessary.

(5) With approval of the Department of Community and Economic Development the Planning Education Advisory Committee may receive funds provided by the Department for materials and services necessary for its work.

(6) The duties of the Planning Education Advisory Committee are

i. Advise the Required Training Approval Board on standards and qualifications for

(a) the educational content of courses to be offered for orientation and continued instruction of planning commissioners, zoning hearing boards, and zoning officers;

(b) providers and developers of courses;

(c) course instructors;

(d) number of credit hours for each course;

(e) content and procedures for evaluation of knowledge gain.

ii. Review and make recommendations to the Required Training Approval Board on the educational content and level of all proposed orientation and continuing education courses, including credit hours and evaluation procedures to determine successful completion of courses.

iii. Review and make recommendations to the Board regarding qualifications of instructors based on their knowledge and experience in the subject matter of such approved courses.

iv. Provide such other advice and assistance as may be requested by the Required Training Approval Board.

Section 2.

Section 614.1. Required Training. To enable zoning officers to more effectively carry out their duties, each zoning officer as identified in § 614 shall be required to attend a minimum number of hours of training in community planning, zoning, and related subjects listed in Section 1, Subsection (1), part (g) that are approved by the Required Training Approval Board as established in Section 1, (4), of this act. Successful completion means the applicant has met the approved minimum evaluation score for the course. The evaluation for successful course completion may be retaken without repeating a course.

(1) Requirements for training

(a)

(i.) Within one (1) year of initial appointment a zoning officer shall, at a minimum, successfully complete an approved orientation course of six (6) hours, which shall consist of instruction in the PA Municipalities Planning Code; planning-related state and federal statutes; planning roles and responsibilities of planning commissions, zoning hearing boards, zoning officers, and elected governing bodies; comprehensive planning; land use regulations, and; the open meetings law.

(ii.) A zoning officer who attended six (6) hours of initial orientation training for a prior appointment or employment is not required to comply with the orientation requirement for a subsequent appointment or employment after a break in service. However, beginning with the first year of new employment the zoning officer shall attend no fewer than six (6) hours of continuing education as provided in part (b) of this subsection.

(b) Each calendar year thereafter, each zoning officer shall successfully complete, at a minimum, six (6) hours of approved continuing education in community planning, zoning, and related subjects listed in Section 1, Subsection (1), part (g).

(c) Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning, printed, and traditional classroom instruction.

(d) Municipalities and counties may establish greater requirements for continuing training and are encouraged to require zoning officers to attend courses in excess of the minimum hours required by this subsection.

(e) An appointed zoning officer is subject to removal from office for cause, and may not be reappointed, for failure to complete the requisite number of hours of orientation and continuing education within the time allotted under parts (a) and (b) of this subsection.

(2) Reporting

(a) Each zoning officer shall certify that the educational requirements in Subsection (1) (a) and (b) for orientation training and continuing education have been satisfied by filing a standard certification form with the secretary of the municipality no later than December 31 of each calendar year. The annual statement should include: date of each program attended, subject matter, location, course provider and instructor name(s), credit hours spent in each program.

(b) The municipal secretary shall include this documentation with the annual reporting forms

sent to the Department of Community and Economic Development. This certification is the basis for reimbursement to the municipality of registration fees for required training.

(c) The municipal or county secretary shall maintain the official record of all statements and written documentation of attendance for three (3) years after the calendar year in which each statement and documentation is filed.

(d) The elected governing body of a municipality or county may not reappoint a zoning officer who has falsified or failed to provide the annual documentation to show completion of the continuing education required by this act.

4) Funding of Training

(a) The elected governing body shall be responsible for paying the orientation and continuing education course registration fees, travel, and expenses, for each zoning officer who receives training.

(b) On an annual basis the Commonwealth shall reimburse municipalities for 50% of the cost of registration fees incurred by the governing body.

Section 3.

Section 903.1. Required Training. To enable all members of municipal and county zoning hearing boards to more effectively carry out their duties, each member shall be required to attend a minimum number of hours of training in approved community planning, zoning, and related subjects listed in Section 1, Subsection (1), subsection part(g) and approved by the Planning Education Advisory Board as established in Section 1, Subsection (4), of this act.

(1) Requirements for training.

(a) Within one (1) year of initial appointment to the zoning hearing board each member, and alternate member, shall, at a minimum, successfully complete an approved orientation course of six (6) hours, which shall consist of instruction in the PA Municipalities Planning Code; planning-related state and federal statutes; planning roles and responsibilities of planning commissions, zoning hearing boards, zoning officers, and elected governing bodies; comprehensive planning; land use regulations, and; the open meetings law. Successful completion means the applicant has met the approved minimum evaluation score for the course. The evaluation for successful course completion may be retaken without repeating a course.

(b) Each calendar year thereafter, each member and alternate member shall successfully complete, at a minimum, three (3) hours of approved continuing education in community planning, zoning, and related subjects listed in Section 1, Subsection (1) part (g) of this act.

(c) Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning, printed, and traditional classroom instruction.

(d) Municipalities and counties may establish greater standards for continuing training and are

encouraged to require zoning hearing board members and alternates to attend courses in excess of the minimum credits required by this subsection.

(e) An appointed zoning hearing board member or alternate member is subject to removal from office for cause, and may not be reappointed, for failure to complete the requisite number of hours of orientation and continuing education within the time allotted under parts (a) and (b) of this subsection.

(f) The subjects for continuing education required by part (b) of this subsection shall include, but not limited to, the following: comprehensive land use planning; zoning; subdivision and land development; core communities, suburbanizing communities; rural communities and agricultural preservation; transportation; community facilities; watershed planning; flood plain management; storm water management; municipal finance; capital improvements programming; environmental planning; public participation; ethics; economic development; alternative energy; smart growth; telecommunications facilities; affordable housing; parliamentary procedure; meeting management; public hearing procedure; planning law.

(2) Reporting

(a) Each zoning hearing board member and alternate member shall certify that the educational requirements in Subsections (1) for orientation and continuing education has been satisfied by filing a standard certification form with the secretary of the municipality no later than December 31 of each calendar year. The annual statement should include: date of each program attended, its subject matter, location, name of course provider and instructor(s), credit hours spent in each program.

(b) The municipal secretary shall include this documentation with the annual reporting forms sent to the Department of Community and Economic Development. This certification is the basis for reimbursement to the municipality of registration fees for required training.

(c) Each municipality shall maintain the official record of all statements and written documentation of attendance for three (3) years after the calendar year in which each statement and documentation is filed.

(d) The elected governing body of a municipality or county may not reappoint a zoning hearing board member or alternate member who has falsified or failed to provide the annual documentation to show completion of the continuing education required by this act.

4) Funding of Training

(a) The elected governing body shall be responsible for paying the training and continuing education course registration fees for zoning hearing board members and alternate members who receive training. They may pay travel and other expenses. As permitted in Section 907, board members may be compensated for the time attending training programs.

(b) Based upon the annual report submitted by the secretary of the municipality to the Department of Community and Economic Development, the Commonwealth shall reimburse municipalities for 50% of the cost of registration fees for courses taken by appointed zoning

hearing board members and alternate members.

Effective Date: This act shall take effect January 1, 20__.

Revised December 12, 2007; February 9, 2008