

---

**INTER**

**OFFICE**

# MEMO

To: HARRISBURG CITY COUNCIL  
From: Kirk Petroski, City Clerk  
LEGISLATIVE APPROVAL FORM

Date:

**LEGISLATIVE APPROVAL FORM/CERTIFICATE OF ACCEPTANCE**

**BILL NO. -2020      RESOLUTION NO. 100 -2020**

**THE ABOVE LISTED ITEM WAS WRITTEN AND PREPARED FOR FINAL INTRODUCTION AT THE HARRISBURG CITY SOLICITOR' S OFFICE ON:**

*/s/ Neil Grover*

12/10/2020

\_\_\_\_\_  
**City Solicitor**

\_\_\_\_\_  
**Date**

**Requested by Department/Bureau: City Council and Mayor**

**Department/Bureau Contact Person: Neil Grover**

**For Action on or before:**

**The attached was received in the Office of the City Clerk for introduction on**

\_\_\_\_\_  
**Received by:**

**Date:** \_\_\_\_\_

**RESOLUTION NO. 100 - 2020**  
**SECTION 608 (B) EMERGENCY LEGISLATION**

Moved by: \_\_\_\_\_

A Resolution declaring that the ongoing novel COVID-19 pandemic constitutes an emergency of such magnitude and threat to the health, safety, and welfare in the City of Harrisburg that emergency legislative action is necessary so as to allow the concurrent proposed Emergency Ordinance, Bill 21 - 2020, amending Chapter 3-355 "State of Emergency" of the Codified Ordinances of Harrisburg to be effective immediately.

**WHEREAS**, on the 6<sup>th</sup> day of March, 2020, the Governor of the Commonwealth of Pennsylvania issued a Proclamation of Disaster Emergency, proclaiming the existence of a disaster emergency throughout the Commonwealth in accordance with the provisions of Subsection 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. § 7101, *et seq.*, which the executive, legislative and judicial branches of this Commonwealth subsequently endorsed and supplemented in a series of extraordinary public health related actions and directives; and

**WHEREAS**, on the 13<sup>th</sup> day of March, 2020, the President of the United States issued a determination "that the ongoing Coronavirus Disease 2019 (COVID-19) pandemic is of sufficient severity and magnitude to warrant an emergency determination under section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the "Stafford Act")" and, subsequently, on the 30<sup>th</sup> day of March, declared that a major disaster exists in the Commonwealth of Pennsylvania and ordered Federal assistance to supplement Commonwealth and local recovery efforts in the areas affected by the pandemic; and

**WHEREAS**, in accordance with the provisions of Section 1 of the Emergency Management Services Code, 35 Pa. C.S. § 7501, and consistent with the emergency proclamations and directives of the Governor, on the 16<sup>th</sup> day of March, 2020, the Mayor of the City of Harrisburg issued a Declaration of Public Health COVID-19 Disaster Emergency, wherein the Mayor directed the closing of public buildings, as well as the adoption and implementation of a series of extraordinary measures to better respond to the evolving public health crisis; and

**WHEREAS**, on the 14<sup>th</sup> day of April, 2020, the Council of the City of Harrisburg, by way of Resolution 25-2020, ratified and confirmed the Mayoral Declaration of a public health emergency and related subsequent steps undertaken for the City government to assess and implement emergency measures and, thereby, mitigate the spread of the novel coronavirus; and

**WHEREAS**, commencing on March 16, 2020, the President Judge for the Dauphin County Court of Common Pleas, issued a series of Emergency Declarations and Administrative Orders, with at least four (4) Orders addressing the judicial administration of eviction proceedings, including residential evictions from real property situated in the City of Harrisburg; and

**WHEREAS**, the President Judge for the Dauphin County Court of Common Pleas latest order, dated September 8, 2020, prohibiting evictions for the non-payment of rent is set to expire

on December 31, 2020, in conjunction with an Agency Order of the Centers for Disease Control (CDC) issued on September 4, which prohibits certain eviction actions through year end; and

**WHEREAS**, at the time of passage of this resolution, no federal or state or judicial restriction on the eviction or ejection of City residents for pandemic-related concerns are scheduled to continue come January 1, 2021; and

**WHEREAS**, the Council finds that increased risk of displacement of individuals, families and households to be a clear and present danger to the overall public health in the City of Harrisburg; and

**WHEREAS**, the Council finds that a surge in such displacements creates a substantial risk of an immediate increase in demand for public services, thereby placing first responders at an even greater risk of coronavirus exposure from any eviction-related jump in the number of people requiring the services of local homeless and shelter facilities throughout the City; and

**WHEREAS**, the Council finds that the capacities, resilience and resources of emergency responders already operating in the midst of this long term health care crisis would be undermined by any sudden and significant increase of people requiring their services and

**WHEREAS**, the Council for the City of Harrisburg now is seeking to concurrently amend, in part, Chapter 3-355 "State of Emergency" of the Codified Ordinances of Harrisburg to grant the Office of the Mayor additional authority to respond to the novel COVID-19 pandemic by temporarily prohibiting evictions and exercising new related enforcement powers; and

**WHEREAS**, pursuant to Section 608(b) of the Optional Third Class City Charter Law the Council of the City of Harrisburg has the authority to enact non-budget ordinances that shall have immediate force and effect to address an emergency; and

**WHEREAS**, the Council recognizes and acknowledges that this public health authorization for emergency measures may delay long awaited payments or other relief related to tenancies, leases and other similar contracts that are fairly and lawfully due to landlords, property management companies and other property owners who have made a commitment and investment to provide housing in Harrisburg; and

**WHEREAS**, the Council urges those parties to delinquent leases and other housing arrangements of all types to work together in good faith to find fair and equitable solutions, recognizing the health crisis at hand is not the fault of either party to the housing agreement; and

**WHEREAS**, in consideration of the foregoing Council expressly takes these actions and makes this temporary grant of power to halt evictions for the sole purpose of protecting the public health, safety and welfare of all in this time of crisis; and

**WHEREAS**, Council now accordingly finds that there exists an increasing risk to the lives and safety of all by the sudden movement, displacement and dispossession of hundreds of people in the City should these residents be quickly evicted or ejected as the current moratorium

concludes and so the City hereby finds itself required out of necessity to enact a moratorium, as proposed in Bill 21-2020, on an emergency basis.

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF HARRISBURG**, that the novel COVID-19 pandemic constitutes an emergency of such magnitude and threat to the health, safety, and welfare of the residents of the City of Harrisburg that emergency legislative action is necessary.

**BE IT FURTHER RESOLVED** that Bill 21 of 2020, amending Chapter 3-355, to provide for Supplemental Emergency Powers to halt evictions shall by this required resolution be permitted to take effect immediately upon final enactment.

**BE IT FURTHER RESOLVED** that the Mayor, City Solicitor, City Controller, the Fire Chief, and other appropriate City officials are authorized and directed to take all steps necessary to further effectuate the purpose of this Resolution.

I second this resolution \_\_\_\_\_