

**IN THE  
SUPREME COURT OF PENNSYLVANIA**

CITY OF PHILADELPHIA,	:	NO. 81, EAL 2022
	:	
Plaintiff / Petitioner,	:	
	:	
v.	:	On Petition for Allowance of
	:	Appeal from the February 14,
	:	2022, Opinion of the
RASHAD T. ARMOSTRONG,	:	Commonwealth Court,
	:	No. 1204, C.D. 2020, ___ A.3d
Defendant / Respondent	:	___ (Pa. Commw. 2022).

**MOTION FOR LEAVE TO FILE A  
BRIEF OF AMICUS CURIAE ON BEHALF OF  
THE INTERNATIONAL MUNICIPAL LAWYERS ASSOCIATION**

The International Municipal Lawyers Association (“IMLA”), by and through its attorneys, hereby moves for leave to file a brief of *amicus curiae* in support of the City of Philadelphia’s Petition for Allowance of Appeal and alleges in support thereof as follows:

1. The IMLA hereby seeks leave to file a Brief of *Amicus Curiae* in support of the City of Philadelphia’s Petition for Allowance of Appeal in this case.
  
2. As explained in the Brief of *Amicus Curiae* International Municipal Lawyers Association in Support of the City of Philadelphia’s Petition for Review, a copy of which is attached hereto as Exhibit A, the IMLA has an interest in the issues presented for allowance of appeal.

3. As also explained in the Brief of *Amicus Curiae*, this case presents a question of substantial public importance and IMLA is able to provide a unique perspective on the robust role of home rule in the Commonwealth of Pennsylvania.

4. The IMLA submits that the Court will benefit from the perspectives provided by the IMLA in its Brief of *Amicus Curiae*.

5. As a result, the IMLA submits that the interests of justice will be furthered by granting the IMLA leave of court pursuant to Pa. R. App. P. 531(b)(1) to file the attached Brief of *Amicus Curiae*.

**WHEREFORE**, the International Municipal Lawyers Association respectfully requests that it be granted leave of Court to file the attached Brief of *Amicus Curiae* in this matter.

Respectfully submitted,

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Dated: March 16, 2022

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Dated: March 16, 2022

# EXHIBIT A

**IN THE SUPREME COURT OF PENNSYLVANIA**

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**NO. 81, EAL 2022**

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**RASHAD ARMSTRONG,**

**v.**

**CITY OF PHILADELPHIA,**

**CEASEFIRE PENNSYLVANIA EDUCATION FUND, et al.,  
Intervenors.**

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**BRIEF OF *AMICUS CURIAE* INTERNATIONAL MUNICIPAL LAWYERS  
ASSOCIATION IN SUPPORT OF THE CITY OF PHILADELPHIA'S  
PETITION FOR REVIEW**

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## **INTERESTS OF AMICUS CURIAE**

The International Municipal Lawyers Association (“IMLA”) is a non-profit professional organization owned solely by its more than 2,500 members, which consists of local government attorneys who advise towns, cities, and counties across the country. Established in 1935, IMLA is the oldest and largest association of attorneys representing United States municipalities, counties, and special districts. IMLA’s mission is to advance the responsible development of municipal law through education and advocacy by providing the collective viewpoint of local governments around the country on legal issues before the United States Supreme Court, the United States Courts of Appeals, and in state appellate courts.

This case is of particular concern to local governments and local government attorneys nationwide because local governments need sufficient authority to ensure the public health, safety, and welfare of their residents. Local governments are the governments closest to the people, and they have an on-the-ground understanding of the needs of their communities. It is the local, not the state, public safety agencies that are the first-responders to public safety threats in the community; it is the local, not the state, public safety agencies that community members rely on to provide for their continued safety; and it is the local, not the state, public safety agencies that have the more nuanced and community-specific data to inform

tailored local solutions to local public safety needs. Local governments need to be able to use the full breadth of their police powers to protect their communities.

Consequently, state laws that preempt local policies should be read not cavalierly, but with care and caution. The Commonwealth Court has not engaged with the full spectrum of important consequences that this Court should consider when evaluating the nuanced balance of authority between the state and local governments, and particularly troubling, has read this Court's opinions on preemption far more broadly than intended. *Amicus* thus writes to urge this Court to take up this case and correct the expansive ruling below so that the critical balance between state and local authority is not upset to the detriment of local communities.

## **SUMMARY OF ARGUMENT**

The Pennsylvania Constitution embraces a robust doctrine of home rule authority so that municipalities can solve the exact types of local issues that Philadelphia has addressed with the challenged Ordinance. Home rule recognizes that municipalities have broad powers to adopt innovative policy solutions to meet unique local needs. While states might set a floor for municipal regulation, state legislation will not address the challenges and priorities that vary among municipalities of different scales and circumstances. Home rule allows cities to build on state legislation and develop innovative local solutions to local problems,

particularly as local conditions fluctuate rapidly. And that is exactly what Philadelphia has done by enacting the challenged Ordinance. Commonwealth law sets the standard for regulation of “lawful ownership, possession, transfer or transportation of firearms.” *See* 18 Pa.C.S. § 6120(a). However, this floor did not address the growing crisis of illegally obtained firearms. Municipalities, like Philadelphia, were left leeway to fill this gap by enacting ordinances that require reporting of unlawful dispossession of firearms, which could help municipalities track stolen or lost firearms and thus prevent their use in gun-related criminal activity.

Rather than recognizing and upholding this proper use of local authority, the Commonwealth Court has opted to expand the preemptive scope of § 6120(a) far beyond what the Legislature intended or what this Court’s measured precedent requires. The Commonwealth Court’s broad reading of preemption not only conflicts with this Court’s doctrine, but it also contradicts the judicial respect for home rule and commitment to construing home rule liberally in favor of a municipality. If the Commonwealth Court’s approach stands, not only will Philadelphia be left unable to address a growing public safety crisis—to the detriment of its residents—but also the strength of home rule in Pennsylvania will be shaken to the detriment of all cities in the Commonwealth. Because this case presents a question of substantial public importance and the opinion below

conflicts with the precedent of this Court, *Amicus* urges the Court to take up this case for review and reaffirm the robust role of home rule in the Commonwealth of Pennsylvania.

## **ARGUMENT**

### **I. Protecting Local Police Powers is Critical to Ensuring Public Safety.**

#### **A. Municipal Home Rule Allows Local Governments the Ability to Respond to Local Needs with Local Policy Solutions.**

Municipal home rule is the cornerstone of local democracy. Home rule developed in the United States as a response to the previous “Dillon’s Rule” regime, under which municipalities only possessed as much lawmaking authority as the state legislature explicitly granted to them. Starting in the late nineteenth century, a movement emerged to enable local autonomy by instituting home rule, which most states have done in some form.<sup>1</sup> Pennsylvania is one of many states that enshrine the concept of home rule in its constitution. In 1968, voters approved a state constitutional amendment that granted to municipalities “the right and power to frame and adopt home rule charters.” Pa. Const. Art. IX, § 2. This amendment—and home rule generally—allows municipalities to efficiently

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<sup>1</sup> See Paul A. Diller, *Intrastate Preemption*, 87 B.U. L. Rev. 1113, 1126-27 (2007).

address the particular needs and preferences of their own communities by giving them permanent and substantive lawmaking authority.<sup>2</sup>

The policy rationales supporting such a grant of authority are many and significant. One important benefit of home rule is that it allows for the creation of policies that are responsive to local concerns. Local government, being closest to those governed, is often the best situated to identify the needs and interests of their constituents and implement responsive policies.<sup>3</sup> Localities in Pennsylvania vary widely in terms of demographics, population density, and public safety needs. Given those differences, home rule allows municipalities to tailor policies to their own situations and concerns.

Municipalities with broad home rule authority can also serve as laboratories of democracy just as states do in relation to the federal government. *Cf. New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting) (“It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”). Allowing localities similar latitude to states for experimenting with solutions to persistent problems can foster

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<sup>2</sup> See Diller, *supra* n. 1, at 1124; Gary E. French, *Home Rule in Pennsylvania*, 81 Dick. L. Rev. 265, 265 (1977).

<sup>3</sup> See Diller, *supra* n. 1, at 1128.

even greater innovation in policy-making. Indeed, cities are leading innovators on issues ranging from civil rights to environmental protections to public health.<sup>4</sup>

Finally, home rule allows for greater democratic participation and representation. Local government is more accessible to local communities and provides a venue where residents can make their policy preferences heard. Local elected officials generally represent a smaller number of constituents, allowing for a more accurate reflection of the community's interests and input.<sup>5</sup> At its core, home rule allows the government closest to the people to legislate in a way that reflects its communities' values and norms.

**B. Pennsylvania Law Provides a Broad Grant of Police Power to Municipalities Under Which the Exercise of Local Authority Should Be Presumed Valid.**

Home rule emerged in Pennsylvania as part of a nation-wide movement starting in the late 19<sup>th</sup> century to enshrine the concept of municipal home rule in state constitutions and take advantage of the policy benefits outlined above.<sup>6</sup> The state's first constitutional home rule amendment in 1922 merely allowed the legislature to grant home rule authority to municipalities, which the legislature did

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<sup>4</sup> See Diller, *supra* n. 1, at 1117-22.

<sup>5</sup> See Paul A. Diller, *Why Do Cities Innovate in Public Health? The Implications of Scale and Structure*, 91 Wash. U. L. Rev. 1219, 1257-58 (2014).

<sup>6</sup> See Kenneth E. Vanlandingham, *Municipal Home Rule in the United States*, 10 Wm. & Mary L. Rev. 269, 277 (1968).

only once, to authorize home rule in Philadelphia in 1949.<sup>7</sup> But the 1967-68 Constitutional Convention, which focused largely on whether to expand home rule in the state, resulted in a proposal to give all municipalities the authority to adopt a home rule charter.<sup>8</sup> The preparatory committee for the 1968 Constitutional Convention described home rule as “indispensable to the effort of local government to cope with changing conditions and to avert the devitalization of local power and decision.”<sup>9</sup> With more than 60% in favor, Pennsylvania voters ratified the proposal in 1968.<sup>10</sup> Unlike the previous constitutional amendment under which Philadelphia gained home rule authority, the provision adopted in 1968 was notable in that it was self-executing, and would come into effect within four years of its passage whether or not the state legislature enacted an enabling statute.<sup>11</sup> This reflected an intent to ensure that the Pennsylvania legislature would

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<sup>7</sup> See Governor’s Ctr. for Local Gov’t Servs., Dep’t Cmty. & Econ. Dev., *Home Rule in Pennsylvania* 3 (8<sup>th</sup> ed. 2013), <https://dced.pa.gov/download/home-rule-pa-pdf/>.

<sup>8</sup> See *id.*

<sup>9</sup> See Preparatory Comm. for the Pa. Constitutional Convention 1967-1968, *Local Government: Reference Manual No. 4*, at 48, [http://www.duq.edu/assets/Documents/law/pa-constitution/\\_pdf/conventions/1967-68/reference-manuals/reference-manual04.pdf](http://www.duq.edu/assets/Documents/law/pa-constitution/_pdf/conventions/1967-68/reference-manuals/reference-manual04.pdf).

<sup>10</sup> Pa. Constitutional Convention, *Debates of the Pennsylvania Constitutional Convention of 1967-1968: Volume 1*, at 114, [http://www.duq.edu/assets/Documents/law/pa-constitution/\\_pdf/conventions/1967-68/debates/vol01-sections.pdf](http://www.duq.edu/assets/Documents/law/pa-constitution/_pdf/conventions/1967-68/debates/vol01-sections.pdf).

<sup>11</sup> See French, *supra* n.2, at 269.



indeed devolve lawmaking authority to municipalities, and with greater speed than it did for Philadelphia.<sup>12</sup>

Pennsylvania’s constitutional Home Rule Amendment provides that “[a] municipality which has a home rule charter may exercise any power or perform any function not denied by this Constitution, by its home rule charter or by the General Assembly at any time.” Pa. Const. Art. IX, § 2. When the Pennsylvania legislature implemented the constitutional home rule mandate in 1972 by enacting the Home Rule Charter and Optional Plans Law (Home Rule Law), it affirmed the constitutional commitment to realizing a broad grant of municipal home rule, noting that “[a]ll grants of municipal power to municipalities governed by a home rule charter . . . shall be liberally construed in favor of the municipality.” 53 Pa.C.S. § 2961.

This Court has consistently followed this statutory command to resolve ambiguities in favor of the municipality when analyzing whether a home rule municipality has the authority to enact legislation and has held that “a home rule municipality’s exercise of local authority is not lightly intruded upon.” *Nutter v. Dougherty*, 938 A.2d 401, 414 (Pa. 2007). The broad grant of municipal power found in the Home Rule Amendment and Home Rule Law should be considered the starting point in an analysis of any exercise of a home rule municipality’s

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<sup>12</sup> See *id.* at 269-70.

lawmaking authority.<sup>13</sup> Moreover, this Court has long made clear that municipal authority is particularly strong, indeed perhaps at its peak, in the area of protecting public health and safety. *See W. Pa. Rest. Ass’n v. City of Pittsburgh*, 77 A.2d 616, 618 (Pa. 1951) (discussing municipal authority “[t]o make regulations to secure the general health of the inhabitants . . . even in the absence of . . . a specific grant [of power]”).

### **C. Local Governments Need Flexibility in Their Use of Their Police Powers to Protect Public Safety.**

Protecting public safety is at the heart of local governance. Public safety needs are inherently local and are not adequately addressed with a one-size-fits all model: Larger cities have entirely different public safety priorities and needs than smaller towns, and both municipalities need the flexibility to craft policy approaches tailored to their unique circumstances.<sup>14</sup> In Pennsylvania, crime rates fluctuate markedly between cities throughout the state: Philadelphia consistently has one of the highest violent crime rates of cities in Pennsylvania,<sup>15</sup> and with a

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<sup>13</sup> *See French, supra* n.2, at 270 (“The [Home Rule Law] is framed in broad terms connoting a full grant of local autonomy”).

<sup>14</sup> *See John S. Baker, Jr., State Police Powers and the Federalization of Local Crime*, 72 Temp. U. L. Rev. 673, 693 (1999).

<sup>15</sup> *See Philadelphia Crime Rate Report (Pennsylvania)*, Cityrating.com, <https://www.cityrating.com/crime-statistics/pennsylvania/philadelphia.html> (last visited Mar. 14, 2022).

population five times the size of the next largest city in Pennsylvania,<sup>16</sup>

Philadelphia is unique in the scale of its public safety needs.

Philadelphia is suffering a particularly acute gun violence epidemic. In 2019, nearly 1500 people were shot in Philadelphia, the highest number in nearly a decade.<sup>17</sup> Gun violence has further contributed to the city's historically high homicide rate, with guns involved in over 80% of homicides in Philadelphia.<sup>18</sup> This gun violence epidemic has no sign of stopping: Already in 2022, Philadelphia has reached 100 homicides, outpacing last year.<sup>19</sup> Upon analyzing this growing public safety crisis, Philadelphia realized that illegally obtained firearms—those obtained through theft or straw purchasers, in particular—were contributing to the City's gun violence epidemic.<sup>20</sup> Pennsylvania laws prohibiting theft of firearms

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<sup>16</sup> See *Top 100 Biggest Cities in Pennsylvania*, <https://www.biggestuscities.com/pa> (last visited Mar. 14, 2022).

<sup>17</sup> Chris Palmer, *Philadelphia Had More Shootings in 2019 and Homicides Stayed High*

Phila. Inquirer (Dec. 30, 2019), [https://www.inquirer.com/news/philadelphia-crimelevels-](https://www.inquirer.com/news/philadelphia-crimelevels-2019-shootings-homicides-police-20191230.html)

2019-shootings-homicides-police-20191230.html; Phila. Police Dep't, *Year End 2019 Report on Major Crimes Citywide* (2019),

<https://www.phillypolice.com/crime-maps-stats/>.

<sup>18</sup> See Phila. Dep't Pub. Health, *Deaths and Injuries from Firearms in Philadelphia 1*, <https://www.phila.gov/media/20181106124821/chart-v2e10.pdf> (2017).

<sup>19</sup> See Robert Moran, *Philadelphia Reaches 100 Homicides in 2022, Outpacing Last Year*, Phila. Inquirer (Mar. 11, 2022), <https://www.inquirer.com/news/philly-homicides-shootings-2022-2021-20220311.html>.

<sup>20</sup> See Garen J. Wintemute, *Frequency of and Responses to Illegal Activity Related to Commerce in Firearms: Findings from the Firearms Licensee Survey*, 19 *Injury Prevention* 412 (2013); see also Garen J. Wintemute, *Firearms Licensee*

and straw purchasing had not stemmed this trend, so Philadelphia filled a policy gap by enacting the challenged reporting requirement.

Local policy innovations to address gaps in state law are necessary to protect public safety. State laws can set a floor for public safety, but a strict one-size-fits-all approach will not let cities like Philadelphia—which operate on a scale unlike any other city in Pennsylvania—to address the pressing public safety needs of their residents. Where state law does not address public safety issues that are particularly pressing for municipalities, these municipalities need to be able to rely on their home rule authority and police powers to fill those gaps in response to local needs. For these reasons, this Court has not taken state preemption lightly, particularly where it could affect the lives of residents relying on cities to protect their safety.

## **II. Philadelphia’s Ordinance Is Well Within the Scope of Its Local Police Powers.**

An overly broad reading of Pennsylvania’s gun preemption statutes would undermine local home rule authority. As previously discussed, Pennsylvania has long recognized that cities have broad police powers. *See Adams v. City of New Kensington*, 55 A.2d 392, 620 (Pa. 1957); *W. Pa. Rest. Ass’n v. City of Pittsburgh*,

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*Characteristics Associated with Sales of Crime–Involved Firearms and Denied Sales: Findings from the Firearms Licensee Survey*, 3 RSF: The Russell Sage Foundation Journal of the Social Sciences 58 (2017).

77 A.2d 616 (Pa. 1951). As part of this expansive delegation of power, home rule municipalities have broad police power to promote the health, safety and general welfare of the people. *See Pa. Rest. & Lodging Ass'n v. City of Pittsburgh*, 211 A.3d 810, 817 (2019) (quoting *Balent v. City of Wilkes-Barre*, 669 A.2d 309, 314 (1995)). “A municipality's police power enables ‘civil society’ to respond in an appropriate and effective fashion to changing social, economic and political circumstances, and maintain its vitality and order.” *Hartman v. City of Allentown*, 880 A.2d 737, 743 (Pa. Commw. Ct. 2005). For these reasons, this Court has consistently affirmed that “a home-rule municipality's exercise of legislative power is presumed valid, absent a specific constitutional or statutory limitation.” *SEPTA v. City of Phila.*, 101 A.3d 79, 88 (Pa. 2014).

The constitutional police powers of home rule municipalities may only be limited when they are preempted by state legislation. *See, e.g., Berner v. Montour Twp. Zoning Hearing Bd.*, 217 A.3d 238, 247-51 (Pa. 2019) (finding that the Nutrient Management Act preempted local regulation of agricultural operations); *City of Pittsburgh v. Fraternal Ord. of Police, Fort Pitt Lodge No. 1*, 161 A.3d 160 (2017) (holding that the Police and Fireman Collective Bargaining Act preempted city home rule charter amendment requiring all police officers and firemen to be city residents). There are three forms of preemption: (1) express preemption, (2) field preemption, and (3) conflict preemption. *See Berner*, 217 A.3d at 247; *Nutter*,

938 A.2d at 404 (2007); *Hoffman Mining Co. v. Zoning Hearing Bd. of Adams Twp., Cambria Cty.*, 32 A.3d 587 (2011). Express preemption occurs “where the statute includes a preemption clause, the language of which specifically bars local authorities from acting on a particular subject matter.” *Fraternal Ord. of Police*, 161 A.3d at 171 (quoting *Hoffman Mining Co., Inc.* 32 A.3d at 593). Field preemption occurs “where the state regulatory scheme so completely occupies the field that it appears the General Assembly did not intend for supplementation by local regulations.” *Huntley & Huntley, Inc. v. Borough Council of Borough of Oakmont*, 964 A.2d 855, 863 (2009). Conflict preemption applies “when the conflict between a local ordinance and a state statute is irreconcilable” such that complying with both would be impossible. *Hoffman*, 32 A.3d at 594.

The relevant state statute does not expressly preempt Philadelphia’s regulation. Section 6120(a) states that: “No county, municipality or township may in any manner regulate the *lawful* ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth.” 18 Pa.C.S. § 6120(a) (emphasis added). Section 6120(a) only expressly preempts local regulation of *lawful*, rather than unlawful, ownership, possession, transfer, or transportation. Section 6120(a) does not speak to municipal regulation related to the dispossession of ownership through loss or theft, nor does it preempt cities

from regulating the unlawful ownership of firearms. Because Philadelphia’s Ordinance addresses reporting for lost or stolen firearms, a subject on which § 6120(a) is silent, there is no express preemption here.

Nor did the Pennsylvania legislature occupy the field of gun regulation in enacting § 6120(a). This Court has been reluctant to recognize field preemption absent “clear intent” by the Legislature, which is why this Court has recognized field preemption in only four policy-making areas: alcoholic beverages, anthracite strip mining, banking, and utility regulation. *See Hoffman Mining Co.*, 32 A.3d at 593; *see also PPL Elec. Util. Corp. v. City of Lancaster*, 214 A.3d 639, 652 (Pa. 2019). Section 6120(a) does not indicate a “clear intent” by the State Legislature to occupy the entire field of gun regulation; on the contrary, § 6120(a) is forthright that its preemptive scope is limited to four categories of lawful activity that municipalities may not regulate: (1) ownership, (2) possession, (3) transfer, or (4) transportation of firearms. Indeed, the legislative history of § 6120(a) further underscores that the state legislature did not intend to occupy the field of gun regulation as such language was removed from the statute prior to passage.<sup>21</sup>

The Commonwealth Court’s reliance on *Ortiz* to justify its finding “that the regulation of firearms is an area where legislative activity is vested singularly and absolutely in the General Assembly of the Commonwealth” is a troublingly broad

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<sup>21</sup> H.B. 861, Printer’s No. 3590, 1973 Gen. Assemb., Reg. Sess. (Pa. 1973).

reading of this Court’s doctrine. *See Armstrong v. Philadelphia*, 2022 WL 432986 at \*4 (Pa. Commw. Ct. Feb. 14, 2022). In *Ortiz*, the statute at issue involved a municipal regulation regarding the lawful possession of certain types of firearms, falling directly within the scope of § 6120(a); in its holding, the Court reaffirmed that § 6120(a) evinced a legislative intent to “den[y] all municipalities the power to regulate the ownership, possession, transfer or possession of firearms,” but did not recognize any field preemption. *Ortiz v. Com.*, 681 A.2d 152, 155 (1996). This Court’s subsequent opinions recognizing field preemption in only four categories (which do not include firearm regulations) further underscore the limited scope of its field preemption doctrine. *See Hoffman Mining Co.*, 32 A.3d at 593; *see also PPL Elec. Util. Corp.*, 214 A.3d at 652. Efforts by the Commonwealth Court to expand *Ortiz* expansively to support field preemption ignore this Court’s measured approach to preemption and the constitutional respect for local home rule authority. *See Armstrong*, 2022 WL 432986; *Dillon v. City of Erie*, 83 A.3d 467, 473 (Pa. Commw. Ct. 2014); *Clarke v. House of Representatives*, 957 A.2d 361, 364 (Pa. Commw. Ct. 2008). Under this Court’s field preemption doctrine and opinion in *Ortiz*, § 6120(a) does not occupy the field of firearm regulations, leaving Philadelphia discretion to address areas that the state has not regulated.

Similarly, Philadelphia’s Ordinance operates in an area that is unaddressed by § 6120(a) and presents no conflict to § 6120(a). The Ordinance does not purport



to regulate lawful ownership, possession, transfer, or transportation of firearms. Rather, the Ordinance addresses dispossession, and unlawful dispossession. The Ordinance's approach to reporting does not conflict with state statute, but instead builds on state and federal law prohibiting straw purchasing. *See* 18 U.S.C. § 922(a)(6); 18 U.S.C. § 924(a)(1)(A); 18 Pa.C.S. § 6111(g). Philadelphia's enactment of its Ordinance underscores the justification for home rule: While the Commonwealth can set boundaries for regulation, municipalities can take initiative to build on the Commonwealth's laws to address the particular public safety needs of their communities. It is important that the Court uphold this correct use of home rule authority rather than adopt the expansive reading of preemption adopted by the Commonwealth Court, which contradicts both legislative intent and this Court's prior precedent.

## CONCLUSION

For these reasons, *Amicus* urges this Court to grant the allowance of appeal as questions of preemption and home rule authority in the field of firearm regulation are questions of substantial public importance that only this Court can resolve.

Respectfully submitted,

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**CERTIFICATION PURSUANT TO RULE 125**

I, Madeline S. Baio, Esquire, certify that this Brief of *Amicus Curiae* meets the requirements of Pennsylvania Rule of Appellate Procedure 125, and the Administrative Orders of the Supreme Court of Pennsylvania referenced therein, available at <https://ujportal.pacourts.us/PACFile.aspx>.

**CERTIFICATION PURSUANT TO RULE 127**

I, Madeline S. Baio, Esquire, certify that this Brief of *Amicus Curiae* meets the requirements of Pennsylvania Rule of Appellate Procedure 127 in terms of the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania, a.k.a.* the Public Access Policy.

**CERTIFICATION PURSUANT TO RULE 2135**

I, Madeline S. Baio, Esquire, certify that this Brief of *Amicus Curiae* meets the requirements of Pennsylvania Rule of Appellate Procedure 1116(c). The word count in Microsoft Word, excluding the cover, tables, and certificates, is 3,609 words.

/s/ Madeline S. Baio  
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Dated: March 16, 2022

**CERTIFICATE OF SERVICE**

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