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HB 2165 (Printer's No. 3412) Analysis

Date: June 26, 2024

Amending Section 901 of Title 8 to provide for an expedited process to fill vacancies.

Prime Sponsor: Representative James

A. Synopsis of Bill

Provides for an expedited process to fill borough vacancies under Section 901 of Title 8 when there are one or more vacancies on the vacancy board.

B. Summary and Analysis of Bill

This bill amends Section 901 of Title 8, otherwise known as the Borough Code, by clarifying that if a majority of seats on a borough's council are vacant, the Court of Common Pleas shall fill the vacancies upon petition by either the remaining councilmembers or fifteen registered electors of the borough.

Section 901 is further amended by providing for an expedited vacancy board process. As amended, after the vacancy board has convened, the proceedings may be ended within fifteen days if the position of chairman is vacant and the two remaining board members publicly vote to disband after providing their justification as to why they cannot fill a vacancy.

The House Local Government Committee amended HB 2165 on June 26, 2024 to prohibit the vacancy board chairman from voting for themselves to fill any vacancy.

C. Relevant Current Law

Section 901 of the Borough Code provides for the process by which borough councilmembers may fill vacancies due to death, resignation or removal, among other things. This section stipulates when a resignation becomes effective and, upon the establishment of a vacancy, directs the borough's council to appoint a replacement.

If a borough council is unable to make an appointment within 30 days, a vacancy board is convened comprising of the council, exclusive of the mayor, and one registered elector to serve as chairperson. The vacancy board has fifteen days to then make an appointment to fill the vacancy; if they are unable to do so, they may petition the Court of Common Pleas.

Additionally, Section 901 provides for the electors of a borough to petition the Court of Common Pleas to fill vacancies if a majority of seats on the borough council are vacant.

D. Background of Bill

The Local Government Commission staff received feedback from the various municipal associations that, on occasion, vacancies on a municipal governing board can result in gridlock between the remaining officers: effectively halting municipal decision-making. The associations further emphasized the need to provide a more expedient process to address this issue.

E. Effect of Bill

This bill would result in vacancies being resolved at a more efficient pace when supervisors are gridlocked.

F. Issues, Policy Questions and Stakeholder Feedback

This legislation is supported by the Pennsylvania State Association of Boroughs.

G. Bill History

This bill was not introduced in any previous session.