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ACT 130 OF 2024

HB 2160 (Printer's No. 3411) Analysis Date: June 26, 2024

Amending Section 530 of the First Class Township Code to provide for an expedited process to fill vacancies.

Prime Sponsor: Representative Sappey

A. Synopsis of Bill

Provides for an expedited process to fill township vacancies under Section 530 of the act of June 24, 1931 (P.L. 1206, No. 331), otherwise known as the First Class Township Code, when there are one or more vacancies on the vacancy board.

B. Summary and Analysis of Bill

This bill amends Section 530 of the First Class Township Code by clarifying that if a majority of seats on a township's board of commissioners are vacant, the Court of Common Pleas shall fill the vacancies upon petition by either the remaining commissioners or fifteen registered electors of the township.

Section 530 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 2160 on June 26, 2024 to prohibit the vacancy board chairman from voting for themselves to fill any vacancy.

C. Relevant Current Law

Section 530 of the First Class Township Code provides for the process by which township commissioners 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 township's board of commissioners to appoint a replacement.

If a board of commissioners is unable to make an appointment within 30 days, a vacancy board is convened comprising of the remaining commissioners and one registered elector of the township 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 530 provides for the electors of a township to petition the Court of Common Pleas to fill vacancies if a majority of seats on the board of commissioners 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 Municipal League.

G. Bill History

This bill was not introduced in any previous session.