

HB 1119

Veto No. 10

August 1, 1975

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania:

I return herewith, without my signature, House Bill No. 1119, Printer's No. 1497, entitled "An act amending the act of July 31, 1968 (P.L.805, No.247), entitled 'Pennsylvania Municipalities Planning Code,' further providing for membership on zoning hearing boards."

This bill would amend section 903 of the "Pennsylvania Municipalities Planning Code," allowing the governing body of a municipality to determine whether three or five members should be appointed to the zoning hearing board.

Zoning decisions have been in the past, and should continue to be, matters of local concern. Any effort to assure that an adequate cross-section of the community is represented on the hearing board has my strongest support.

The bill, however, contains no provision restricting the power of the local governing body to increase or reduce the number of board members. Board membership could be increased to assure the support or defeat of a specific application. The threat of reduction of the number of board members could be used to coerce cooperation with the governing body.

It should be noted that a decision to change from a five to a three member board would necessitate the removal from office of two board members. Section 905 of the Code provides that board members may be removed from office only for malfeasance, misfeasance, nonfeasance or other just cause. It is not inconceivable that the number of board members could be altered for the purpose of circumventing the restrictions on the removal power contained in section 905.

While I have never had the occasion to doubt the motives of our local governing bodies, I am of the firm belief that effective government demands that problems be dealt with before the damage is done. The delicate nature of most zoning decisions, often involving the ability of persons to earn a livelihood in a particular area, require that every safeguard against potential abuse of the appointing power be employed. House Bill No. 1119 would not only create a new mechanism for abuse, but would also have the effect of eliminating the protection from political influence already afforded zoning board members under current law.

For these reasons, I must disapprove House Bill No. 1119.

MILTON J. SHAPP