

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2165 Session of 2024

INTRODUCED BY JAMES, FREEMAN, SAPPEY, SMITH-WADE-EL AND MOUL, MARCH 27, 2024

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 26, 2024

AN ACT

1 Amending Title 8 (Boroughs and Incorporated Towns) of the
2 Pennsylvania Consolidated Statutes, in vacancies in office,
3 further providing for filling vacancies in elective borough
4 offices.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 901(c), (d) and (e) of Title 8 of the
8 Pennsylvania Consolidated Statutes are amended and subsection
9 (a.1) is amended by adding an introductory paragraph to read:

10 § 901. Filling vacancies in elective borough offices.

11 * * *

12 (a.1) Vacancy by resignation.--Except as provided in
13 subsection (e), the following shall apply:

14 * * *

15 (c) [Unfilled vacancies.--If the council of any borough
16 refuses, fails, neglects or is unable, for any reason
17 whatsoever, to fill any vacancy within 30 days after the vacancy
18 happens, as provided in this section, the vacancy shall be

1 filled within 15 additional days by the vacancy board.] Vacancy
2 board.--

3 (1) A vacancy board shall be convened to fill any
4 vacancy within 15 days if the council of any borough, for any
5 reason, fails to fill a vacancy after 30 days. Council may
6 vote to convene the vacancy board within 30 days of a vacancy
7 if it is unable, for any reason, to fill the vacancy and
8 provides its justification in a public meeting.

9 (2) The vacancy board shall consist of the council,
10 exclusive of the mayor, and one registered elector of the
11 borough who shall be appointed by the council at the
12 council's first meeting each calendar year or as soon as
13 practical and who shall act as chair of the vacancy board.

14 THE CHAIRPERSON OF THE VACANCY BOARD SHALL NOT VOTE FOR <--
15 THEMSELVES TO FILL THE VACANCY IN ANY ELECTIVE BOROUGH
16 OFFICE.

17 (3) The vacancy board shall appoint a registered elector
18 of the borough, or ward in the case of a ward office, to hold
19 the office, if the term continues that long, until the first
20 Monday in January after the first municipal election
21 occurring more than 60 days after the vacancy occurs, at
22 which election an eligible individual shall be elected to the
23 office for the remainder of the term.

24 (d) [Board] Vacancy board petition.--[If the vacancy is not
25 filled by the vacancy board within 15 days, the] The vacancy
26 board chair shall, or, in the case of a vacancy in the chair,
27 the remaining members of the vacancy board shall, petition the
28 court of common pleas to fill the vacancy by the appointment of
29 a registered elector of the borough, or ward in the case of a
30 ward, to hold the office, if the term continues that long, until

1 the first Monday in January after the first municipal election
2 occurring more than 60 days after the vacancy occurs, at which
3 election an eligible individual shall be elected to the office
4 for the remainder of the term[.]

5 (e) Elector petition.--If vacancies exist in more than a
6 majority of the offices of council, the court of common pleas
7 shall fill the vacancies upon presentation of petition signed by
8 not less than 15 registered electors of the borough.] if either
9 of the following occur:

10 (1) the vacancy board fails to fill the position within
11 15 days; or

12 (2) the position of chairperson is vacant and the
13 remaining members of the vacancy board provide a
14 justification as to why the remaining members cannot fill the
15 position sooner than 15 days and vote publicly to disband.

16 (e) General vacancy petition.--Notwithstanding any other
17 provision of this section, if vacancies exist in more than a
18 majority of the offices of council, the court of common pleas
19 shall fill the vacancies upon presentation of petition signed by
20 not less than 15 registered electors of the borough or the
21 remaining council members. A resignation that precludes a
22 majority of council members from acting to accept the
23 resignation shall create a vacancy on the date specified in the
24 tendered resignation or, if no date is specified, the second
25 business day after the day tendered, unless sooner withdrawn in
26 writing.

27 Section 2. This act shall take effect in 60 days.