



Proposed Legislation Amending the Pennsylvania Municipalities Planning Code

House Bill 93: Providing Residents an Opportunity to be Appointed as Alternates on the Planning Commission

By Kimberly A. Freimuth

House Bill 93, which was introduced to the House Local Government Committee on January 28, 2009, proposes to amend the Pennsylvania Municipalities Planning Code (the MPC) by allowing the governing body to appoint residents of the municipality to serve as alternate members of the municipal planning commission and, in some cases, grant them the power to vote.

The bill proposes to add Section 203 to the MPC, which states that the governing body may appoint, by resolution, at least one, but no more than three, residents of the municipality to serve as alternate members of the planning commission for a term of four years. The alternate resident member would be permitted to participate in all proceedings and discussions of the commission to the same extent as other members and would have the right to vote only when designated as a voting alternate member.

The bill also proposes to amend Section 207 of the MPC to add a new subsection permitting the chairman of the planning commission to designate alternate members of the planning commission to substitute for any member who is absent, recused or disqualified so that a quorum may be reached. The alternate member so designated would continue to serve on the commission in all proceedings involving the matter for which the alternate was initially appointed and until the commission made a final decision on the matter. Designation of the alternate, which could include a resident alternate as permitted by Section 203, is to be made on a case-by-case basis in rotation according to declining seniority among all alternates.

House Bill 93 is similar to a portion of former House Bill 780, which was introduced last session on March 17, 2007. House Bill 780 passed the House on October 3, 2007, but never made it through the Senate Appropriations Committee where it was sent on April 28, 2008. However, House Bill 780 included two other proposed amendments to the MPC dealing with ambiguities in subdivision and land development ordinances and powers of the governing body with regard to conditional uses. House Bill 93, which is limited to proposed amendments regarding the planning commission, is currently being reviewed by the House Appropriations Committee.

For more information or an update on the legislation, please contact Kimberly Freimuth at 215.918.3627 or kfreimuth@foxrothschild.com.

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