

New Legislation to Ensure Municipalities Operate During the COVID-19 Pandemic

Articles, COVID 19: Answers to Business Challenges April 15, 2020

In an era when Zoom and other virtual meeting platforms have quickly replaced corporate meetings and boardrooms, local government officials are constrained by laws and regulations that in some cases require officials to meet in person to establish a quorum for a meeting.

New legislation that cleared the Pennsylvania House on April 14, 2020, ensures that local governments can continue to operate during the COVID-19 pandemic.

Since Governor Wolf's March 6, 2020 emergency declaration, municipal officials and their Solicitors hoped for legislation that would provide explicit confirmation that governing bodies can hold remote meetings, and when applicable, conduct business without a physically present quorum. Prior attempts by the House to address local government concerns stalled upon arrival to the Senate. See prior post.

SB 814, which already passed the State Senate on April 7, 2020 (50-0), is heading to the Governor's desk, and if signed, the new law would, among other things:

- Allow taxing districts to provide greater flexibility on real estate tax deadlines. Specifically, taxing districts will have the option to extend the "discount period" for real estate taxes to no later than August 31, 2020, and until December 31, 2020 to pay the face amount of the tax bill without penalty or interest.
 - NOTE: The governing body of taxing districts who wish to extend real estate tax deadlines must adopt a resolution within 30 days of the effective date of SB 841.
- Authorize School Districts to renegotiate contracts for contract service providers and require these providers to submit weekly documentation to the School District showing that its complement levels remain at or above the level on March 13, 2020, in order to continue being paid.
- Permit local governments to conduct public meetings by any device that permits, at a minimum, audio communication between individuals, and when applicable, without a physical quorum at one location. A local government must still provide public notice of a meeting on its website and/or in a newspaper of general circulation.
 - Public notice must include the date, time, technology to be used and how the public can participate. Notwithstanding the foregoing, SB 841 does not appear to shorten existing statutory timelines for publishing public notice.
 - Draft minutes of an emergency meeting held without public notice must be posted no later than 20 days after the emergency meeting or before the next regularly scheduled meeting, whichever is earlier.
 - A local government must allow public participation in a meeting by any device that permits, at a minimum, audio communication between individuals or by submitting written comments by mail or email.
- Suspend and toll all statutory deadlines for pending municipal action or approvals of applications, plats, plans, appeals, or other submissions from the date of the Governor's disaster declaration (March 6, 2020) until 30 days after SB 841 is signed into law.
 - Local governments must notify all affected applicants about the time extension and their right to request action.
 - Applicants may request proceedings anyway during the 30-day window, but it shall be at the local government's

discretion to fulfill the request. Additionally, applicants and all other parties that receive notice of such proceedings waive any challenge to the proceedings.

Here is a link to the full text of the proposed amendment.

For additional information contact Daniel Conlon.