

## AMENDMENTS TO HOUSE BILL NO. 1564

Sponsor: REPRESENTATIVE HARRIS

Printer's No. 1987

1 Amend Bill, page 1, line 2, by inserting after "Statutes,"  
2 in general provisions, emergency seat of government, providing  
3 for other emergencies and further providing for applicability  
4 of subchapter; and,

5 Amend Bill, page 1, lines 8 and 9, by striking out all of  
6 said lines and inserting

7 Section 1. Title 53 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:  
9 § 1123.1. Other emergencies.

10 (a) Application of section.--In addition to the other  
11 provisions of this subchapter, the provisions of this section  
12 shall also apply after the declaration of a disaster or  
13 emergency by the Governor and during which the conduct of the  
14 affairs of local government at a regular place and time are  
15 imprudent, inexpedient or impossible as provided for by this  
16 subchapter.

17 (b) Use of telecommunications devices.--If the declaration  
18 is of a disaster or emergency which would render the conduct of  
19 public business dangerous to the health or safety of the members  
20 of the governing body, officials or members of the public, the  
21 governing body of the municipality may exercise its executive,  
22 legislative and judicial powers and functions to the extent  
23 possible, by means of any telecommunication devices, which  
24 permit, at a minimum, audio communication between locations. The  
25 telecommunication devices shall permit the members of the  
26 governing body conducting the affairs of the municipality to  
27 speak to and hear the comments and votes, if any, of the meeting  
28 or conducting the affairs. The governing body need not have a  
29 quorum physically present at any one location in order to  
30 conduct business.

31 (c) Public participation and notice.--The municipality shall  
32 allow, to the extent possible, for public participation in a  
33 meeting conducted by telecommunication devices. The municipality  
34 shall post notice of the meeting on its publicly accessible  
35 Internet website, if any, no later than 24 hours prior to the  
36 start of the meeting to alert the public of the meeting and how  
37 to obtain remote participation information. At least one of the

1 following shall apply to each meeting:

2 (1) The meeting is live-streamed via web-based or  
3 mobile-based applications and platforms or other forms of  
4 transmission.

5 (2) The meeting is recorded with the recording made  
6 available to the public within 24 hours after the meeting,  
7 including on the municipality's publicly accessible Internet  
8 website, if any.

9 (3) A draft of the minutes of the meeting shall be made  
10 available for public inspection within 48 hours after the  
11 meeting on the municipality's publicly accessible Internet  
12 website or at an accessible location in the municipality.

13 (d) Newspaper notification.--Except where emergency  
14 circumstances dictate otherwise, the governing body shall, no  
15 later than 24 hours prior to the start of the meeting, notify a  
16 newspaper of general circulation of the upcoming meeting with  
17 information on how to access the meeting. The newspaper of  
18 general circulation shall be a newspaper which publishes notices  
19 of the municipality's meetings.

20 (e) Resolution.--Following the exercise of any executive,  
21 legislative or judicial powers and functions under subsection  
22 (b), and after the Governor's disaster or emergency declaration  
23 is lifted, the actual emergency and the nature of the power or  
24 function exercised shall be stated in a resolution and adopted  
25 by the governing body at the next public meeting at the regular  
26 or usual place of conducting business.

27 (f) Existing and pending approvals.--If the final day for a  
28 municipality or an agency or board of a municipality to approve  
29 or deny any application, plat, plan or other submission for an  
30 "approval" as that term is defined in section 2 of the act of  
31 July 9, 2013 (P.L.362, No.54), known as the Development Permit  
32 Extension Act, falls during a disaster or emergency dangerous to  
33 health or safety as described in subsection (b), the following  
34 shall apply:

35 (1) Notwithstanding any provision of law, charter or  
36 ordinance, for any approval received and pending action by a  
37 municipality or an agency or board of a municipality as of  
38 the date of the declaration of a disaster or emergency, the  
39 number of days provided to satisfy statutory time limits in  
40 review, hearing and decision on any application, plat, plan  
41 or submission shall be suspended or tolled as of the date of  
42 the disaster or emergency declaration and shall resume on the  
43 date following the termination of the disaster or emergency  
44 or the final extension thereof.

45 (2) The municipality shall notify in writing each  
46 applicant subject to this subsection of the disaster or  
47 emergency, the time extension set forth in this section and  
48 the right to a request as provided in subsection (c)(3). In  
49 no event shall a failure to receive the notice provided by  
50 this section affect the tolling of the number of days  
51 provided to satisfy statutory time limits for review, hearing

1 and decisions.

2 (3) The applicant may request such meetings, hearings or  
3 proceedings as may be required by the law, charter or  
4 ordinance provisions governing the application, plat, plan or  
5 submission during the period of the disaster or emergency in  
6 accordance with the procedures in subsections (b), (c), (d)  
7 and (e). It shall be at the discretion of the municipality to  
8 proceed with the requests. If the municipality agrees and  
9 holds the proceedings, the applicant, the municipality and  
10 all other parties receiving actual notice of the proceedings  
11 wave any challenge to the proceedings under 42 Pa.C.S. §  
12 5571.1 (relating to appeals from ordinances, resolutions,  
13 maps, etc.) or any other provision of law.

14 (4) For an approval granted by a municipality, or board  
15 or agency thereof, and in effect after the beginning of the  
16 disaster or emergency declaration, the running period of the  
17 approval shall be automatically suspended during the disaster  
18 or emergency and shall resume after the final termination of  
19 the disaster or emergency.

20 Section 2. Section 1124 of Title 53 is amended to read:

21 § 1124. Applicability of subchapter.

22 The provisions of this subchapter shall control, in the event  
23 it shall be employed, notwithstanding any statutory, charter or  
24 ordinance provision to the contrary or in conflict with this  
25 subchapter.

26 Section 3. Section 8802 of Title 53 is amended by adding  
27 definitions to read:

28 Amend Bill, page 2, line 4, by striking out "2" and inserting

29 4

30 Amend Bill, page 5, line 10, by striking out "3" and

31 inserting

32 5

33 Amend Bill, page 5, lines 10 and 11, by striking out "January  
34 1 of the year" in line 10 and all of line 11 and inserting

35 as follows:

36 (1) The following provisions shall take effect  
37 immediately:

38 (i) This section.

39 (ii) The amendment or addition of 53 Pa.C.S. §§  
40 1123.1 and 1124.

41 (2) The remainder of this act shall take effect January  
42 1 of the year following the date of enactment.