

AMENDMENTS TO HOUSE BILL NO. 1564

Sponsor: REPRESENTATIVE HARRIS

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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.