
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2383 Session of
2020

INTRODUCED BY HANBIDGE, APRIL 3, 2020

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 3, 2020

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in general provisions, emergency seat
3 of government, providing for other emergencies and further
4 providing for applicability of subchapter.

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

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 emergency
13 by the Governor and during which the conduct of the affairs of
14 local government at a regular place and time are imprudent,
15 inexpedient or impossible as provided for by this section.

16 (b) Use of telecommunications devices.--If the declaration
17 is of a disaster emergency which would render the conduct of
18 public business dangerous to the health or safety of the members
19 of the governing body, officials or members of the public, the

1 governing body of the municipality may exercise its executive,
2 legislative and judicial powers and functions to the extent
3 possible, by means of any telecommunication devices, which
4 permit, at a minimum, audio communication between locations. The
5 telecommunication devices shall permit the members of the
6 governing body conducting the affairs of the municipality to
7 speak to and hear the comments and votes, if any, of the other
8 members of the governing body participating in the meeting or
9 conducting the affairs. The governing body need not have a
10 quorum physically present at any one location in order to
11 conduct business.

12 (c) Public participation and notice.--The municipality shall
13 allow, to the extent possible, for public participation in a
14 meeting conducted by telecommunication devices. The municipality
15 shall post notice of the meeting on its publicly accessible
16 Internet website, if any, no later than 24 hours prior to the
17 start of the meeting to alert the public of the meeting and how
18 to obtain remote participation information. At least one of the
19 following shall apply to each meeting:

20 (1) The meeting is live streamed via web-based or
21 mobile-based applications and platforms or other forms of
22 transmission.

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

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

1 (d) Newspaper notification.--Except where emergency
2 circumstances dictate otherwise, the governing body shall, no
3 later than 24 hours prior to the start of the meeting, notify a
4 newspaper of general circulation of the upcoming meeting with
5 information on how to access the meeting. The newspaper of
6 general circulation shall be a newspaper which publishes notices
7 of the municipality's meetings.

8 (e) Resolution.--Following the exercise of any executive,
9 legislative or judicial powers and functions pursuant to
10 subsection (b), and after the Governor's disaster emergency
11 declaration is lifted, the actual emergency and the nature of
12 the power or function exercised shall be stated in a resolution
13 and adopted by the governing body at the next public meeting at
14 the regular or usual place of conducting business.

15 (f) Pending approvals.--If the final day for a municipality
16 or an agency or board of a municipality to approve or deny any
17 application, plat, plan or other submission for an "approval" as
18 that term is defined in section 2 of the act of July 9, 2013
19 (P.L.362, No.54), known as the Development Permit Extension Act,
20 falls during a disaster emergency dangerous to health or safety
21 as described under subsection (b), the following shall apply:

22 (1) Notwithstanding any provision of law, charter or
23 ordinance, for any approval received and pending action by a
24 municipality or an agency or board of a municipality as of
25 the date of the declaration of a disaster emergency, the
26 number of days provided to satisfy statutory time limits in
27 review, hearing and decision on any application, plat, plan
28 or submission shall be suspended or tolled as of the date of
29 the disaster emergency declaration and shall resume on the
30 date following the termination of the state of disaster

1 emergency or the final extension of the state of disaster
2 emergency.

3 (2) The municipality shall notify in writing each
4 applicant subject to this subsection of the disaster
5 emergency, the time extension set forth in this section and
6 the right to a request as provided in paragraph (3). In no
7 event shall a failure to receive the notice provided by this
8 section affect the tolling of the number of days provided to
9 satisfy statutory time limits for review, hearing and
10 decisions.

11 (3) The applicant may request meetings, hearings or
12 proceedings as may be required by the law, charter or
13 ordinance provisions governing the application, plat, plan or
14 submission during the period of the disaster emergency in
15 accordance with the procedures in subsections (b), (c), (d)
16 and (e). It shall be at the discretion of the municipality to
17 proceed with the requests. If the municipality agrees and
18 holds the proceedings, the applicant, the municipality and
19 all other parties receiving actual notice of the proceedings
20 waive any challenge to the proceedings under 42 Pa.C.S. §
21 5571.1 (relating to appeals from ordinances, resolutions,
22 maps, etc.) or any other provision of law.

23 (4) For an approval granted by a municipality, or board
24 or agency of a municipality, and in effect after the
25 beginning of the disaster emergency declaration, the running
26 period of the approval shall be automatically suspended
27 during the state of disaster emergency and shall resume after
28 the final termination of the state of disaster emergency.

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

30 § 1124. Applicability of subchapter.

1 The provisions of this subchapter shall control, in the event
2 it shall be employed, notwithstanding any statutory, charter or
3 ordinance provision to the contrary or in conflict with this
4 subchapter.

5 Section 3. This act shall take effect immediately.