

SUBCHAPTER E

LOCAL GOVERNMENT MEETINGS

SEC.

5741. RESPONSE TO COVID-19 DISASTER EMERGENCY.

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(A) AUTHORIZATION.--AN AGENCY, DEPARTMENT, AUTHORITY, COMMISSION, BOARD, COUNCIL, GOVERNING BODY OR OTHER ENTITY OF A POLITICAL SUBDIVISION INCLUDED IN A DECLARATION OF DISASTER EMERGENCY AS SPECIFIED UNDER SECTION 7501(D) (RELATING TO GENERAL AUTHORITY OF POLITICAL SUBDIVISIONS) MAY CONDUCT HEARINGS, MEETINGS, PROCEEDINGS OR OTHER BUSINESS THROUGH THE USE OF AN AUTHORIZED TELECOMMUNICATIONS DEVICE UNTIL THE EXPIRATION OR TERMINATION OF THE COVID-19 DISASTER EMERGENCY.

(B) QUORUM.--NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HEARING, MEETING, PROCEEDING OR OTHER BUSINESS CONDUCTED THROUGH AN AUTHORIZED TELECOMMUNICATIONS DEVICE UNDER THIS SUBSECTION SHALL NOT REQUIRE THE PHYSICAL PRESENCE AT A MEETING LOCATION OF A QUORUM OF THE PARTICIPATING MEMBERS IF A QUORUM IS OTHERWISE ESTABLISHED BY THE PARTICIPATING MEMBERS THROUGH THE AUTHORIZED TELECOMMUNICATIONS DEVICE.

(C) ADVANCE NOTICE.--TO THE EXTENT PRACTICABLE, AN AGENCY, DEPARTMENT, AUTHORITY, COMMISSION, BOARD, COUNCIL, GOVERNING BODY OR OTHER ENTITY OF A POLITICAL SUBDIVISION SHALL POST ADVANCE NOTICE OF EACH MEETING CONDUCTED UNDER SUBSECTION (A) ON THE ENTITY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE, IF ANY, IN AN ADVERTISEMENT IN A NEWSPAPER OF GENERAL CIRCULATION, OR BOTH. PUBLIC NOTICE SHALL INCLUDE THE DATE, TIME, TECHNOLOGY TO BE

USED AND PUBLIC PARTICIPATION INFORMATION AS PROVIDED UNDER
SUBSECTION (F) .

(D) MINUTES.--THE DRAFT MINUTES OF A MEETING CALLED UNDER
EXIGENT CIRCUMSTANCES, WITHOUT ADVANCE NOTICE TO THE PUBLIC, TO
ADDRESS ANY ISSUE RELATED TO THE GOVERNOR'S DISASTER EMERGENCY
DECLARATION RELATED TO COVID-19 SHALL BE POSTED WITHIN 20 DAYS
AFTER THE MEETING OR BEFORE THE NEXT REGULARLY SCHEDULED
MEETING, WHICHEVER IS EARLIER.

(E) UNRELATED ISSUE.--AN AGENCY, DEPARTMENT, AUTHORITY,
COMMISSION, BOARD, COUNCIL, GOVERNING BODY OR OTHER ENTITY OF A
POLITICAL SUBDIVISION SHALL NOT CONSIDER ANY APPLICATION, PLAT,
PLAN, SUBMISSION, APPEAL OR CURATIVE AMENDMENT UNRELATED TO THE
GOVERNOR'S DECLARATION OF DISASTER EMERGENCY RELATED TO COVID-19
DURING A MEETING UNLESS NOTICE TO THE PUBLIC AND INTERESTED
PARTIES HAS BEEN PROVIDED AT LEAST FIVE DAYS PRIOR TO THE
MEETING VIA A POST ON THE ENTITY'S PUBLICLY ACCESSIBLE INTERNET
WEBSITE, IF ANY, IN A NEWSPAPER OF GENERAL CIRCULATION, OR BOTH.

(F) PUBLIC PARTICIPATION.--TO THE EXTENT PRACTICABLE, AN
AGENCY, DEPARTMENT, AUTHORITY, COMMISSION, BOARD, COUNCIL,
GOVERNING BODY OR OTHER ENTITY OF A POLITICAL SUBDIVISION SHALL
ALLOW FOR PUBLIC PARTICIPATION IN A MEETING, HEARING OR
PROCEEDING THROUGH AN AUTHORIZED TELECOMMUNICATION DEVICE OR
WRITTEN COMMENTS. WRITTEN COMMENTS MAY BE SUBMITTED TO THE
ENTITY'S PHYSICAL ADDRESS THROUGH UNITED STATES MAIL OR TO A
EMAIL ACCOUNT DESIGNATED BY THE ENTITY TO RECEIVE THE COMMENTS.

(G) ACTION.--FOR AN ACTION REQUIRED BY LAW IN CONSIDERATION
OF ANY APPLICATION, PLAT, PLAN OR OTHER SUBMISSION FOR AN

APPROVAL OR FOR AN ACTION ON AN APPEAL OR CURATIVE AMENDMENT,
THE FOLLOWING SHALL APPLY:

(1) NOTWITHSTANDING ANY PROVISION OF LAW, FOR AN
APPROVAL, APPLICATION, PLAT, PLAN, SUBMISSION, APPEAL OR
CURATIVE AMENDMENT RECEIVED OR PENDING AS OF THE DATE OF OR
DURING THE GOVERNOR'S DECLARATION OF A DISASTER EMERGENCY
RELATED TO COVID-19, THE NUMBER OF DAYS PROVIDED TO SATISFY
STATUTORY TIME LIMITS IN REVIEW, HEARING AND DECISION SHALL
BE SUSPENDED AND TOLLED AS OF THE DATE OF THE DISASTER OR
EMERGENCY DECLARATION OR AS OF THE DATE RECEIVED IF RECEIVED
DURING THE DISASTER OR EMERGENCY DECLARATION, AND SHALL
RESUME 30 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

(2) NOTIFICATION, IN WRITING, SHALL BE PROVIDED TO EACH
APPLICANT SUBJECT TO THIS SECTION OF THE DISASTER OR
EMERGENCY, THE TIME EXTENSION UNDER THIS SECTION AND THE
RIGHT TO A REQUEST AS PROVIDED UNDER PARAGRAPH (3). A FAILURE
TO RECEIVE THE NOTICE PROVIDED UNDER THIS SECTION SHALL NOT
AFFECT THE TOLLING OF THE NUMBER OF DAYS PROVIDED TO SATISFY
STATUTORY TIME LIMITS FOR REVIEW, HEARING AND DECISIONS.

(3) WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS
SECTION, AN APPLICANT MAY REQUEST A MEETING, HEARING OR
PROCEEDING AS MAY BE REQUIRED BY LAW, AND PROVISIONS
GOVERNING THE APPLICATION, PLAT, PLAN, SUBMISSION, APPEAL OR
CURATIVE AMENDMENT DURING THE PERIOD OF THE DISASTER OR
EMERGENCY IN ACCORDANCE WITH THIS SECTION. THE AGENCY,
DEPARTMENT, AUTHORITY, COMMISSION, BOARD, COUNCIL, GOVERNING
BODY OR OTHER ENTITY OF A POLITICAL SUBDIVISION SHALL HAVE

DISCRETION TO PROCEED WITH A REQUEST UNDER THIS PARAGRAPH.
IF A PROCEEDING IS AUTHORIZED, THE APPLICANT AND EACH PARTY
RECEIVING ACTUAL NOTICE OF THE PROCEEDING SHALL BE DEEMED TO
WAIVE ANY CHALLENGE TO THE PROCEEDINGS UNDER 65 PA.C.S. CH. 7
(RELATING TO OPEN MEETINGS) OR ANY OTHER PROVISION OF LAW
THAT GOVERNS THE NOTICE, CONDUCT OR PARTICIPATION IN A
MEETING OR PROCEEDING.

(H) APPLICABILITY.--THIS SECTION SHALL APPLY TO COVID-19
DISASTER EMERGENCY.

(I) EXPIRATION.--THIS SECTION SHALL EXPIRE WHEN THE COVID-19
DISASTER EMERGENCY TERMINATES OR EXPIRES UNDER SECTION 7301(C)
(RELATING TO GENERAL AUTHORITY OF GOVERNOR).

(J) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"APPROVAL." AS DEFINED IN SECTION 2 OF THE ACT OF JULY 9,
2013 (P.L.362, NO.54), KNOWN AS THE DEVELOPMENT PERMIT EXTENSION
ACT.

"AUTHORIZED TELECOMMUNICATIONS DEVICE." THE TERM INCLUDES
ANY DEVICE WHICH PERMITS, AT A MINIMUM, AUDIO COMMUNICATION
BETWEEN INDIVIDUALS.

SECTION 1.2. SECTION 7501(D) OF TITLE 35 IS AMENDED TO READ:
§ 7501. GENERAL AUTHORITY OF POLITICAL SUBDIVISIONS.

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(D) TEMPORARY SUSPENSION OF FORMAL REQUIREMENTS.--EACH
POLITICAL SUBDIVISION INCLUDED IN A DECLARATION OF DISASTER
EMERGENCY DECLARED BY EITHER THE GOVERNOR OR THE GOVERNING BODY

OF THE POLITICAL SUBDIVISION AFFECTED BY THE DISASTER EMERGENCY IS AUTHORIZED TO EXERCISE THE POWERS VESTED UNDER THIS SECTION IN THE LIGHT OF THE EXIGENCIES OF THE EMERGENCY SITUATION WITHOUT REGARD TO TIME-CONSUMING PROCEDURES AND FORMALITIES PRESCRIBED BY LAW (EXCEPTING MANDATORY CONSTITUTIONAL REQUIREMENTS) PERTAINING TO THE PERFORMANCE OF PUBLIC WORK, ENTERING INTO CONTRACTS, THE INCURRING OF OBLIGATIONS, THE EMPLOYMENT OF TEMPORARY WORKERS, THE RENTAL OF EQUIPMENT, THE PURCHASE OF SUPPLIES AND MATERIALS, THE LEVYING OF TAXES AND THE APPROPRIATION AND EXPENDITURE OF PUBLIC FUNDS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNING BODY OF A POLITICAL SUBDIVISION SHALL NOT BE REQUIRED TO HAVE A QUORUM PHYSICALLY PRESENT AT ANY ONE LOCATION IN ORDER TO CONDUCT BUSINESS IF A QUORUM IS OTHERWISE ESTABLISHED BY THE PARTICIPATING MEMBERS THROUGH AN AUTHORIZED TELECOMMUNICATION DEVICE.

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