

Summary of H4598

An Act to address challenges faced by municipalities and state authorities resulting from COVID-19

- Allows an annual town meeting to be delayed beyond June 30th in the event of an emergency that poses an immediate threat to health or safety that prevents the completion of the business of the delayed town meeting on or before June 30 if the Governor has declared a state of emergency with respect to the emergency.
- Allows a town moderator or person designated to perform the duties of town moderator during a weather-related, public safety or public health emergency, in consultation with local public safety or public health officials and the board of selectmen, to recess and continue a town meeting previously called to a time, place and date certain not exceed 30 days.
- Allows a town moderator or person designated to perform the duties of town moderator to renew the declaration of recess of town meeting and continuance period for up to 30 days at a time but not more than 30 days following the date of rescission of a state of emergency declared by the Governor.
- Requires a local public safety or public health official designated by the board of selectmen of a town to submit a report to the Attorney General providing the justification for the initial declaration of recess and continuance of a town meeting.
- Allows the Director of Accounts of the Department of Revenue, if a declared emergency prevents the adoption of an annual budget by a town or district by the June 30 preceding the start of the fiscal year, to approve expenditures of an amount sufficient for the operations of a town or district during the month of July not less than 1/12 of the total budget approved by the town or district in the most recent fiscal and allows the authority to continue for each successive month while the emergency continues to prevent the adoption of a budget.
- Allows, for the declaration of a state of emergency issued by the Governor on March 10, 2020 and 60 days thereafter, a public corporation, to conduct an annual or special meeting of the shareholders solely by means of remote communication.
- Allows, for the declaration of a state of emergency issued by the Governor on March 10, 2020 and 60 days thereafter, participation by remote communication at any non-profit corporate meeting of the members to constitute presence at such meeting if certain conditions are met.
- Allows the Director of Accounts of the Department of Revenue to authorize the appropriation from the available balance of a town's or district's undesignated fund balance or "free cash" as a funding source for the town's or district's fiscal year 2021 expenditures if the adoption of an annual budget in a town or district is delayed beyond June 30, 2020, as a result of the Governor's March 10, 2020 declaration of a state of emergency.
- Allows a city, town or district to amortize over fiscal years 2021 to 2023, the amount of its fiscal year 2020 deficit resulting from the outbreak of the 2019 novel coronavirus, as described in the Governor's March 10, 2020 declaration of a state of emergency.
- Allows a city or town, for fiscal year 2021, to expend from each revolving fund an amount not to exceed the amount authorized to be expended in fiscal year 2020 until the city or town adopts an annual budget for fiscal year 2021 and at which time, requires the legislative body of the city or town to vote on the total amount that may be expended from each revolving fund in fiscal year 2021.

- Suspends all time periods within which any municipality is required to act, respond, effectuate or exercise an option to purchase during and for a period of 90 days after the termination of the Governor's March 10, 2020 declaration of a state of emergency.
- Allows the chief executive officer of a city or town, as a result of the outbreak of the 2019 novel coronavirus, to extend certain local tax payment deadlines in accordance with this act.
- Prohibits a city or town from terminating an essential service of a resident, including, but not limited to, water, trash collection or electricity, for nonpayment of taxes or fees with a due date on or after March 10, 2020, made after its respective due date but before June 30, 2020, if the nonpayment resulted from a demonstrated inability to pay due to circumstances related to the outbreak of the 2019 novel coronavirus; provided that the inability to pay shall include a demonstrated financial hardship of a resident, which may include, but not be limited to, loss of employment, serious illness of someone within the home or death of someone within the home.
- Allows the chief executive officer of a city or the prudential committee or commissioners of a district, as a result of the outbreak of the 2019 novel coronavirus and the declaration of a state of emergency issued by the Governor on March 10, 2020, to waive the payment of interest and other penalty in the event of late payment of any excise, tax, betterment assessment or apportionment thereof, water rate or annual sewer use or other charge added to a tax for any payments with a due date on or after March 10, 2020 and made after its respective due date but before June 30, 2020.
- Extends the filing deadline for all tax returns and payments for the 2019 calendar year otherwise due on April 15, 2020 to July 15, 2020.
- Allows an establishment licensed to sell alcoholic beverages or only wines and malt beverages on-premises, during the state of emergency declared by the Governor on March 10, 2020, to sell wine or malt beverages only for off-premises consumption subject to certain conditions.
- Exempts from the caps on hours worked and earnings received during the state of emergency issued by the Governor on March 10, 2020 (i) any person who has been retired and who is receiving a pension or retirement allowance from the commonwealth, a county, city, town, district or authority; and (ii) any person whose employment in the service of the commonwealth, county, city, town, district or authority has been terminated by reason of having attained a specified age without being entitled to any pension or retirement allowance.
- States that, for the duration of the state of emergency declared by the Governor on March 10, 2020 as a result of the outbreak of the 2019 novel coronavirus:
 - an application for a permit shall be deemed duly filed and accepted as of the date of the filing by the applicant, if filed with and certified as received the receiving entity;
 - a requirement of a statute, ordinance, bylaw, rule or regulation that a hearing commence within a specific period of time after the filing of an application or request for approval of a permit is suspended as of March 10, 2020 but shall resume 45 days after the termination of the state of emergency;
 - a permit in effect or existence as of March 10, 2020, shall not lapse or expire and the expiration date of the permit, or time period for meeting a deadline or for performance of a condition of the permit, shall toll during the state of emergency;

- no permit shall be considered granted, approved or denied due to a failure of the permit granting authority to act within the time required by law provided that the permit granting authority acts within 45 days of the termination of the state of emergency;
- a permit granting authority may schedule or reschedule on 1 or more occasions the hearing or decision deadlines on a permit application provided no such date or deadline is rescheduled for more than 45 days after the termination of the state of emergency;
- suspends the requirement that a permit be recorded with the registry of deeds or filed with registry district of the land court within a certain period of time after its issuance in order to remain in force and effect or as a condition to exercising the permit;
- a permit granting authority, during the state of emergency, may conduct meetings and public hearings remotely, consistent with the Governor's order entitled "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20" issued March 12, 2020; and
- a permit granting authority may issue decisions on permit applications for which duly held public hearings or meetings have been held.