COVID-19 PANDEMIC PLANNING RESPONSE

Senate Bill 841, Local Government + Land Development

April 22, 2020
Call-In Information

If you are unable to access the webinar via the web or experience difficulties accessing the webinar. Please call into the webinar using the below information:

• +1 872-222-9976  United States, Chicago (Toll)
• Conference ID: 749 228 830#
Virtual Meeting Protocol

• As we can’t see each other and wish to support the public dialogue we need to conduct the meeting a bit differently:
  • All questions and comments can be sent via the Q&A on the webinar screen
  • Becky Bradley will be asking our speaker, Christopher McLean, the questions that are entered into the chat box at the end of the presentation
  • This webinar is being recorded
COVID-19 IMPACT ON THE LEHIGH VALLEY
The Covid-19 emergency is affecting families, businesses and communities across the Lehigh Valley. Keep informed about how the region's responding and what you need to know as we help each other through this global pandemic crisis.

Resources
- Covid-19 Webinar: New Law to Navigate Subdivision and Land Development through the Pandemic
- LVPC Meeting Updates
- What You Need To Know
- How To Protect Yourself
- Centers For Disease Control And Prevention
- Covid-19 Data For Pennsylvania

Articles
- Your View: How New Hazard Mitigation Plan Will Help Our Communities, The Morning Call, April 10, 2020
- The Flip Side Of Those Annoying Trucks, Matt Assad, Managing Editor
- Road Warrior: Lehigh Valley Highways Empty As Coronavirus Keeps Drivers At Home, The Morning Call, April 9, 2020
Covid-19 Cases in the Lehigh Valley

Lehigh County
2,245 Cases
Lehigh County
641 Cases per 100,000 People

Northampton County
1,469 Cases
Northampton County
490 Cases per 100,000 People

Lehigh Valley Planning Commission
Christopher
McLean
Real Estate & Land Use Attorney
What We Are Covering

- Covid-19 Pandemic Timeline & The Unprecedented Legislative Response related to local government and development
- Senate Bill 841 or Act 15 of 2020
  - What it is
  - What it isn’t
  - What it means
  - What do we do?
  - Where to get more information
- Question & Answers
## COVID-19 Pandemic Timeline

### Late February
- Recognition of Quick Spread of Virus

### March 6th
- First 2 Covid-19 Cases Announced & Disaster Emergency Declared

### Early March
- Events & Meetings Begin to be Cancelled Broadly

### March 13th
- Governor Issues Initial School Closure Order

### March 19th
- Governor Issues Order Closing Non-Essential Businesses

### Mid-March
- Professional Assocs Work w/ PA Legislature On Development/ Covid-19 Issues

### Mid-March
- PA House & Senate Begin Working On Bill in Response

### March 25th
- Governor Issues Stay-at-Home Order For Lehigh Valley

### April 7th
- Senate Unanimously Adopts Bill 841 & Sends to House

### April 14th
- House Unanimously Adopts Bill 841 & Sends to Governor

### April 20th
- Governor Wolf signs Bill 841 or Act 15 Into Law
Act 15 or Senate Bill 841

- Intent of the bill covers many topics:
  - Reauthorizes the Pennsylvania Health Care Cost Containment Council and requires it to study the impact of Covid-19 on hospitals and health systems.
  - Allows local governments to conduct remote public meetings.
  - Establishes action and public meeting protocols on development-related issues.
  - Provides property tax relief by allowing taxing districts to waive late fees and penalties for property taxes paid by December 31, 2020.
  - Allows school districts to renegotiate contracts with service providers to ensure payment of personnel and fixed costs during the school closure.
  - Allows remote notarization of documents.
Authorizes

• “An agency, department, authority, commission, board, council, governing body or other entity of a political subdivision included in a declaration of disaster emergency”

• “To 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.”

  • Authorized telecommunications device – “any device which permits, at a minimum, audio communication between individuals.”
Quorum for Public Meetings

“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.”
Advance Notice for Public Meetings

• “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).”
Minutes of Public Meetings

“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.”
Development & Public Notice

“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.”
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.”
Time Extension/Tolling

• “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.”
Notice of Time Extension/Tolling

“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.”
Requests to Proceed

• “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.”
Applicability & Expiration

• “This section shall apply to Covid-19 disaster emergency.”

• “This section shall expire when the Covid-19 Disaster Emergency terminates or expires under section 7301(c) (relating to general authority of governor).”
Act 15 of 2020

• Full Text of the Act is located here: https://www.legis.state.pa.us/
• Local Government provisions begin on page 56 in Subsection 5741
Q + A
PLANNING
ON THE MENU

Build | LV: Development is Changing

April 29th @ 8:30 AM

http://tiny.cc/LVPC0430mtg
1-872-222-9976
Conference ID# 460386771#

Links + Info @ lvpc.org