

# SENATE . . . . . No. 2619

---

Senate, March 30, 2020 -- Text of the Senate amendment (Senator Rodrigues) to the House Bill to address challenges faced by municipalities and state authorities resulting from COVID-19 (House, No. 4598).

---

## The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court  
(2019-2020)

1           SECTION 1. Section 9 of chapter 39 of the General Laws, as appearing in the 2018  
2 Official Edition, is hereby amended by striking out, in lines 13 to 14, the word “thirtieth” and  
3 inserting in place thereof the following words:- 30 except in the event of an emergency that  
4 poses an immediate threat to the health or safety of persons or property that prevents the  
5 completion of the business of the delayed town meeting on or before June 30 if the governor has  
6 declared a state of emergency with respect to such emergency.

7           SECTION 2. Subsection (a) of section 10A of said chapter 39, as so appearing, is hereby  
8 amended by striking out the first sentence and inserting in place thereof the following 2  
9 sentences:-

10           Notwithstanding any general or special law, charter provision or by-law to the contrary,  
11 during and for a period of 5 days after the termination of any weather-related, public safety or  
12 public health emergency, the town moderator or person designated to perform the duties of town  
13 moderator may, in consultation with local public safety or public health officials and the board of  
14 selectmen, recess and continue a town meeting previously called pursuant to a warrant issued  
15 pursuant to section 10 to a time, date and place certain; provided, however, that any such recess

16 and continuance period shall not exceed 30 days. The moderator or person designated to perform  
17 the duties of town moderator may renew the declaration of recess and continuance period for up  
18 to 30 days at a time but not more than 30 days following the date of rescission of a state of  
19 emergency declared by the governor. If a town does not have a moderator, the board of  
20 selectmen may recess and continue town meeting in accordance with this paragraph.

21 SECTION 3. Said section 10A of said chapter 39, as so appearing, is hereby amended by  
22 striking out subsection (c).

23 SECTION 4. Said section 10A of said chapter 39, as so appearing, is hereby amended by  
24 striking out subsection (d) and inserting in place thereof the following subsection:-

25 (d) Within 10 days after the initial declaration of recess and continuance of a town  
26 meeting pursuant to this section, a local public safety or public health official designated by the  
27 board of selectmen shall submit a report to the attorney general providing the justification for the  
28 declaration.

29 SECTION 5. The first paragraph of section 31 of chapter 44 of the General Laws, as so  
30 appearing, is hereby amended by inserting after the second sentence the following 2 sentences:-  
31 If the declared emergency prevents the adoption of an annual budget by a town or district by the  
32 June 30 preceding the start of the fiscal year, the board of selectmen, town council or district  
33 commissioners shall notify the director and the director may approve expenditures, from any  
34 appropriate fund or account, of an amount sufficient for the operations of the town or district  
35 during the month of July not less than 1/12 of the total budget approved by the town or district in  
36 the most recent fiscal year pursuant to a plan approved by the board of selectmen, town council  
37 or district commissioners and such authority shall continue for each successive month while the

38 emergency continues to prevent the adoption of a budget. The director may promulgate and  
39 revise rules or regulations regarding the approval of emergency expenditures described in this  
40 section and accounting with regard to such expenditures.

41 SECTION 6. Notwithstanding any general or special law to the contrary, if the adoption  
42 of an annual budget in a city, town or district is delayed beyond June 30, 2020, as a result of the  
43 governor's March 10, 2020 declaration of a state of emergency or the outbreak of the 2019 novel  
44 coronavirus, also known as COVID-19, the director of accounts of the department of revenue  
45 may authorize the appropriation from the available balance of the city's, town's or district's  
46 undesignated fund balance or "free cash" certified by the director under section 23 of chapter 59  
47 of the General Laws as of July 1, 2019, as a funding source for the city's, town's or district's  
48 fiscal year 2021 expenditures, including, but not limited to, any such undesignated fund balance  
49 in an enterprise fund or special revenue account. The director of accounts may promulgate and  
50 revise rules or regulations regarding the implementation of this section.

51 SECTION 7. Notwithstanding section 31 of chapter 44 of the General Laws, section 23  
52 of chapter 59 of the General Laws or any other general or special law to the contrary, a city,  
53 town or district may amortize over fiscal years 2021 to 2023, inclusive, in equal installments or  
54 more rapidly, the amount of its fiscal year 2020 deficit resulting from the outbreak of the 2019  
55 novel coronavirus, also known as COVID-19, as described in the governor's March 10, 2020  
56 declaration of a state of emergency, including, but not limited to, any such deficit in an enterprise  
57 fund or special revenue account. The local appropriating authority as defined in section 21C of  
58 said chapter 59 and, in the case of a district, the prudential committee or commissioners, or as  
59 otherwise defined in the General Laws, shall adopt a deficit amortization schedule in accordance  
60 with the preceding sentence before setting the city's, town's or district's fiscal year 2021 tax rate.

61 The commissioner of revenue may issue guidelines or instructions for reporting the amortization  
62 of deficits authorized by this section.

63 SECTION 8. Notwithstanding any general or special law to the contrary, as a result of the  
64 outbreak of the 2019 novel coronavirus, also known as COVID-19, and the governor's March  
65 10, 2020 declaration of a state of emergency, for fiscal year 2021, a city or town may expend  
66 from each revolving fund established under section 53E1/2 of chapter 44 of the General Laws an  
67 amount not to exceed the amount authorized to be expended in fiscal year 2020 until the city or  
68 town adopts an annual budget for fiscal year 2021 at which time, the legislative body of the city  
69 or town shall also vote on the total amount that may be expended from each revolving fund in  
70 fiscal year 2021.

71 SECTION 9. Notwithstanding section 8 of chapter 61 of the General Laws, section 14 of  
72 chapter 61A of the General Laws, section 9 of chapter 61B of the General Laws or any other  
73 general or special law, charter provision, ordinance or by-law to the contrary, during and for a  
74 period of 90 days after the termination of the governor's March 10, 2020 declaration of a state of  
75 emergency, all time periods within which any municipality is required to act, respond, effectuate  
76 or exercise an option to purchase shall be suspended.

77 SECTION 10. (a) Notwithstanding any general or special law to the contrary, as a result  
78 of the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the governor's  
79 March 10, 2020 declaration of a state of emergency, for fiscal year 2020, the chief executive  
80 officer of a city or town, as defined in clause Fifth B of section 7 of chapter 4 of the General  
81 Laws, or a district may extend:

82 (i) for the purposes of the first paragraph of section 57 of chapter 59 of the General Laws,  
83 the date May 1 to a date not later than June 1, 2020;

84 (ii) for the purposes of the seventh and eighth paragraphs and the tenth and eleventh  
85 paragraphs of said section 57C of said chapter 59, the date May 1 to a date not later than June 1,  
86 2020;

87 (iii) for the purposes of the seventh paragraph of said section 57C of said chapter 59, the  
88 date April 1 to a date not later than June 1, 2020; and

89 (iv) for the purposes of the third paragraph of said section 59 of said chapter 59, the date  
90 April 1 to a date not later than June 1, 2020.

91 (b) Notwithstanding said section 57 of said chapter 59, said section 57C of said chapter  
92 59, said section 59 of said chapter 59 or any other general or special law to the contrary, if  
93 municipal offices are closed as a result of the outbreak of the 2019 novel coronavirus, also  
94 known as COVID-19, or the governor's March 10, 2020 declaration of a state of emergency on  
95 the date that a tax payment, abatement or exemption application is due, the due dates shall not be  
96 extended except pursuant to this section.

97 SECTION 11. Notwithstanding section 57 of chapter 59 of the General Laws, section  
98 57A of said chapter 59, section 57C of said chapter 59, section 2 of chapter 60A of the General  
99 Laws or any other general or special law to the contrary, as a result of the outbreak of the 2019  
100 novel coronavirus, also known as COVID-19, or the governor's March 10, 2020 declaration of a  
101 state of emergency, the chief executive officer of a city or town, as defined in clause Fifth B of  
102 section 7 of chapter 4 of the General Laws, or the prudential committee or commissioners of a  
103 district may waive the payment of interest and other penalty in the event of late payment of any

104 excise, tax, betterment assessment or apportionment thereof, water rate or annual sewer use or  
105 other charge added to a tax for any payments with a due date on or after March 10, 2020 and  
106 made after its respective due date but before June 30, 2020. Notwithstanding the forgoing, a city  
107 or town shall not terminate an essential service of a resident, including, but not limited to, water,  
108 trash collection or electricity, for nonpayment of taxes or fees with a due date on or after March  
109 10, 2020, made after its respective due date but before June 30, 2020, if the nonpayment resulted  
110 from a demonstrated inability to pay due to circumstances related to the outbreak of the 2019  
111 novel coronavirus, also known as COVID-19. or the governor’s March 10, 2020 declaration of a  
112 state of emergency.

113 SECTION 12. Notwithstanding chapter 62C of the General Laws, all returns and  
114 payments for the 2019 calendar year otherwise due on April 15, 2020 under section 6 of said  
115 chapter 62C shall be due on July 15, 2020.

116 SECTION 13. Notwithstanding any general or special law to the contrary, during the  
117 governor’s March 10, 2020 declaration of a state of emergency, an establishment licensed to sell  
118 alcoholic beverages or only wines and malt beverages on-premises may sell wine or malt  
119 beverages only for off-premises consumption subject to the following conditions: (i) the wine or  
120 malt beverage shall not be sold to a person under 21 years of age; provided, however, that any  
121 delivery of wine or malt beverages for off-premises consumption shall not be made without  
122 verification that the person receiving the order has attained 21 years of age; (ii) the wine shall be  
123 sold in its original, sealed container and the malt beverage shall be sold in a sealed container; (iii)  
124 the wine or malt beverage shall be sold as part of the same transaction as the purchase of food;  
125 provided, however, that any order that includes wine or malt beverages shall be placed not later  
126 than the hour of which the establishment is licensed to sell alcohol or 12:00 midnight, whichever

127 time is earlier; and (iv) a customer shall be limited to 192 ounces of malt beverage and 1.5 liters  
128 of wine per transaction.

129 SECTION 14. (a) Notwithstanding any general or special law to the contrary, subsections  
130 (b) and (c) of section 91 of chapter 32 of the General Laws shall not apply in calendar year 2020  
131 to the following 2 categories of persons for hours worked and earnings received during the  
132 governor's March 10, 2020 state of emergency:

133 (i) any person who has been retired and who is receiving a pension or retirement  
134 allowance, pursuant to said chapter 32 or any other general or special law, from the  
135 commonwealth or a county, city, town, district or authority; or

136 (ii) any person whose employment in the service of the commonwealth or a county, city,  
137 town, district or authority has been terminated, pursuant to said chapter 32 or any other general  
138 or special law, by reason of having attained an age specified in said general or special law or by  
139 the rules and regulations of any department or agency of the commonwealth or a county, city,  
140 town, district or authority without being entitled to any pension or retirement allowance.

141 These 2 categories of persons may, during the state of emergency and subject to all other  
142 laws, rules and regulations governing the employment of persons in the commonwealth or a  
143 county, city, town, district or authority, be employed in the service of the commonwealth or a  
144 county, city, town, district or authority, including as a consultant or independent contractor or as  
145 a person whose regular duties require that such person's time be devoted to the service of the  
146 commonwealth, county, city, town, district or authority during regular business hours.

147 (b) This section shall not apply to individuals retired under a general or special law on  
148 disability.

149 SECTION 15. Notwithstanding section 7.08 of chapter 156D of the General Laws or  
150 any other general or special law to the contrary, as a result of the outbreak of the 2019 novel  
151 coronavirus, known as COVID-19 and the declaration of a state of emergency issued on March  
152 10, 2020, for the duration of said state of emergency and 60 days thereafter, a public corporation,  
153 as referenced in said section 7.08 and otherwise consistent with the other provisions of such  
154 section, may conduct an annual or special meeting of the shareholders solely by means of remote  
155 communication.

156 SECTION 16. Notwithstanding any general or special law or any bylaw of the  
157 corporation to the contrary, for the duration of the governor's March 10, 2020 state of emergency  
158 and 60 days thereafter and unless the articles of organization provide otherwise, the board of  
159 directors of a corporation described in section 1 of chapter 180 of the General Laws may: (i)  
160 provide notice of a meeting of the board of directors: (A) only to those directors it is practicable  
161 to reach; and (B) in any practicable manner; (ii) cancel a meeting of the members, with notice of  
162 cancellation given in any practicable manner; (iii) allow a director or officer to continue to serve  
163 despite the expiration of a director's or officer's term, until the director's or officer's successor is  
164 elected, appointed or designated and until the director's or officer's successor takes office; (iv)  
165 allow a director to participate in a regular or special meeting by, or conduct the meeting through  
166 the use of, any means of communication by which all directors participating are able to  
167 simultaneously communicate with each other during the meeting; (v) allow members at a  
168 meeting of the members to vote in person or by proxy, and to consider any member voting by  
169 proxy present at the meeting for purposes of any quorum requirement; (vi) appoint successors to  
170 any of the officers, directors, employees or agents; (vii) relocate the principal office or designate  
171 alternative offices; and (viii) allow members to participate in any meeting of members by remote



172 participation, even if not physically present at the meeting. Participation by remote  
173 communication at any meeting of the members shall constitute presence at such meeting only if:  
174 (i) reasonable measures are implemented to verify that each person deemed present and  
175 permitted to vote at the meeting by means of remote communication is a member or  
176 proxyholder; (ii) reasonable measures are implemented to provide such members and  
177 proxyholders a reasonable opportunity to participate in the meeting and to vote on matters  
178 submitted to the members, including an opportunity to read or hear to the proceedings of the  
179 meeting substantially concurrently with such proceedings, pose questions and make comments,  
180 regardless of whether the members can simultaneously communicate with each other during the  
181 meeting; and (iii) if any member or proxyholder votes or takes other action at the meeting by  
182 means of remote communication, a record of such vote or other action shall be maintained by the  
183 corporation.

184 Directors who participate in a meeting of the board of directors pursuant to this section  
185 shall constitute a quorum. Notwithstanding the end of the state of emergency, directors and  
186 officers whose term is extended pursuant to this section shall continue to serve until the  
187 director's or officer's successor is elected, appointed or designated and until the director's or  
188 officer's successor takes office. In a corporation with members, the corporation shall notify the  
189 members, as soon as reasonably practicable, of any action taken by the board of directors  
190 pursuant to this section

191 SECTION 17. (a) As used in this section, the following words shall have the following  
192 meanings unless the context clearly requires otherwise:

193 “Permit”, a permit, variance, special permit, license, amendment, extension, or other  
194 approval issued by a permit granting authority pursuant to a statute, ordinance, bylaw, rule or  
195 regulation, whether ministerial or discretionary.

196 “Permit granting authority”, a local, district, county or regional official or a local, district,  
197 county or regional multi-member body that is authorized to issue a permit.

198 (b) Notwithstanding any general or special law, rule, regulation, charter, ordinance or by-  
199 law to the contrary, during the governor’s March 10, 2020 declaration of a state of emergency:

200 (i) an application for a permit shall be deemed duly filed and accepted as of the date of  
201 the filing by the applicant if filed with and certified as received by the city or town clerk if a  
202 municipality, or with the secretary or other official established by law to receive such  
203 applications if a county or regional entity. Notwithstanding the foregoing, a permit granting  
204 authority may contest the completeness of an application at the time of filing if the application is  
205 ultimately denied by the permitting board on other grounds or if the permit is ultimately appealed  
206 by the applicant. An application for a permit may be filed electronically, through an electronic  
207 submission website established by the permit granting authority or through attachment of the  
208 requisite forms and supplemental materials to electronic mail sent to the clerk, secretary or  
209 official. Certification of receipt for purposes of this paragraph may be provided electronically to  
210 the applicant and shall be provided electronically if the permit application is submitted  
211 electronically and electronic certification of receipt is requested by the applicant;

212 (ii) a requirement of a statute, ordinance, bylaw, rule or regulation that a hearing  
213 commence within a specific period of time after the filing of an application or request for  
214 approval of a permit shall be suspended as of March 10, 2020; provided, however, that the

215 applicable period shall resume 45 days after the termination of the state of emergency, or by a  
216 date otherwise prescribed by law, whichever is later;

217 (iii) a permit in effect or existence as of March 10, 2020, including any deadlines or  
218 conditions of the permit, shall not lapse or otherwise expire and the expiration date of the permit,  
219 or time period for meeting a deadline or for performance of a condition of the permit, shall toll  
220 during the state of emergency;

221 (iv) no permit shall be considered granted, approved or denied, constructively or  
222 otherwise, due to a failure of the permit granting authority to act within the time required by a  
223 statute, ordinance, bylaw, rule or regulation; provided, however, that the permit granting  
224 authority acts within 45 days of the termination of the state of emergency or by a date otherwise  
225 prescribed by law, whichever is later; provided further, that the applicant and permit granting  
226 authority may agree to alternative timing in writing;

227 (v) notwithstanding the time periods by which a permit is to be heard or acted upon, a  
228 permit granting authority may, by a declaration of its chair, schedule or reschedule on 1 or more  
229 occasions the hearing or decision deadlines on a permit application; provided, however, that the  
230 chair may make such declaration whether or not a quorum is present to vote on such matter;  
231 provided further, that no such date or deadline is rescheduled for more than 45 days after the  
232 termination of the state of emergency or after a date otherwise prescribed by law, whichever is  
233 later. The chair shall provide written notice of any applicable rescheduled dates or deadlines to  
234 the applicant at the applicant's address and to the general public by posting electronically on the  
235 website of the city or town clerk or the website of the county or regional entity;

236 (vi) if a permit is required to be recorded with the registry of deeds or filed with registry  
237 district of the land court, as applicable, for the county or district in which the property subject to  
238 the permit is located, within a certain period of time after its issuance in order to remain in force  
239 and effect or as a condition to exercising the permit: (A) the period of time for recording the  
240 permit shall be suspended during such time that the relevant registry of deeds or registry district  
241 of the land court is closed or subject to rules and procedures restricting public in-person access;  
242 and (B) the failure to record the permit shall not preclude the permit holder from applying for,  
243 obtaining and commencing construction activities pursuant to other required permits and  
244 approvals, including, but not limited to, a building permit; provided, however, that such  
245 abuilding permit may be issued and, if issued, shall be considered duly issued pursuant to section  
246 6 of chapter 40A of the General Laws; and

247 (vii) a hearing on a pending application for a permit opened by a permit granting  
248 authority before March 10, 2020, which has not been concluded as of March 10, 2020 or has  
249 been continued by the permit granting authority as of March 10, 2020, shall be automatically  
250 tolled and continued to the first hearing date of the permit granting authority following the  
251 termination of the state of emergency or to a date otherwise prescribed by law, whichever is  
252 later; provided, however, that the date is not later than 45 days from of the termination of the  
253 state of emergency or the date otherwise prescribed by law, whichever is later.

254 (c) Nothing in this section shall affect the ability of a permit granting authority, subject to  
255 applicable notice and hearing requirements, to revoke or modify a permit if that permit or the law  
256 or regulation under which the permit was issued authorizes the modification or revocation  
257 thereof; provided, however, that the permit granting authority shall not revoke or modify the  
258 permit where the permit holder fails as a result of the state of emergency to exercise or otherwise

259 commence work pursuant to the permit or where such work commenced on or before March 10,  
260 2020 but has stopped as a result of the state of emergency or actions taken by an agency or  
261 political subdivision of the commonwealth in reliance thereon. The limitations set forth in this  
262 subsection shall apply as long as the state of emergency is in effect and for a period of 60 days  
263 following the termination of the state of emergency; provided, however, that a permit holder  
264 shall be entitled to a further extension of reasonable length to exercise or otherwise commence  
265 work pursuant to the permit at the discretion of the permit granting authority for good cause  
266 shown; provided further, that the chair of any permit granting authority may grant such further  
267 extension whether or not a quorum is present to vote on the matter.

268 (d) Notwithstanding the requirements of section 20 of chapter 30A of the General Laws,  
269 a permit granting authority, during the state of emergency, may conduct meetings and public  
270 hearings remotely, consistent with the governor’s March 12, 2020 order titled “Order Suspending  
271 Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20”, as the order may be amended,  
272 supplemented or replaced.

273 (e) Nothing in this section shall preclude or prohibit a permit granting authority from  
274 issuing decisions on permit applications for which duly held public hearings or meetings have  
275 been held or preclude or prohibit any building commissioner, inspector of buildings or other  
276 permit granting official, as applicable, from issuing permits, including, but not limited to,  
277 demolition or building permits.

278 (f) Notwithstanding any general or special law to the contrary and without limiting the  
279 foregoing, this section shall apply to the conduct of public meetings, public hearings or other  
280 actions taken in a quasi-judicial capacity by all local boards and commissions.

281 SECTION 18. A notary public appointed pursuant to chapter 222 of the General Laws  
282 who is an attorney licensed to practice law in the commonwealth or a paralegal under the direct  
283 supervision of such an attorney may perform an acknowledgement, affirmation or other notarial  
284 act utilizing electronic video conferencing in real time as provided in this section and sections 19  
285 to 22, inclusive. The principal in the notarial act may be acting individually or in any  
286 representative capacity. The term “principal” in this section and sections 19 to 22, inclusive,  
287 shall mean a person who is signing as a principal or as a credible witness with respect to the  
288 document being signed.

289 SECTION 19. (a) An acknowledgment, affirmation or other notarial act utilizing  
290 electronic video conferencing pursuant to section 18 to 22, inclusive, shall be valid and effective  
291 if:

292 (i) the notary public observes a principal’s execution of a document;

293 (ii) both the notary public and the principal are physically located within the  
294 commonwealth;

295 (iii) the principal causes the executed document to be delivered to the notary public by  
296 delivery service, courier or other means in accordance with the notary public’s instructions;

297 (iv) the principal provides the notary public with satisfactory evidence of identity;

298 provided, however, that for purposes of sections 18 to 22, inclusive, “satisfactory evidence of

299 identity” shall have the same meaning as under subsections (i) or (iii) of the definition of

300 “satisfactory evidence of identity” in section 1 of chapter 222 of the General Laws; provided

301 further, that if the principal is not a United States citizen, a valid passport or other government-

302 issued identification credential that evidences the principal’s nationality or residence and that

303 bears the photographic image of the principal's face and signature shall constitute satisfactory  
304 evidence of identity; provided further, that if the "satisfactory evidence of identity" is a  
305 government-issued identification credential, the principal shall visually display their  
306 identification credential to the notary public during the initial video conference and the principal  
307 shall transmit to the notary public, or the notary public shall obtain, a copy of the front and back  
308 of the identification credential, with the executed document or separately through electronic  
309 means; provided further, that if the principal's identification credential is a United States or  
310 foreign passport book, a copy of the front cover and page displaying the principal's photograph,  
311 name and signature shall be a sufficient copy; and provided further, that a copy of any such  
312 identification credential shall be retained for a period of 10 years by the notary public if the  
313 notary public is an attorney or by the supervising attorney if the notary public is a paralegal;

314 (v) upon receipt of the executed document, the notary public and the principal engage in a  
315 second video conference during which the principal verifies to the notary public that the  
316 document received by the notary public is the same document executed during the first video  
317 conference; and

318 (vi) during the second video conference, the principal makes the acknowledgment,  
319 affirmation or other act to the notary public, as appropriate.

320 During any video conference pursuant to sections 18 to 22, inclusive, the principal shall  
321 also: (i) swear or affirm under the penalties of perjury that the principal is physically located  
322 within the commonwealth; and (ii) make a disclosure of any person present in the room with the  
323 principal and make them viewable to the notary public.

324 (b) Upon completion of the process under subsection (a), the notary public may affix  
325 their notary stamp and signature to the executed document, whereupon the notarial act shall be  
326 completed.

327 (c) The notarial certificate attached to the executed document shall include a recital  
328 indicating that the document was notarized remotely pursuant to this section 18 to 22, inclusive.  
329 The certificate shall recite the county in which the notary public was located at the time that the  
330 notarial act was completed and shall recite the date that the notarial act was completed; provided,  
331 however, that the failure to include either such recital shall not affect the validity or recordability  
332 of the document; and provided further that, with respect to a document being notarized in  
333 connection with a mortgage financing transaction, the notarial certificate may recite the date  
334 stated within the body of the document, even if that date precedes the date of completion of the  
335 notarial act.

336 (d) The notary public shall execute an affidavit confirming under the penalties of perjury  
337 that the notary public has: (i) received a copy of the principal's current identification credential  
338 and visually inspected the credential during the initial video conference with the principal, if  
339 applicable; (ii) obtained the principal's verbal assent to any recording of the video conferences;  
340 (iii) taken the principal's affirmations as to physical presence of the principal within the  
341 commonwealth; and (iv) been informed and noted on the affidavit any person present in the  
342 room, including a statement of the relationship of any person in the room to the principal. The  
343 affidavit shall be retained for a period of 10 years by the notary public if the notary public is  
344 attorney or by the supervising attorney if the notary public is a paralegal.



345 (e) Notwithstanding the second video conference requirement under clauses (v) and (vi)  
346 of subsection (a), if the executed document is a will, nomination of guardian or conservator,  
347 caregiver authorization affidavit, trust, durable power of attorney, health care proxy or  
348 authorization under the federal Health Insurance Portability and Accountability Act of 1996, the  
349 notary public may take the attestation of each principal, or perform any other notarial act, at the  
350 time of the first electronic video conference; provided, however, that the notary public visually  
351 verifies the signature of each principal during the conference. A document under this subsection  
352 shall be complete when all original counterparts and the notary public's affidavit are compiled  
353 together and a second electronic video conference shall not be required to validate such a  
354 document.

355 SECTION 20. A document executed, acknowledged or notarized pursuant to sections 18  
356 to 22, inclusive, shall be a properly executed, acknowledged and notarized document for all legal  
357 purposes in the commonwealth, including, but not limited to, for recording with the registry of  
358 deeds of any county, for filing as a valid will and for filing or recording with any other state,  
359 local or federal agency, court, department or office.

360 With respect to any such document recorded in a registry of deeds: (i) the affidavit  
361 required pursuant to subsection (d) of section 2 shall not be required to be recorded; and (ii) a  
362 principal being subsequently determined to have been physically located outside of the  
363 commonwealth during any video conference or having failed to accurately disclose the presence  
364 or identity of others in the room during any video conference shall not constitute grounds to set  
365 aside the title to real property acquired by an arm's length third-party mortgagee or purchaser for  
366 value.

367           The expiration, repeal or amendment of sections 18 to 22, inclusive, shall not affect the  
368 validity of a notarial act that was completed while sections 18 to 22, inclusive, were in effect and  
369 performed in accordance with its the terms.

370           SECTION 21. The signature of any witness who participates in the electronic video  
371 conference and whose signature is notarized pursuant to sections 18 to 22, inclusive, shall be  
372 valid as if the witness had been present to sign in person. A document signed on multiple pages  
373 in multiple locations within the commonwealth in multiple counterparts shall be valid and  
374 effective if it is otherwise in conformity with sections 18 to 22, inclusive.

375           SECTION 22. Nothing in sections 18 to 22, inclusive, shall affect any law or regulation  
376 governing, authorizing or prohibiting the practice of law, including, but not limited to, those  
377 including the requirement that the closing of a transaction involving a mortgage or other  
378 conveyance of title to real estate may only be conducted by an attorney duly admitted to practice  
379 law in the commonwealth.

380           SECTION 23. Nothing in this act shall be construed or implemented in such a way as to  
381 modify a requirement of law necessary to retain federal delegation to, or assumption by, the  
382 commonwealth of the authority to implement a federal law or program.

383           SECTION 24. Sections 18 to 22, inclusive is are hereby repealed.

384           SECTION 25. Sections 2 to 4, inclusive, shall take effect as of March 10, 2020.

385           SECTION 26. Section 24 shall take effect 3 business days after termination of the  
386 governor's March 10, 2020 declaration of a state of emergency."