HOUSE . . . . . No. 4580

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 23, 2020.

The committee on Municipalities and Regional Government, to whom was referred the message from His Excellency the Governor recommending legislation relative to to addressing challenges in town governance resulting from COVID-19 (House, No. 4572), reports recommending the accompanying bill (House, No. 4580) ought to pass.

For the committee,

JAMES J. O'DAY

FILED ON: 3/23/2020

HOUSE . . . . . No. 4580

The Commonwealth of Massachusetts

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

An Act addressing challenges in municipal governance resulting from COVID-19.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain changes in law in response to a public health emergency, each of which is immediately necessary to carry out to accomplish important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 9 of chapter 39 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word “thirtieth”, in lines 13 and 14, the following words:- except in the event of an emergency that poses an immediate threat to the health or safety of persons or property 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 such emergency.

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

Notwithstanding any general or special law, charter provision or by-law to the contrary, during and for a period of 5 days after the termination of any weather-related, public safety or

public health emergency, the town moderator may, in consultation with local public safety or public health officials and the board of selectmen, recess and continue to a time, date and place certain a town meeting previously called pursuant to a warrant issued pursuant to section 10; provided, however, that any such recess and continuance period shall not exceed 30 days.

SECTION 3. Said subsection (d) of said section 10A of said chapter 39, as so appearing, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

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

SECTION 4. The first paragraph of section 31 of chapter 44 of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following 2 sentences:- If the declared emergency prevents the adoption of an annual budget by a town, city or district by the June 30 preceding the start of the fiscal year, the board of selectmen, city council or district commissioners shall notify the director and the director may approve expenditure, from any appropriate fund or account, of an amount sufficient for the operations of the town, city or district during the month of July not less than 1/12 of the total budget approved by the town pursuant to a plan approved by the board of selectmen, city council or district commissioners in the most recent fiscal year and such authority shall continue for each successive month while the emergency continues to prevent the adoption of a budget. The director may promulgate and

revise rules or regulations regarding the approval of emergency expenditures described in this section and accounting with regard to such expenditures.

SECTION 5. Notwithstanding any general or special law to the contrary, 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 or the outbreak of the 2019 novel coronavirus, also known as COVID-19, the director of accounts may authorize the appropriation from the available balance of the town's or district's undesignated fund balance or "free cash" certified by the director under section 23 of chapter 59 of the General Laws as of July 1, 2019, as a funding source for the town's or district's fiscal year 2021 expenditures, including but not limited to any such undesignated fund balance in an enterprise fund or special revenue account. The director of accounts may promulgate and revise rules or regulations regarding the implementation of this section.

SECTION 6. Notwithstanding section 31 of chapter 44 of the General Laws, section 23 of chapter 59 of the General Laws or any other general or special law to the contrary, a city, town, district, region or county may amortize over fiscal years 2021 to 2023, inclusive, in equal installments or more rapidly, the amount of its fiscal year 2020 deficit pertaining to expenditures made to address the outbreak of the 2019 novel coronavirus, also known as COVID-19, as described in the governor's March 10, 2020 declaration of a state of emergency, including but not limited to any such deficit in an enterprise fund or special revenue account. The local appropriating authority as defined in section 21C of said chapter 59 and, in the case of a district, the prudential committee or commissioners, or as otherwise defined in the General Laws, shall adopt a deficit amortization schedule in accordance with the preceding sentence before setting the city's, town's, district's, region's or county's fiscal year 2021 tax rate. The commissioner of

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

SECTION 7. Notwithstanding any general or special law to the contrary, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the governor's March 10, 2020 declaration of a state of emergency, for fiscal year 2021, a district, city or town may expend from each revolving fund established under section 53E1/2 of chapter 44 of the General Laws an amount not to exceed the amount authorized to be expended in fiscal year 2020 until the district, city or town adopts an annual budget for fiscal year 2021 at which time, the legislative body of the district, city or town shall also vote on the total amount that may be expended from each revolving fund in fiscal year 2021.

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

SECTION 9. Notwithstanding any general or special law, charter provision, ordinance or by-law to the contrary, during and for a period of 45 days after the termination of the governor's March 10, 2020 declaration of a state of emergency, the following shall be suspended for any municipal, district, regional or county subdivision of the commonwealth, including but not limited to all boards, commissions, offices, registries, agencies and authorities: (i) all time

periods within which any hearing must be conducted, whether or initial or appellate; and (ii) all time periods within which any action is required to be taken on any application, petition, submission or request for approval of a permit, license, certificate, order, certification, determination, exemption, waiver or variance, whether initial or appellate. The suspension of time periods set forth in this section shall apply to applicants, petitioners, and other parties seeking action or required to submit materials to a municipal, district, regional, or county subdivision of the commonwealth.

SECTION 10. Notwithstanding any general or special law, charter provision, ordinance or by-law to the contrary, during and for a period of 45 days after the termination of the governor's March 10, 2020 declaration of a state of emergency, no permit, license, certificate, order, certification, determination, exemption, waiver, or variance shall lapse or be deemed granted or approved, whether constructively or otherwise, including but not limited to approval solely by operation of a general or special law requiring action by a municipal, district, regional, or county subdivision of the commonwealth by a time certain.

SECTION 11. Notwithstanding any general or special law, charter provision, ordinance or by-law to the contrary, during and for a period of 45 days after the termination of the governor's March 10, 2020 declaration of a state of emergency, no municipal, district, regional or county subdivision of the commonwealth shall issue or enforce any penalty, including but not limited to late fees and termination of services, against any resident of the municipality, district, region or county for nonpayment of taxes or fees if the nonpayment resulted from an inability to pay.

SECTION 12. Nothing in this act shall be construed or implemented in such a way as to modify a requirement of law necessary to retain federal delegation to, or assumption by, the commonwealth of the authority to implement a federal law or program.

SECTION 13. Sections 2 and 3 shall take effect as of March 10, 2020.

SECTION 14. Except as otherwise specified, this act shall take effect upon its passage.