



ATTORNEYS AT LAW

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## Act 15 – A Summary For Municipal Officials

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On April 20, Governor Tom Wolf signed Act 15 of 2020. Act 15 addresses a number of critical issues for Pennsylvania local governments, including how to conduct public business at a time when the physical presence of officials, constituents, applicants, and other interested parties is either highly discouraged by public health officials or prohibited altogether.

### Act 15

- Eliminates the requirements for physical attendance at public meetings during the Governor's declaration of a disaster emergency by permitting the use of "authorized telecommunications devices."
- Provides for the limited suspension, or "tolling," of statutory deadlines for municipal boards and agencies to hear and act upon a wide variety of land use and other development applications.
- Authorizes taxing districts to extend the deadline for payment of property taxes at a discount and to waive fees and penalties for late payments.
- Authorizes the remote use of notaries via communications technologies.

### Use of Telecommunications Devices to Conduct Public Meetings

Until the expiration or termination of the COVID-19 disaster emergency, an agency, department, authority, board, council, governing body or other political subdivision included in the declaration may conduct hearings, meetings, proceedings or other business through the use of an "authorized telecommunications device," which is defined as "any device, which permits, at a minimum, audio communication between individuals." To the extent practical, the local government entity must post advance notice of each meeting conducted through an authorized telecommunications device (1) on the entity's publicly accessible website, if any, or (2) in an advertisement of general circulation, or (3) both. The public notice shall include the date, time, technology to be used, and public participation information. To the extent practical, the entity shall allow for public participation through an authorized telecommunications device or written comments, which may be submitted to the entity's physical address through the United States mail or to an email account designated by the entity to receive the comments.

### Extensions for Existing and Pending Approvals

Act 15 also provides for the limited suspension, or tolling, of the statutory time limits for review, hearing, and decision on the "approval" of an application, plat, submission, appeal or curative amendment. That means as to any such application for approval received or pending as of the Governor's COVID-19 declaration on March 6, 2020, 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 that declaration, or as of the date received if received during the pendency of the declaration, and shall resume 30 days after the effective date of Act 15. Since the effective date of Act 15 was April 20, 2020, tolling would cease on May 20, 2020. So for applications filed on or before the date of the Governor's COVID-19 declaration, the total length of the tolling period would be 75 days. The length of the tolling period would decrease for

later filed applications, until there would be no tolling for an application filed on or after May 20. Applicants must be notified of the declaration, the time extension, and of the right to request that any meetings, hearings or proceedings be conducted using telecommunications devices. The failure to receive the notice does not affect the tolling of the number of days. Within 30 days of the effective date of the Act, an applicant may request that a meeting, hearing or proceeding be held in accordance with Act 15 during the period of the COVID-19 declaration. The local entity shall have discretion to proceed with the request under Act 15. If a proceeding is authorized, the applicant and each party receiving actual notice of the proceeding shall be deemed to waive any challenge under the Sunshine Act or other provision of law that governs the notice, conduct or participation in a meeting or proceeding.

## Property Tax Relief

Act 15 authorizes any taxing district, by majority vote of its governing body, to do any of the following with regard to 2020 real property taxes:

- Collect the tax at the discount rate no later August 31, 2020.
- Waive any late payment fee or penalty, if paid in full by December 31, 2020.

## Authority for Remote Notarial Acts during the COVID-19 Disaster Emergency

Under Act 15, a notary, subject to certain conditions, may conduct notarial acts remotely by the use of approved communication technology, until 60 days after the termination or expiration of the Governor's COVID-19 declaration. If a notary wishes to be able to perform remote notarizations, he or she must notify the Department of State ("DOS") 30 days in advance that he or she will be performing notarial acts facilitated by communication technology and identify the technology to be used. The current "ENotary Application" may be found at <https://www.notaries.pa.gov/Pages/NotaryChangeApplication.aspx?AppType=3>; however this application may be altered following the passage of Act 15.

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