

**Review of Municipal Relief Legislation, Chapter 53
of the Acts of 2020
and the Families First Coronavirus Response Act**

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Municipal Relief Legislation

Chapter 53 of the Acts of 2020

Signed by the Governor on April 2, 2020

- ▶ **Town Meeting**
- ▶ **Budget**
- ▶ **State and Local Taxes**
- ▶ **Deadline Extensions**
- ▶ **Relaxation of Post-Retirement Work Limitations**
- ▶ **Beer & Wine Sales**



Municipal Relief Legislation

Chapter 53 of the Acts of 2020

- ▶ **Town Meeting**
- ▶ Amends G.L. c. 39, §9 to allow continuances of Town Meeting past June 30th where there is an “immediate threat to the health or safety of persons or property” that prevents the completion of town meeting on or before June 30 and the Governor has declared a State of Emergency as a result of that threat
- ▶ Amends G.L. c. 39, §10A, under which the Moderator may declare a “continuance and recess of town meeting”
- ▶ These are permanent statutory



Municipal Relief Legislation

Chapter 53 of the Acts of 2020

► Budget

- Amends G.L. c. 44, §31, so that if a town or district is unable to approve a budget for the upcoming Fiscal Year by June 30th due to a public health or safety emergency that delays the holding of a town or district meeting and the governor has declared a state of emergency, the Department of Revenue, Director of Accounts is authorized to “approve expenditures, from any appropriate fund or account, of an amount sufficient for the operations of the 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 year,” upon request by, and pursuant to a plan approved by, the board of selectmen, selectboard, town council, or district commissioners.



Municipal Relief Legislation

Chapter 53 of the Acts of 2020

► Budget

- With respect to FY 20 budget, if the current COVID-19 related State of Emergency results in deficient spending in Fiscal Year 2020 (including, but not limited to, deficits in an enterprise fund or special revenue account), the Act permits a city, town or district to amortize this deficit over Fiscal Years 2021 to 2023, inclusive, either in equal installments or more rapidly pursuant to a plan adopted prior to the setting of the FY 21 tax rate.
- With respect to FY 21 budget, if the adoption of an annual budget in a city, 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 COVID-19 outbreak, the Act permits the Director of Accounts to authorize a city, town or district to use "free cash" certified as of July 1, 2019, as a funding source for the city, town or district's fiscal year 2021 expenditures, including, but not limited to, funds in an enterprise fund or special revenue account; and revolving funds can be spent at FY 20 levels

NOTE: DOR to issue guidelines, rules or regulations on all budget provisions of the Act



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Municipal Relief Legislation

Chapter 53 of the Acts of 2020

► State and Local Taxes

- The “Chief Executive Officer” of a city or town, or a district, may:
 - Extend the due date for real estate and personal property taxes, to a date not later than June 1, 2020
 - Extend the date an application for exemption of taxes is due from April 1 to a date not later than June 1, 2020
 - Waive the payment of interest and other penalty in the event of late payment of any excise, tax, betterment assessment or apportionment, water rate, annual sewer use, or other charge added to a tax for any payments with a due date on or after March 10, 2020., so long as paid by June 30, 2020.
- However, you may not terminate any essential services (such as water service, trash collection or electricity) due to a resident’s failure to pay these taxes or fees, if nonpayment resulted from a “demonstrated inability to pay” due to the COVID-19 outbreak or the Governor’s declaration of a State of Emergency. This “inability to pay” shall include demonstrated financial hardship of a resident, due to events such as loss of employment or serious illness or death of someone within the home.

AND: the Act codifies the extension of the income tax filing deadline to July 15, 2020



Municipal Relief Legislation

Chapter 53 of the Acts of 2020

► Deadline Extensions

► Chapter Lands

- The Act suspends these time frames for a period of 90 days after Governor terminates State of Emergency

► Permit processing deadlines

- Broadly characterized, we get to hit the “pause button” on processing permit applications during the State of Emergency
- May accept permit applications electronically, but not required to do so
- If you do accept electronic filings, there are certain requirements set out in the legislation



Municipal Relief Legislation

Chapter 53 of the Acts of 2020

- ▶ **Relaxation of Post-Retirement Work Limitations**
- ▶ **Per PERAC, “superannuation retirees (disability retirees are excluded from the legislation) working in the public sector will be subject to a different hours/earnings calculation for CY 2020. Specifically, hours and earnings that occur during the current State of Emergency as defined in the Governor’s Executive Order of March 10, 2020 will not be included in the retiree’s earnings limitations for CY 2020. Please note that this work need not be directly related to the coronavirus; the law covers any hours/earnings from the emergency period.”**

NOTE: PERAC will be issuing further guidance on this



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Municipal Relief Legislation

Chapter 53 of the Acts of 2020

- ▶ **Beer & Wine Sales**
- ▶ **Establishments with a license to sell alcoholic beverages, or only wines and malt beverages, on-premises, may now sell wine or malt beverages only for off-premises consumption, during the State of Emergency, with a take out or delivery food order, subject to various conditions**



Families First Coronavirus Response Act

- ▶ **Effective as of April 1, 2020**
- ▶ **Federal regulations issued April 1, 2020**
- ▶ **Created two forms of paid leave for employees – only through December 31, 2020**
 - ▶ **Paid Sick Leave**
 - ▶ Generally, all employees are eligible
 - ▶ **Public Health Emergency Leave under the FMLA**
 - ▶ All employees who have been employed for 30 calendar days are eligible

Signed by the President on March 18, 2020



Families First Coronavirus Response Act

► Paid Sick Leave

- Up to 80 hours or two weeks paid leave
- 6 reasons an employee may take this leave, if they are unable to work or telework
- Rate of pay (either 100% up to \$511 per day or 2/3rds up to \$200 per day) depending upon reason for leave
- Full time employment = 40 hours or more per week = 80 hours of paid sick leave
- Part-time employment = everything else = prorated amount of paid sick leave



Families First Coronavirus Response Act

REASONS:

- ▶ the employee is subject to a COVID-19-related quarantine or isolation order at the Federal, State, or local level;
- ▶ a health care provider has advised the employee to self-quarantine due to COVID-19 concerns;
- ▶ the employee is experiencing COVID-19 symptoms and seeking a diagnosis;
- ▶ the employee is caring for an individual subject to the order or advice described above;
- ▶ the employee is caring for a child due to COVID-19-related school closure or professional child care provider unavailability; or
- ▶ the employee is experiencing other s federal gov't



Families First Coronavirus Response Act

► Public Health Emergency Leave

- A new reason for FMLA Leave, with different eligibility requirements
- Only reason that an employee may take this leave is to care for a child due to school or day care closures or unavailability of professional child care provider
- First two weeks are unpaid, unless Paid Sick Leave is used, or, if an employee has already exhausted that allotment, through use of existing accrued paid leave if permitted or required by the employer
- Rate of pay is 2/3rds, unless supplementation with existing accrued paid leave permitted or required



Families First Coronavirus Response Act

► Public Health Emergency Leave & Paid Sick Leave

- Generally, if employee is only entitled to 2/3rds rate of pay due to the reason for the leave, employee can supplement with previously accrued paid leave to receive 100% compensation if the employer agrees
- Employer cannot require employee to use previously accrued paid leave prior to taking Paid Sick Leave
- Employee may use, or employer may require employee to use, paid accrued leave concurrently with the Public Health Emergency Leave if it does so for other forms of FMLA leave



Families First Coronavirus Response Act

- ▶ **Public Health Emergency Leave & Paid Sick Leave**
- ▶ Federal regulations specify certain documentation that must be provided by the employee in support of the leave
- ▶ At a minimum, employee must provide a “signed statement” containing the following information: (1) the employee’s name; (2) the date(s) for which leave is requested; (3) the COVID-19 qualifying reason for the leave; and (4) a statement “representing that the employee is unable to work or telework because of the COVID-19 qualifying reason.”



Families First Coronavirus Response Act

- ▶ **Public Health Emergency Leave & Paid Sick Leave**
- ▶ **Additional documentation may also be required, to support the specific COVID-19 qualifying reason for the leave. Particularly with respect to leave taken to care for a child due to day care or school closures, or unavailability of child care provider, employee must also include: (1) name of child being cared for; (2) the name of the school, place of care, or child care provider that closed or became unavailable due to COVID-19 reasons; and (3) *a statement representing that no other suitable person is available to care for the child during the period of requested leave.***



Families First Coronavirus Response Act

- ▶ **Public Health Emergency Leave & Paid Sick Leave**
- ▶ **Essentially, these two leaves run concurrently when the reason for the leave is to care for a child due to day care or school closures, or unavailability of professional child care provider**
- ▶ **Health care coverage must be continued, on the same terms and conditions as if the employee was working**
- ▶ **General rights to job restoration after leave, but these aren't absolute**



Questions?

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