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Massachusetts to Implement Additional Measures to Aid State and Local Entities

By: Rich May

Massachusetts plans to take additional steps designed to ease some of the burden placed on the Commonwealth's businesses, local governments, school districts, transit systems and other entities by the Coronavirus (COVID-19) outbreak. As the true scale of the economic effects of both the outbreak and the Commonwealth's response begin to materialize, lawmakers on Beacon Hill have begun to zero in on those entities most affected, with Governor Baker filing [Bill HD.4974](#) with the Massachusetts House of Representatives. Baker hopes that Massachusetts will reconcile this bill with [Bill H.4580](#), which reported from the Joint Committee on Municipalities and Regional Government on Sunday and seeks to provide similar relief measures, and swiftly enact the follow additional measures aimed at aiding state and local entities:

Local Municipalities

This bill, if passed and signed into law, would provide municipalities with additional flexibility in the area of municipal finance, specifically allowing the waiver of late-payment penalties and interest for 4th quarter tax bills, which are due on May 1st. Alternatively, this bill would allow municipalities to push their real estate and personal property tax due date back to a date no later than June 1st, and to extend the application deadline for certain property tax exemptions and deferrals from April 1 to as late as June 1st. Municipalities may also waive late-payment of penalties and interest for any excise tax, betterment assessment or apportionment, water or sewer bill as long as such payments are made before June 30th.

Significant modifications to the local permitting process during the current state of emergency are also included in this bill. Such changes include:

- Providing that no action (whether a grant, approval or denial) be automatically taken due to the inability of a local permitting authority to act within the required time period;

- Providing that any currently valid permit will remain valid and effective, and not lapse or expire during the state of emergency, while also suspending any time limits on such permits for the duration of the emergency;
- Allowing the electronic filing of permit applications; and
- Suspending, until 45 days after the end of the state of emergency, any requirement for hearings with respect to permit applications to be held within a certain time period.

School Districts

Through this bill, Governor Baker also seeks to ease the administrative burden on local and regional school districts. Due to disruptions to the academic year and upcoming graduations, the Board of Elementary and Secondary Education may modify or waive (i) the requirements of the competency test for high school graduation, and (ii) the MCAS test requirement.

Regional school districts are also permitted under this bill to suspend the statutorily-required vote on the approval of 2021 budgets, with the Department of Elementary and Secondary Education certifying an amount sufficient for the operation of the district until a budget can be adopted.

Finally, the Commissioner of Elementary and Secondary Education would be permitted to delay the deadline, currently April 1st, for each school district to submit its initial 3-year plan to address persistent disparities in achievement among student subgroups.

Bars, Restaurants, Courts and the MBTA

In an effort to aid restaurants and bars reduced to take-out and delivery operations, any establishment authorized to sell alcoholic beverages on-premises would be permitted to sell wine or malt beverages only for off-premises consumption under this bill, subject to the following conditions: (i) such beverage is sold in its original, sealed container, (ii) the beverage is sold in conjunction with food as part of the same transaction, (iii) each customer is limited to 192 ounces of malt beverage and 1.5 liters of wine per transaction.

Governor Baker's bill would also allow for electronic signatures on search warrant applications and criminal complaints, which would decrease traffic to courthouses and reduce the risk of infection to judicial and public safety officers and staff, as well as court visitors.

This bill also seeks to extend the deadline for the MBTA to approve a preliminary budget and submit a final budget, from March 15th and April 15th, respectively, to May 15th and June 15th. This would better align the MBTA with the Commonwealth's budget process and address delays and difficulties stemming from the COVID-19 outbreak.

Update on Federal Legislative Relief Efforts

Congress continues to work towards a significant financial stimulus bill that aims to provide much needed assistance to individuals, businesses, states and municipalities. As of early this morning, the Senate has indicated it has reached a deal, with votes scheduled for later today. The bill, if passed by the Senate, would then move to the House of Representatives where Senate leaders hope it will pass quickly to the White House without working through the reconciliation process. Rich May continues to monitor the progress of this stimulus bill, and other federal and state actions with respect to the COVID-19 outbreak and the related economic crises, and will provide additional updates as they become available.

Disclaimer: This summary is provided for educational and informational purposes only and is not legal advice. Any specific questions about these topics should be directed to attorney [Matthew Sweet](#).