

Bond Case Briefs

Municipal Finance Law Since 1971

IRS Extends Period for Telephonic Public Hearings for Private Activity Bonds to September 2021: Holland & Knight

Because of the continuing COVID-19 crisis, the IRS has issued [Revenue Procedure 2020-49](#) (the Revised Guidance), which extends the period during which remote telephonic hearings qualify as “public hearings” required for private activity bonds to Sept. 30, 2021. Originally, such telephonic hearings could not be held past Dec. 31, 2020.

The IRS previously released guidance in Revenue Procedure 2020-21 (the Prior Guidance), allowing remote telephonic hearings to qualify as “public hearings” required for private activity bonds under Section 147(f) of the Internal Revenue Code of 1986, as amended. (See Holland & Knight’s previous alert, [“IRS Provides Procedures for Telephonic Public Approval Hearings for Private Activity Bonds,”](#) May 5, 2020.)

To qualify, the hearing must be held by teleconference accessible to the residents of the approving governmental unit by calling a toll-free telephone number. That toll-free number and the procedures for calling in with comments should be published in the public notice for the hearing. In addition to this telephonic access, the approving governmental unit may also offer additional access to the hearing by other telephone numbers or by internet-based meeting technology.

The Revised Guidance applies only to hearings held telephonically – thus internet only or other non-telephonic hearings do not qualify.

The Revised Guidance applies to public hearings held from May 4, 2020, through Sept. 30, 2021.

Holland & Knight LLP

November 6, 2020