



THE STATE OF EMERGENCY HAS ENDED – BUT SOME COVID-19 POLICIES STILL REMAIN (AT LEAST FOR NOW)

On May 17, 2021, when the end date for the State of Emergency was announced, Governor Baker stated that he expected that the legislature would extend some of the emergency policies adopted during the pandemic. The legislature acted and, on June 16th, the governor signed into law “An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency” (“the New Act”) for those measures that have proven to be necessary, practical and sensible – and in some instances, popular. Signed as an emergency measure, the New Act takes effect immediately. It is important to note that these measures are not permanent, but only extended for the periods of time as outlined below.

Restaurants

Expedited procedures for approval of requests to expand or to extend earlier approved permits which municipalities allowed for expanded outdoor table service at restaurants can remain in effect until **April 1, 2022**, on which date the permits will automatically revert to their status prior to approval under the governor’s earlier emergency COVID-19 orders.

Until **May 1, 2022**, restaurant customers can order to-go beer, wine and cocktails, which must be transported from the premises in a sealed container. The restaurant must charge the same price for on-premises and off-premises consumption.

The Open Meeting Law

Under the New Act, during the period ending on **April 1, 2022**, members of public bodies (generally defined as multiple member boards, commissions, committee and sub-committees within the executive or legislative branches or within counties, districts, cities, regions or towns, whether elected, appointed or established to serve a public purpose) may continue to participate remotely and any party entitled or required to appear before the public body may do so remotely. Public bodies may continue providing alternative, “timely and effective” public access to their proceedings through technology such as telephone, internet, satellite-enabled audio or video conferencing that enables interested members of the public to clearly follow the proceedings as they are occurring. Alternative access must be free of charge to the public.

Any public body without sufficient financial means or which, despite best efforts, lacks any or adequate internet or other technological ability to provide real-time access to members of the public may, instead, post to its municipal website a full and complete transcript, recording or other comprehensive record of the proceedings as soon as practicable after the proceeding.

When conducting remote sessions or providing alternate access, the public body must comply with all other provisions of the Open Meeting Law, G. L. c. 30A, secs. 18-25, and the attorney general’s implementing regulations.

Town Meetings

During the period ending on **April 1, 2022**, representative town meetings may continue to take place remotely.

During the period ending **December 15, 2021**, the town moderator may request that the select board call for the representative town meeting to be held through remote participation, and the select board in consultation with the town moderator may set a lower number of voters than those required to constitute a quorum for a town meeting, but not less than 10% of the otherwise required number.

Residential Evictions

Temporary residential eviction protections remain in effect until the termination or nullification of the Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 Order issued by the federal Centers for Disease Control and Prevention (“CDC”). The CDC order has been extended to July 31, 2021. During the period ending on **January 1, 2023**, among other measures, written notice by a landlord to a tenant to quit for non-payment of rent must be accompanied by a form (from the executive office of housing and economic development), and courts must allow reasonable continuance requests in summary process cases.

Other Measures

The following COVID-19 measures remain in effect during the period ending on **April 1, 2022**:

- Authorization for health clinics to utilize temporary structures for COVID-19 testing;
- Authorization for medical assistants, podiatrists, phlebotomists, and certain military personnel to administer COVID-19 vaccinations; and
- Authorization for certain medical and nursing students and graduates to provide medical care, while under supervision, before they are licensed.

The following measures remain in effect for the period ending **December 15, 2021**:

- Authorization for remote notarization of documents;
- Allowance of written certification that seniors received third-party counseling regarding reverse-mortgage loans through remote means;
- Authorization for public corporations and non-profit organizations to conduct annual and special shareholder meetings remotely; and
- Allowing flexibility to board of directors of non-profit organizations in conducting certain of their operations.

Until the Governor rescinds his May 28, 2021 declaration allowing the Commissioner of Public Health to extend or adopt certain COVID-19 measures, or December 15, 2021, whichever is sooner, assisted living residences will have flexibility regarding provision of skilled nursing services, staffing ratios and training, and retaining residents in need of skilled nursing services for longer than 90 consecutive days.

Until expiration of the applicable section of the federal CARES Act, individuals may remain eligible for unemployment benefits where household or family caregiving responsibilities provide “good cause” for declining suitable work.



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