



CITY OF FRAMINGHAM

FOR IMMEDIATE RELEASE 06/28/2021

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City to Mirror New Law "Chapter 20 of the Acts of 2021" Signed by the Governor
Law Focuses on Remote Public Meetings, Restaurant Regulations, and Residential Evictions

Framingham, MA - Governor Charlie Baker signed into law Chapter 20 of the Acts of 2021 ("Chapter 20"). A complete copy of Chapter 20 as enacted can be found [here](#). Chapter 20 includes an emergency preamble and became effective June 16, 2021.

Chapter 20 includes provisions that:

1. allow, but do not require, public bodies to meet quorum requirements and satisfy M.G.L. c. 30A ("the Open Meeting Law") by meeting fully remotely through electronic means until April 1, 2022, subject to certain exceptions and so long as "adequate, alternative means of public access" are provided;
2. authorize municipalities to continue expanded outdoor table service notwithstanding local zoning and to allow restaurants to sell alcoholic beverages "to go" with food purchases until May 1, 2022; and
3. offer a measure of protection against eviction for non-payment of rent to residential tenants.

Provisions in Chapter 20 are further detailed below:

- 1. Remote Public Meetings:** Under Section 20 of Chapter 20, a public body may allow remote participation by all members in any meeting of the public body without the need for a quorum of the body and the Chair to be physically present at a specified meeting location. However, a public body that elects to conduct its proceedings remotely must ensure that any party entitled or required to appear before it shall be able to appear through remote means. Under the new legislation, public bodies shall not be required to conduct their meetings in a public place that is open and physically accessible to the public so long as the public body ensures interested members of the public have access to the deliberations of the public body through adequate, alternative means. "Adequate, alternative means of public access" is defined as "measures that provide transparency and permit timely and effective public access to the deliberations of the public body, including, but not limited to, providing public access through telephone, internet, satellite-enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring." A public body is required to offer its selected adequate, alternative means of public access to its proceedings without a subscription, toll, or similar charge to the public. Framingham's City Solicitor has stated the City's current use of Zoom conferencing for public meetings during the COVID-19 pandemic satisfies the requirements of Section 20 of Chapter 20.

Where active, real-time participation by members of the public is a specific requirement of a general or special law, regulation, or a local ordinance or by-law, any adequate, alternative means of public access shall provide for such participation and shall be sufficient to meet the participation

requirement. Although Chapter 20 provides that any "proceeding" can take place remotely, if active real-time participation by the public is required by the applicable statute or ordinance, the adequate, alternative means of public access must allow for that participation. If a Board or Commission is unsure whether a particular hearing may be conducted fully remotely, please contact the City Solicitor's office in advance for guidance.

Under Chapter 20, the provisions allowing fully remote meetings will automatically expire or "sunset" on April 1, 2022, at which point the Open Meeting Law returns to its pre-COVID-19 provisions. Under the pre-COVID-19 Open Meeting Law provisions, remote meetings can only occur under the Remote Participation Policy issued by the Mayor, which requires that the Chair and a quorum of the Board to be physically present at the meeting and further requires that certain other formalities be observed in advance for a member to participate remotely. (The Disability Commission is allowed to meet fully remotely under the pre-COVID-19 provisions of the Open Meeting Law.)

- 2. Restaurant Expanded Outdoor Table Service:** Under Section 19 of Chapter 20, from June 16, 2021, until April 1, 2022, a city may approve a request for expansion of outdoor table service, including the description of licensed premises, notwithstanding local zoning requirements so long as the Mayor shall have established the process for approving such requests. The Alcoholic Beverages Control Commission ("ABCC") issued guidance that mirrors Chapter 20, which will be shared as appropriate by the Licensing Administrator. The City's expedited process for approving expanded outdoor table service established during the COVID-19 pandemic is expected to continue in full force and effect through April 1, 2022. Under the current expedited permitting process in Framingham, applicants for expanded outdoor table service apply to the Licensing Department, which coordinates reviews and inspections by relevant City Departments, including Inspectional Services, Police, and Fire. Approval of the Board of Licensing Commissioners is required for the expanded outside restaurant use, but approval by the Planning Board is not required.

On April 1, 2022, the process for outdoor restaurant permitting will automatically revert to the status prior to the approval of the change for expansion of outdoor table service or in the description of a licensed premises. The Framingham City Solicitor's office is working with the City Council to discuss certain potential zoning amendments that may be enacted prior to April 1, 2022, to allow for expanded outdoor table service in Framingham upon the expiration of Chapter 20, if that is the direction the City Council wishes to take.

Under the current expedited permitting process, applicants for food and beverage licenses must apply to the Health Department for Sanitary Code Compliance, the Inspectional Services Department for Building Code compliance, Fire Department for Fire Code safety compliance, Police Department for alcohol service compliance and safety, Treasurer/Collector's Office to confirm that no taxes, fees or fines are past due, and Board of License Commissioners for compliance with common victualler and alcohol license requirements. The Framingham City Solicitor has stated the City's current expedited COVID-19 permitting process satisfies the requirements of Section 19 of Chapter 20, and the City may continue to utilize this expedited permitting process until April 1, 2022.

- 3. Residential Evictions:** Section 13 of Chapter 20 offers a measure of protection to residential tenants in that it prohibits courts from accepting a landlord's writ, summons, or complaint for non-payment of rent without proof of delivery to the tenant of (i) documentation of any agreements between the

tenant and landlord for the tenant to repay the landlord for non-payment of rent; and (ii) information on: (A) rental assistance programs including, but not limited to, the residential assistance for families in transition program; (B) applicable trial court rules, standing orders or administrative orders pertaining to actions for summary process; and (C) any relevant federal or state legal restrictions on residential evictions.

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