



# COMMERCIAL REAL ESTATE INSIGHT & NEWS

The Bowditch & Dewey Real Estate Blog

## Remote Access to Public Meetings Extended to 2025

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In addition to extending the provisions pertaining to the expanded patio service of alcoholic beverages and the ability to sell alcoholic beverages for takeaway and delivery, Chapter 2 of the Acts of 2023, signed by Governor Healey on March 29, 2023, also contains provisions allowing “adequate, alternative” access to public meetings via remote means such as “telephone, internet, or satellite enabled audio or video conferencing or any technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring” for an additional two years to March 31, 2025.

Remote participation was authorized three years ago on March 12, 2020, under Governor Baker’s Executive Order No. 591 following the declaration of a state of emergency in response to the outbreak of the Coronavirus (“COVID-19”) on March 10, 2020. The Executive Order No. 591 temporarily suspended the requirements under the Open Meeting Law and the Attorney General’s Open Meeting Law regulations promulgated as 940 CMR 29.00 that ordinarily required that a quorum of a public body, including the Chair, be physically present at the meeting location and that meetings be held in locations that are physically accessible to the public.

Whether future legislation might amend the Open Meeting Law to make the remote meeting participation provisions permanent is uncertain. In the meantime, determinations from the Attorney General’s Division of Open Government serve as reminders that where public meetings are held by remote means, public bodies must provide adequate notice of meetings, hold roll-call votes, make reasonable accommodations for overflow crowds and prepare meeting minutes promptly.

