

Pandemic Policy Extensions Unfinished As Emergency Lifts Tonight



*Extensions Bill Before House Tuesday
Morning*

Katie Lannan 6/14/21 6:00 PM

JUNE 14, 2021.....When the COVID-19 state of emergency ends at 12:01 a.m. on Tuesday, Gov. Charlie Baker's order allowing remote public meetings is also on track to expire, as is the law allowing restaurants to sell alcoholic beverages to-go.

State lawmakers adjourned for the day Monday without completing legislation that would extend several popular pandemic policy adaptations beyond the state of emergency, leaving some measures linked to the order to lapse, at least temporarily.

The House plans to vote on Tuesday on [its version](#) (H 3872) of a policy extension bill, which like legislation the Senate approved last week would add several months' time to the remote meeting authorization, eviction protections and restaurant relief measures.

During a Monday afternoon event in Bridgewater, Baker said he was "hoping we're going to get a bill from the Legislature sometime before midnight" that would address expiring policies put in place both through executive order and statute.

But by that point in the day, the House and Senate had already adjourned until Tuesday, foreclosing the possibility of a bill reaching the governor's desk before midnight.

[Four weeks ago](#), on May 17, Baker announced he'd end the state of emergency on June 15, saying at the time that he wanted to work with legislators "to deal with whatever is sort of undone by this."

He filed a bill the next week to temporarily extend three policies -- virtual public meetings, special permits for outdoor dining and billing protections for COVID-related care -- and last Thursday, the Senate passed a bill (S 2472) tackling [those and other issues](#).

The House on Monday gave initial approval to an amended version of the Senate's bill, and plans to vote on that legislation in a session scheduled for 11 a.m. Tuesday, after the emergency's official end.

Before a bill can get to Baker, the two branches must agree on language -- the House and Senate bills diverge on issues including telehealth rates, the billing protections Baker sought, and caps on the fees third-party delivery services charge restaurants. The Senate bill includes a temporary mail-in voting extension, while the House passed a separate bill last week to make mail-in voting a permanent feature of the state's elections.

The Senate has scheduled a 2 p.m. session for Tuesday, and could be ready to act after the House passes its bill.

On Monday, Baker said he hoped to get a bill "that would extend a number of both the things we did ourselves as administrative orders but also some of the things that the Legislature did on a temporary basis, to either extend until they can have hearings on those things or extend until they can sort of decide what they think the next move is."

The governor pointed to expanded outdoor dining as one policy change that's proven "enormously popular" and also noted programs that have expanded pedestrian and bicycle access in downtown areas.

"I think these are things that people are going to want to see continue on a go-forward basis, and I think that's part of the reason why both we and the Legislature feel a certain amount of pressure to get some of these resolved by midnight tonight or to have legislation passed that would extend them to some point in time when the Legislature can have a more formal conversation about what they want to do going forward," Baker said.

Some of the policies addressed in the pending bills will not lapse immediately - - expanded outdoor dining permits will have 60 days until they expire, the law allowing remote notary services during the pandemic grants that permission for three business days after the emergency ends, and Baker and legislators agreed in March that mail-in voting provisions should remain in place through June 30.

Baker said Monday he'd "certainly like to see something happen with respect to town meetings."

Town meeting season is ongoing, and flexibilities lawmakers granted those assemblies during the pandemic include allowing remote representative town meetings and giving towns the ability to adjust their quorum requirements.

"There's a lot of that activity going on every day, and people have made assumptions about how they think that's going to work, and I would like to see that make it through the process," Baker said.

Elsewhere in local and state government, public bodies are preparing for the return of the requirement that they have a quorum physically present at their meetings.

The Board of Higher Education, which has been holding meetings via Zoom, now also plans a physical Tuesday meeting of its Academic Affairs Committee at Montachusett Regional Vocational Technical School, with online access still [available to the public](#).

In Lexington, a [revised agenda](#) for Wednesday evening's Historical Commission hearing carries a note advising that the proceedings were originally posted as a Zoom meeting but "due to lack of state legislative action, must now be held in person."

In testimony to senators earlier this month, the Massachusetts Municipal Association cautioned that cities and towns "are not positioned" to immediately return to pre-pandemic rules "without widespread disruption," saying that many communities had closed public buildings, repurposed meeting rooms to distance their staff, or have ventilation concerns.

Advocates have also been urging lawmakers to prevent the expiration of pandemic eviction protections.

Pamela Schwartz, director of the Western Massachusetts Network to End Homelessness, warned Monday that an important protective measure aimed at staving off housing removals will expire when the calendar flips to Tuesday.

Under a COVID-era state law sometimes referred to as Chapter 257, courts are required to pause eviction cases for failure to pay rent if a tenant has an application pending for emergency rental assistance. Both the House and Senate bills would extend that section of the law until April 1, 2022.

"The bottom line is: Chapter 257 prevents people from becoming homeless during this COVID-19 recovery period," Schwartz told the Joint Committee on Racial Equity, Civil Rights, and Inclusion. "It has prevented a lot of people from becoming homeless already despite this current crisis, and we can't afford for it to end."

The state still has [hundreds of millions of dollars](#) in rental assistance available for those in need thanks to influxes of federal aid. While residential eviction filings have fallen in recent weeks to roughly half of pre-pandemic levels,

housing justice advocates caution that a major safety net is about to vanish without legislative action.

Schwartz stressed that housing insecurity disproportionately affects people of color in Massachusetts, who represent more than 60 percent of tenants who are behind on rent.

The State House remains closed to the public, with no set timeline for reopening. The Legislature is not subject to the state's open meeting law, and its ability to hold committee hearings and legislative sessions -- governed instead by House and Senate rules -- is not changed by the emergency's end.

Baker said a main challenge to reopening the State House is that "it's an indoor building that operates and acts like an outdoor space." He said that COVID-19 transmission risks are less of a concern outdoors "but there are plenty of indoor spaces where people continue to want to see people be careful."

"The biggest challenge with the State House is there really are no rules around congregating or gathering inside that building, but it's an inside space, and I think one of the things that the Legislature has been talking both with each other about and also with us is how do we establish a rule base for accessing and using the State House, given the fact that it really feels historically it's operated more like a public park even though it's an indoor space," he said.

Baker said the State House has "got to be as open as it used to be at some point, and the real question is just going to be when."

[Chris Lisinski contributed reporting]

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