

Revised Capacity Limits for Public Meetings/Hearings

March 29, 2021

Recently, we reminded you of the advancement to Phase IV, Step 1 of the Governor's reopening plan, effective Monday March 22, 2021. A copy of our eUpdate in this regard can be found [here](#). In response to that eUpdate, we have received several questions about the effects of the Governor's recent orders/actions upon the ability of local boards/committees/commissions to hold in-person public meetings or public hearings.

In our opinion, public bodies may, but are not required to, hold indoor, in-person, meetings or hearings with a total capacity limit of 100 persons (including staff and board members), rather than the previous 10 person limit. Outdoor meetings or hearings held in public settings are capped at 150 persons.

The Governor's order allowing remote meetings under the Open Meeting Law is still in effect, however. You may still conduct either entirely virtual meetings/hearings, or "hybrid" meetings/hearings where the public is restricted to virtual access only, or given the option to participate virtually or in-person. It is important to remember, though, that where meetings/hearings are open to in-person public access/attendance, if the 100 (indoor) or 150 (outdoor) person maximum is reached, the meeting must terminate and be rescheduled to a future time, place and location that can accommodate greater numbers. As a result, where a public body anticipates a significant public attendance at a meeting or hearing, it may wish to opt for an entirely virtual meeting or limit the public's attendance to virtual access, with sufficient capacity to accommodate the anticipated number of virtual attendees, so that you are not faced with a situation of in-person public attendance in excess of the 100 or 150 person limitation, and thus forced to terminate the meeting/hearing. Finally, any in-person meeting or hearing must conform to social distancing requirements and face mask mandates.

Town Meetings have always been exempt from the indoor/outdoor gatherings limitations, but, continue to be subject to social distancing requirements and face mask mandates.

Please contact your KP Law attorney if you have further questions. In the meantime, from all of the staff and attorneys at KP Law, be safe and take good care.

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