



November 4, 2020

Governor Charlie Baker
Lt. Governor Karyn Polito
Secretary Michael Kennealy
Secretary Marylou Sudders
Speaker of the House Robert DeLeo
President Karen Spilka
Chair Aaron Mickelwitz
Chair Michael Rodrigues

Dear State Leadership,

On behalf of the four groups signing this letter, over 16,000 restaurants, and 300,000 employees who staffed these restaurants prior to March 15, 2020, thank you for your continued leadership in keeping our state and residents safe during these awful days.

As you know, the safety of our guests and employees has always been, and always will be, first and foremost in every restaurant operator's mind. We have always taken that responsibility very seriously. We have significantly elevated the already robust and regularly inspected standards expected of our industry during the response to COVID-19. We have exhibited, through thousands upon thousands of compliance inspections, that we respect and execute the protocols placed upon our industry. Finally, that vigilance is measured and reported in the data that the administration uses to drive decisions and actions that reflects, and as has often been stated, that restaurants are not the problem and not driving the current spike. According to a recent analysis, fewer than two percent of cluster infections (infections involving two or more cases) have occurred in restaurants in the last month.

Most every industry has suffered, but none more so than the restaurant industry. The Executive Order signed this week, has consequences that we believe may not have been fully understood or considered when making this decision. For a guest to be completed with their dining experience by 9:30, we are unable to seat that guest later than 8:00 PM, and that is very tight, almost uncomfortable. Restaurants are not operated like banks where there is a set closing time and the guest gets ushered out the door at that time.

While the administration has stated that restaurants need to be fully closed at 9:30 PM, in reviewing the order and consulting with multiple attorney's, we read the order as stating that no new guests can enter the premises

to sit in our dining rooms, and no alcoholic beverages can be ordered or delivered after 9:30 PM. Nowhere does it state that the guest must vacate the premises by 9:30 PM. As such, we intend to operate our restaurants to that standard – no new guests, no new drinks delivered after 9:30 PM, and our guests may finish their dining experience before we close our doors at 10:00 PM. We cannot state more emphatically how critical this half hour per day is to the continued existence of our restaurants and our ability to pay our employees.

Within minutes of this order being announced, many restaurant owners felt that they would need to furlough up to 50% of their staff that they had recalled from unemployment as soon as this Friday. This action will put thousands of more employees back on the already depleted state system. In addition, as we all know, the restaurant industry is the place of employment for many new immigrants. Many of these immigrants do not qualify for state benefits.

We respectfully ask that you inform those responsible for compliance checks that this is indeed what the order states, and as a result, no new action needs to be made to alter the Executive Order.

Additionally, and separately, we respectfully ask that the Administration consider slightly altering this closing time, at the very least by one hour per day, at least on Thursday, Friday and Saturday. We need a solution that delicately balances the safety of all while managing the operation and length of the guest experience at dinner. We need to make certain that we can keep thousands of residents employed.

We need to offer hope to an industry that received eight weeks of Federal relief for a problem that is now approaching 8 months. Operators have to do everything they can to survive this winter until they can somehow emerge March 1st when we can hopefully open back up outdoor dining. We cannot understate enough how 3 hours per week will perhaps allow this all to occur.

Please note, a customer can walk into a package store at 9:29, grab a bottle of wine, and be out by 9:30. Our guest experience is just not that short...this means yes, we are different, and it is perfectly fine to have a different standard in order to balance the needs of all to make it through these coming weeks and the winter season.

Thank you for your consideration.

Sincerely,

Bob Luz
President & CEO
Massachusetts Restaurant Association

Nia Grace - Darryl's Corner Bar & Kitchen
Royal C. Smith - District 7 Tavern
On behalf of the Boston Black Hospitality Coalition

Tony Maws - Craigie on Main, Craigie Burger
Jody Adams - Porto, Trade, Saloniki
On behalf of Massachusetts Restaurants United

Chris Jamison - COJE Management Group
On behalf of the Boston Restaurant Coalition