



November 5, 2020

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

Dear State Leadership,

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

As you know, the safety of our guests and employees has always been, and will always be, the most important consideration of each and every establishment represented here. Our industry has always been held to a higher standard than any other customer-facing line of business throughout the reopening process, and we are proud of the way we have risen to the challenge of safely reopening our restaurants. We have always taken that responsibility very seriously, and significantly elevated the already robust health standards of our industry as a response to COVID-19. That vigilance is measured and reflected in the data that the administration uses to drive decisions and actions. This data reflects, and the administration has referenced, that restaurants are not the source behind the current spike of COVID-19 cases. According to a recent analysis, fewer than two percent of cluster infections (infections involving two or more cases) can be traced back to restaurants in the last thirty days.

Every industry has suffered in this pandemic, but none more than the restaurant industry. With this in mind, the Executive Order signed this week will be catastrophic for an industry already reeling from the pandemic and we implore you to consider the nuances of restaurant operations and the impact of the Order on our industry. For the order to be followed, we would be unable to seat a guest after 8:00 PM, and presents us with the difficult prospect of rushing our guests out the door to comply with the Advisory issued by this Administration. Restaurants are not operated like banks or shops, where there is a set closing time, allotted service schedule, and customers ushered out the door. In an industry where revenue is often generated by diners seated after 8:00 PM, this is a devastating proposition, and one that will cause many of our most vulnerable to permanently close their doors.

The Order as it was issued has caused great confusion and tremendous trepidation throughout our industry. As it is worded, there is confusion about whether the intent of the Order is that all guests must vacate the premises by 9:30 PM, or whether service within the premises must stop by 9:30 PM while allowing guests to leave shortly thereafter in accordance with the 10:00 PM Advisory issued by the Governor. While the administration has stated that restaurants need to be fully closed at 9:30 PM, in reviewing the Order and consulting with multiple attorneys, we interpret the Order to mean that service must end at 9:30 PM, guests may not be admitted after 9:30 PM, and no alcohol service may take place after 9:30 PM. We interpret the order to allow us to wind down business in an orderly manner and ensure all guests are out of our establishments by 10:00 PM. Nowhere in the Order is it stated that all guests must leave the premises by 9:30 PM.

As such, we intend to operate our restaurants to that standard – no new guests, no new drinks served or 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 an hour per day is to the continued existence of our restaurants and our ability to pay our employees. We respectfully ask that you clarify the intent of this Order to local authorities delegated with enforcing the same.

Additionally, we respectfully ask that the Administration consider slightly altering the Executive Order's closing time at the very least by one hour per day on Thursday, Friday and Saturday. We need a solution that balances the safety of everyone, the operation and length of our guest's dinner, and our ability to keep thousands of residents employed.

Within minutes of this Order announcement, many restaurant owners indicated they would need to furlough up to 50 percent of their staff as soon as this Friday. Workers which had been recalled from unemployment. If taken, this action would put thousands back on the unemployment rolls of the Commonwealth that are already stressed and depleted. As we all know, the restaurant industry employs many immigrants and the majority do not qualify for any public benefits. These workers will be left to fend for themselves again, like at the start of the pandemic.

We need to offer hope to an industry that received eight weeks of federal relief for a problem that is now going into its eighth month of existence. With no sign of grant funding available exclusively for restaurants, operators have to do everything they can to survive winter. We cannot overstate the importance of three additional hours of business, weekly.

For context, a customer can walk into a package store at 9:29 PM, purchase a bottle of wine, and leave by 9:30 PM. Our guest experience does not equate to this time frame; we are different, and it is perfectly fine to have different standards to balance the needs of everyone to make it through these dark winter months.

We respectfully request your consideration of the aforementioned concerns and thank you for your time and consideration.

Sincerely,

Bob Luz
President & CEO
Massachusetts Restaurant Association

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

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

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