



## **Emergency Remote Meeting Protocols**

On September 24, 2020, the Department of Community Affairs issued emergency regulations ([N.J.A.C. 5:39-1.1 through 1.7](#)) regarding emergency remote meeting protocols for local public bodies. In conjunction, the Division of Local Government Services issued [Local Finance Notice 2020-21](#), offering further guidance on the regulations.

The emergency regulations outline circumstances under which a local public body may hold remote public meetings during a declared emergency. This is in addition to any circumstances under which public meetings can already be held by means of communications equipment. The regulations also provide minimum technological, procedural, and notice requirements. Public entities should review the emergency regulations and the Local Finance Notice, but below are a few key takeaways:

- When hosting a remote meeting, public bodies must use electronic communication technologies routinely used in academic, business and professional settings and only those which may be accessed by the public at no cost.
- Participant capacity on the selected platform should be consistent with the reasonable expectation of the public body but shall not be limited to fewer than 50 public participants (beyond those persons required to conduct business at the meeting).
- A local public body meeting held in-person shall not prohibit the public from attending in person.
- Any remote meeting where sworn testimony is being taken must be broadcast by video, as well as audio.
- Documents that would be available to be viewed and that are made available to the public at an in-person meeting, must also be made available for remote meetings either by publishing on the governing body's website or other means.
- The local public body must allow for public comments to be submitted in advance of a remote public meeting through email and in written letter form by a reasonable deadline.
- If the local public body did not anticipate conducting remote public meetings for a series of regularly scheduled meetings advertised in its annual notice, the annual notice must be revised at least seven days prior to the next regularly scheduled meeting, indicating which meetings will be held as remote meetings.

These emergency regulations are presently in effect and have been concurrently proposed for permanent adoption in the upcoming October 19, 2020 New Jersey Register. Comments on these regulations must be submitted no later than November 18, 2020.

Questions concerning these notices can be sent to Frank Marshall, Esq., Associate General Counsel, at [fmarshall@njlm.org](mailto:fmarshall@njlm.org), or by calling 609-695-3481 x137.

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