

C O M M O N W E A L T H O F M A S S A C H U S E T T S
H O U S I N G A P P E A L S C O M M I T T E E

STANDING ORDER 2025-01

REMOTE HEARING PROCEDURES

Applicable to all matters before the Housing Appeals Committee on July 31, 2025, and thereafter.

Effective July 31, 2025, it is hereby ORDERED that the following procedures and requirements apply to all portions of Housing Appeals Committee hearings that are conducted remotely:

1. Access to Microsoft Teams. The remote portion of the hearing will be conducted using Microsoft Teams (Teams). The Primary Participants are counsel for the parties, the stenographer, the presiding officer, the Committee support person, and any Committee members who may attend the hearing. Before the hearing, the Committee will email the Teams hearing invitations to counsel and the stenographer, and counsel will be responsible for forwarding the Teams invitation to their witnesses and any other individuals they wish to observe the hearing.

2. Audience Access to the Hearing. Members of the public who wish to observe the remote portion of the hearing may obtain access by following instructions in the Notice of Hearing posted on the EOHLHC website at <https://www.mass.gov/info-details/eohlc-open-meeting-notice> . Those persons wishing to join the hearing via audio only should use the telephone line and phone conference ID identified in the Notice of Hearing to listen to the hearing. Persons wishing to observe video of the hearing should email EOHLCHousingAppealsCommittee@mass.gov before or during the hearing to receive the link to the Teams meeting at which the hearing will be held.

3. Video Visibility. Counsel must remain visible via video on screen at all times, unless otherwise directed by the presiding officer. Witnesses are required to remain visible on screen via video while testifying, unless otherwise directed by the presiding officer. Members of the Committee may attend the hearing and, if so, they may be visible on screen at their discretion to ask questions of witnesses.

4. Muting/Audio. All participants should mute their microphones when not actively participating, participating in the questioning of a witness, or testifying. If a party is represented by more than one counsel, only one counsel for that party shall have the microphone unmuted

during a specific witness's testimony. All witnesses shall mute their microphones and turn off video cameras when not testifying. Any attendees other than counsel, witnesses, Committee members and the stenographer, shall mute microphones and turn off video cameras upon entering the hearing and for the duration of the hearing. The presiding officer reserves the right to mute or remove a disruptive participant from the hearing who does not adhere to this order.

5. Exhibits-Electronic Copies. Pursuant to Standing Order 2021-01, all exhibits must be filed in electronic format and uploaded to a Teams file in the manner specified in Standing Order 2021-01. During the remote hearing, on request by counsel, the electronic copy of any exhibit will be shown onscreen. To the extent counsel wish to introduce additional exhibits into evidence, or to use non-admitted documents for non-evidentiary purposes, counsel shall email the document to the presiding officer, the Committee support person, and all other counsel, before the start of the hearing session, but in no event any later than the beginning of examination of a witness or immediately before using the document. At counsel's request, and subject to opposition from other counsel, the Committee support person will share the document on screen for use in examination of that witness.

6. Private Communications and Notes. Counsel, parties, and their representatives are prohibited from privately communicating *with a witness* through text, private chat, email, or in any other manner *while that witness is testifying*. Witnesses are prohibited from privately communicating with anyone through text, private chat, email, or any other manner *while testifying*. Witnesses are prohibited from holding, referring to, or using any notes, paperwork, materials, or other aids while testifying, unless they are permitted to do so by the presiding officer or the counsel who is questioning them, and such items have been identified and have been made available to counsel for all parties at or before the hearing. Unless granted permission by the presiding officer, witnesses are prohibited from having anyone in the same room as them while they are testifying, unless that person is another hearing participant who is also onscreen. In the event all or some of a party's witnesses are in the same room as counsel for the party during the hearing, counsel shall identify all persons present, and video cameras of only counsel and the witness then testifying shall be on.

7. Recess. If counsel requires time to confer privately with a party or a witness, or if the stenographer needs a recess, they may request a brief recess from the presiding officer. If granted, the presiding officer will mute all participants and attendees and direct them to turn off their cameras for the agreed amount of time. It is the responsibility of the participants to ensure that their cameras have been turned off or covered, and that they remain muted, when breaking for recess.

8. Technical Difficulties. Participants and audience using video are encouraged to download the Teams application to join the hearing. Anyone experiencing technical difficulties with the Teams video may call into the hearing using the telephone number identified in the

Notice of Hearing described in paragraph 2 above. All participants shall be mindful of requests from the stenographer made to facilitate the preparation of a complete transcript.

9. Hearing Start. The remote portion of the hearing will normally run from 10:00 a.m. to 3:00 p.m. each day, or until the hearing is concluded. Primary Participants are required to log into the hearing no later than 15 minutes before the first day of a remote hearing session to ensure they are able to access the Teams platform. Counsel are encouraged to have their witnesses log in by that time in order to test their access and resolve any technical difficulties or questions before the commencement of the hearing. When logging into the Teams hearing for the first time, participants are asked to type in their name. Whenever possible, participants are encouraged to include a parenthetical description following their name, stating their role, to assist other participants with identification. Examples include: Smith, John (Board Counsel), Jane Doe (Developer Witness).

10. Objections at Remote Hearing. Counsel shall make every effort not to interrupt other speakers during the videoconference hearing unless it is necessary to assert an objection. Counsel voicing objections shall, in place of standing, make a clear oral indication of their objection and raise a hand so it is visible to the presiding officer on screen. Witnesses shall make every effort to cease speaking immediately when an objection is made so the presiding officer can issue a ruling.

11. Recording. The transcript created and filed by the stenographer will constitute the official record of the hearing. No other recording of the hearing, including but not limited to use of the Teams recording feature or AI-generated recording tools, is permitted, unless expressly approved beforehand by the presiding officer.

12. Chat/Other Teams Features. Microsoft Teams provides a “chat” feature that allows participants to type messages to all other participants, and a “raise hand” feature that indicates that participant wishes to speak. Participants are discouraged from using these features, and the presiding officer will not use these features or respond if they are used. Neither the presiding officer nor the Committee is responsible for any information submitted using the chat feature.

13. Counsel Obligations. Counsel are required to advise their clients and witnesses of the prohibitions in this order, and they are responsible for ensuring that their clients and witnesses are familiar with and understand the requirements of this order before the commencement of the hearing. Counsel are also responsible for ensuring that they, their clients, and any witnesses have adequate facilities for participation in the hearing. Counsel or witnesses who cannot be adequately seen and heard by the presiding officer or other participants may not be permitted to participate. The presiding officer reserves the right to suspend and reschedule the hearing in order to resolve any technical difficulties.

Adopted July 31, 2025
Effective: July 31, 2025.

HOUSING APPEALS COMMITTEE



Shelagh A. Ellman-Pearl, Chair