

## Capacity Restrictions for Mass Attendance Remain in place as Matter is Being Reviewed

Regarding the recent Supreme Court decision, the Diocese of Rochester has instructed pastors that **“As this matter continues to be reviewed and has yet to reach a final resolution**, please continue to follow all public health guidance limiting capacity: ... in Orange Zones ...[to] 25 people maximum.” For now, we will proceed with our current plans to limit Mass attendance to 25 people maximum in our church buildings. Even if the New York State restrictions were removed, we would still need to act prudently and responsibly to mitigate the spread of COVID-19. Any freedom comes with its attendant duties and responsibilities.

What follows is the full text of the communication that we received from the Diocese:

“As you likely have read or heard, the United States Supreme Court issued a temporary injunction barring enforcement of Governor Cuomo's executive order regarding the head-count capacity restrictions on religious gatherings in areas of high COVID-19 incidence. *This relief is granted pending the decision of the Court of Appeals of the Second Circuit.*

The relief specifically targets the head count restrictions in designated color-coded zones: 10 in “Red Zone” and 25 in “Orange Zone.” The Petitioner, the Diocese of Brooklyn, told the Court that they were compliant with the 50% and 33% capacity limitations and that they are following all public health guidance.

**As this matter continues to be reviewed and has yet to reach a final resolution**, please continue to follow all public health guidance limiting capacity: 50 percent of capacity in areas designated as Yellow Zones and in Orange Zones the lesser of 33 percent or 25 people maximum. All activities associated with contact tracing, cleaning, masks, social distancing, and singing, as well as limitations on other gatherings, remain in place.

We will continue to seek guidance in this matter and keep you informed.”

Please note, that even if the New York State restrictions were removed, we would still need to act prudently and responsibly to mitigate the spread of COVID-19. Any freedom comes with its attendant duties and responsibilities. Whoever ends up as the designated decisionmaker, they will need to weigh the same factors, especially the advice of health experts, in making any determination of how to proceed. May the gifts of the Holy Spirit and the virtue of prudence guide that decision making process.