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## **Open Meetings Law Recommendations for 2024 Legislative Session**

*December 2023*

New Yorkers learned a great deal during the COVID-19 pandemic, including that remote (and subsequently recorded) public meetings were a boon to members of the disabled community, parents of young children and the many other civic-minded people whose circumstances make it challenging to attend government meetings in person. In the FY 2022-2023 budget, the State Legislature and Governor made many of the COVID-era remote meetings practices permanent, and provided a framework for remote and in-person participation, but did not fully embrace a hybrid mandate.

Fortunately, New York can have both in-person and remote access to public meetings. Agencies like the Metropolitan Transportation Authority (MTA) have shown that a hybrid public meeting process is workable, both for public officials and members of the public that wish to watch meetings, or provide public comment.

Our groups have eight recommendations for how the state can amend the Open Meetings Law in 2024 to require hybrid meetings and close loopholes (updated from many of our groups' [March 2022 recommendations](#)):

- 1. Require all state and local public bodies currently subject to OML to provide free, unrestricted remote video and voice access to the public for all their public meetings**, including via telephone, using web-based video conferencing applications.
- 2. Where bodies allow or are required to take public comment – such as hearings or other public meetings – require that the public can provide**

- real-time spoken comment either in-person OR remotely**, regardless of whether public body members are participating remotely or in-person.
3. **Require a quorum of members of elected bodies such as the state legislature and local legislatures to be present in person.** The current law's limited reasons for participating remotely should be maintained (disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting) to allow members to participate and vote remotely, provided that meeting minutes note which members participated remotely.
  4. **At a minimum, require the presiding officer of appointed boards and commissions or non-elected agency or authority personnel to be present in-person for public meetings**, while allowing remaining members of the body to participate remotely, including being counted towards a quorum and voting; a reason for participating remotely should still be required to be provided as under current law (disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting). Presiding officers should be able to designate an alternate member of the public body to be present in person due to the limited reasons provided above.
  5. **Require public bodies to provide at least one in-person, accessible meeting location that allows the public to attend per the existing requirement in OML.** (The previous requirement that all locations must include public access where individual members of the body are remotely participating in the meeting should continue to be repealed.)
  6. **Require NYS Office of Information and Technology Services (ITS) to facilitate use of widely available, low-cost applications that meet federal accessibility guidelines and international standards and eliminate any requirement that web-based video conferencing apps must be hosted on state or local government-controlled or -owned servers.** This would allow state and local public bodies to use widely commercially available web applications like Zoom, Google Meet, Microsoft Teams, etc. as long as they meet basic security requirements established by the ITS and follow other requirements for public access. ***All such meetings must enable closed captioning, which those services provide, and provide an American Sign Language interpreter upon request.***
  7. **Remove “to the extent practicable/as is practicable” language throughout OML:** in section §103(e) regarding meeting materials, §103(f) regarding broadcasting and streaming meetings, and §104 regarding notice of meetings.
  8. **Amend language on “advisory bodies” to ensure that more advisory bodies are covered by OML**, including formally chartered entities with officially delegated duties and organizational attributes of a substantive nature.

Additionally, the following provisions from 2022 and 2023 changes to the Open Meetings Law should be retained:

- 1. Allow members of public bodies with disabilities as defined in section two hundred ninety-two of the executive law to always be able to participate remotely while counting towards a quorum,** provided that the public body maintains at least one physical location where the public can attend meetings.
- 2. Require prompt posting and archiving video of meetings, along with meeting materials and minutes:** public bodies must publish online replayable recordings of their public meetings within five business days and maintain an archive of publicly available online recordings of their open meetings for at least five years.