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## **MEMO OF SUPPORT**

### **[A10266 \(Simone\)](#)**

*Updates Open Meetings Law to require  
hybrid participation at public meetings and close loopholes*

May 23, 2024

#### **TITLE OF BILL**

An act to amend the public officers law and the state technology law, in relation to requirements for open meetings; and to amend part WW of chapter 56 of the laws of 2022 amending the public officers law relating to permitting videoconferencing and remote participation in public meetings under certain circumstances, in relation to making such provisions permanent.

#### **STATEMENT OF SUPPORT**

Our groups strongly support this bill because it will encourage greater public participation in open meetings, while making it easier for those serving on public bodies to attend such meetings.

The COVID-19 pandemic showed how remote public meetings were a boon to members of the disability community, parents of young children, and many other civic-minded people. Suddenly, people unable to attend in person could watch and, in some cases, even participate in vital governmental meetings from home.

In the FY 2022-23 budget, the state Legislature and Governor extended COVID-era remote meetings practices. This provided a framework for remote and in-person participation by members of public bodies and the general public, but did not fully mandate hybrid meetings. The FY 2024-25 budget extended these provisions until 2026.

The FY 2023 law was an improvement, but New York can do better. Agencies like the Metropolitan Transportation Authority (MTA) have already shown that a hybrid open meeting process is workable, both for public officials and members of the public.

More than 30 groups provided a set of [recommendations in December 2023](#) that informed the drafting of this bill, which mandates hybrid public meetings at the state and local levels. Additionally, the bill reduces the burden for non-elected bodies like community boards, requiring that only the presiding officer must attend in-person at a physical location that is fully accessible to the public, rather than a quorum of members.

Lastly, the bill closes loopholes that provide discretion for agencies regarding publishing of public notice and materials for open meetings, removing “to the extent practicable” language to ensure New Yorkers are adequately informed about upcoming meetings.

We strongly urge the Legislature to pass this bill, and the Governor to sign it.

## **SUMMARY OF PROVISIONS**

Section 1 amends Section 4 of part WW of chapter 56 of the laws of 2022, making changes to the Open Meetings Law permanent.

Section 2 amends subdivisions 2 and 3 of section 103-a of the Public Officers Law to require the use of web-based videoconferencing with the ability to enable closed captioning for meetings of public bodies, and requiring hybrid (in-person and remote) meetings:

- For bodies composed of elected officials (legislatures), a quorum must be physically present in person.
- For appointed boards and commissions, or non-elected agencies and authorities, the presiding officer must be present in-person, or may designate an alternate member.
- Members may participate remotely for the circumstances provided by law, including disability, illness, or caretaking responsibilities.
- Minutes of meetings shall state which members participated remotely.
- Recordings of meetings shall be published using closed captioning.
- Public bodies must provide the opportunity for members of the public to view meetings via video with real-time closed captioning or participate in real-time,, where public comment is authorized.

Section 3 amends subdivisions 2, 4, and 5 of section 104 of the Public Officers Law to require:

- Notice be posted on public bodies’ webpages and social media accounts.

- Public notice of meetings shall inform the public of the use of videoconferencing, and include where the public can view or participate in meetings, how they may participate, and where documents and records will be posted.
- Public bodies to maintain a page on an official government internet website.

Section 4 amends subdivisions e and f of section 103 of the Public Officers Law to remove the following loopholes:

- “To the extent practicable” language regarding the requirements that records that are the subject of discussion at public meetings be posted 24 hours prior to the meeting.
- “To the extent practicable and within available funds” language regarding broadcasting of meetings and maintaining broadcasts as agency records.
- The requirement that public bodies must have a website and high speed internet before they are required to stream meetings in real-time.

Section 5 amends subdivision c of section 103 of the Public Officers Law to require that at least one accessible physical location be available for the public to attend public meetings, and that American Sign Language interpreters be provided upon request.

Section 6 amends section 102 of the Public Officers Law to remove language exempting certain advisory bodies from the Open Meetings Law. New language is added requiring any formally chartered entity which has officially delegated duties and organizational attributes of a substantive nature – a standard applied in prior case law to advisory bodies to determine if they are subject to the Open Meetings Law.

Section 7 amends section 103-b of the State Technology Law to require the Office of Information Technology Services to facilitate the use of widely available, low-cost, and platform responsive web-based videoconferencing applications that meet or exceed federal accessibility guidelines and international standards, allowing for an equivalent experience to in-person access, including for materials and public comment, for the broadcast of public meetings.

Section 8 amends subdivision 2 of section 105 of the Public Officers Law to allow members of public bodies or any other persons authorized by the body to attend executive sessions via videoconferencing.

Section 9 amends section 106 of the Public Officers Law to require minutes from public meetings to reflect use of electronic means to attend meetings, including when members joined and left meetings, and note any interruptions or suspension due to technical problems.

Section 10 sets the effective date as 60 days, provided that if chapter 734 of the laws of 2023 has not yet taken effect, then it shall take effect on the same date as that chapter.