



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

Senator Brad Hoylman Introduces Legislation To Allow Community Boards And Other Public Bodies To Meet In Emergencies Via Telecommunication And Videoconferencing

BRAD HOYLMAN-SIGAL March 12, 2020

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NEW YORK—In response to safety and health concerns related to the ongoing COVID-19 public health crisis, Senator Brad Hoylman will introduce new legislation allowing Community Boards, Community Education Councils, and other public bodies subject to the Open Meetings Law to convene during a state disaster emergency using state-of-the-art technology, rather than hosting in-person meetings. The proposal was crafted in consultation with the Executive Director of the Committee on Open Government and includes multiple safeguards to ensure it cannot be abused by those who wish to avoid transparency.

Senator Hoylman said: “We can’t allow responsible public health precautions like self-quarantine and ‘social distancing’ to grind the work of open government to a halt. This legislation will allow public bodies to operate with transparency while avoiding unnecessary exposure to COVID-19. I’m grateful for the feedback from local Community Board members, who inspired this bill, and look forward to working with open government advocates and my colleagues to pass this important legislation as soon as possible.”

Senator Hoylman's legislation would allow public bodies subject to the Open Meetings Law to meet in a way that does not threaten the health and safety of participants, including by public teleconference or videoconference. In emergency situations, during which public meetings could not be safely conducted in person, the public body would be required to notify the public about alternate means to monitor or participate in the meeting; the public body would also be required to provide justification for why these emergency measures are necessary. The exemptions granted through this legislation would only be valid during a state declaration of emergency, specifically in areas that are covered by that declaration.

Senator Hoylman added: "Community leaders shouldn't be forced to choose between canceling meetings and risking exposure of themselves and others to COVID-19."

The legislation includes important safeguards against abuse or misuse of this statute, to ensure it is only utilized in true emergencies. The existing enforcement mechanism of the Open Meetings Law applies to this provision, meaning any public body thought to be abusing this power would be subject to a challenge in court. The law would also expire in 2022, giving the State Legislature the ability to evaluate its efficacy and determine any necessary changes before renewing this provision.

Multiple large public gatherings have already been canceled due to COVID-19. The Centers for Disease Control and Prevention (CDC) recommends event cancellations, social distancing and telecommunication to prevent the spread of this disease. In an effort to follow CDC guidelines annual St. Patrick's Day parades in New York City and Albany have been canceled; in states including California and Seattle, large public gatherings in theaters and sports arenas have been banned as well.