

# COMMITTEE ON OPEN GOVERNMENT

STATE OF NEW YORK  
DEPARTMENT OF STATE

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## COMMITTEE MEMBERS

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## EXECUTIVE DIRECTOR

SHOSHANAH BEWLAY

## MEMORANDUM

TO: Whom it May Concern

FROM: Shoshanah Bewlay  
Executive Director, Committee on Open Government

RE: *Chapter 417 of the Laws of 2021 "Notwithstanding" Elements of Public Officers Law  
Article 7 "The Open Meetings Law" through January 15, 2022.*

*Chapter 481 of the Laws of 2021 Relating to Records Scheduled to be Discussed at an  
Open Meeting*

*Chapter 587 of the Laws of 2021 Relating to the Posting of Meeting Minutes*

DATE: November 9, 2021

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### **On September 2, 2021, Governor Kathy Hochul signed into Law Chapter 417 of the Laws of 2021**

which, in part, authorizes most public bodies "to meet and take such action authorized by law without permitting in public in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

The language of the Law substantially mirrors former Executive Order 202.1 issued in March 2020. Guidance relating to that order can be found on the Committee on Open Government's website under Open Meetings Law Advisory Opinions, key phrase "Declared Disaster Emergency." Links to those opinions are below.

[OML AO 5630A](#), [OML AO 5631A](#), [OML AO 5632A](#),

**On October 19, 2021, the Governor signed into law Chapter 481 of the Laws of 2021** which amends § 103(e) of the Open Meetings Law to require that records to be discussed at a meeting be made available, to the extent practicable, upon request and posted online, at least 24-hours before the meeting. The obligation to make records available to the public upon request "prior to or at the meeting" and to post the records on the agency or public body website "prior to the meeting" has been in effect since February 2012. This amendment simply places a 24-hour minimum time frame for making those records available.

**On November 8, 2021, the Governor signed into law Chapter 587 of the Laws of 2021** which amends the Open Meetings Law to require agencies that maintain a website and use a high-speed internet connection to post meeting minutes on its website within two weeks of the date of the meeting, or within one week of an executive session. It further states: “unabridged video recordings or unabridged audio recordings or unabridged written transcripts may be deemed to be meeting minutes. Nothing in this section shall require the creation of minutes if the public body would not otherwise take them.”