

COMMITTEE ON OPEN GOVERNMENT

STATE OF NEW YORK DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
TELEPHONE: (518) 474-2518
FAX: (518) 474-1927
WWW.OPENGOVERNMENT.NY.GOV

COMMITTEE MEMBERS

ANTONIO DELGADO
PETER D. GRIMM
HADLEY HARRIGAN
ROBERT MEGNA
JEANETTE M. MOY
ROBERT J. RODRIGUEZ
DAVID A. SCHULZ
FRANKLIN H. STONE
STEPHEN B. WATERS

EXECUTIVE DIRECTOR

SHOSHANAH BEWLAY

MEMORANDUM

TO: Whom it May Concern

FROM: Shoshanah Bewlay
Executive Director, Committee on Open Government

RE: *Chapter 58 of the Laws of 2023 Amending § 103-a(2)(c) of the Open Meetings Law*

DATE: May 5, 2023

On May 3, 2023, Governor Kathy Hochul signed into Law Chapter 58 of the Laws of 2023, which, in part, provides for the exemption from certain in person meeting participation requirements of individuals with disabilities who are members of public bodies as defined in the Open Meetings Law (Pub. Off. L. § 100 et seq.). Specifically, Chapter 58 amended Public Officers Law § 103-a(2)(c) to allow public bodies, notwithstanding the quorum requirements otherwise applicable in this section, through written procedures:

to allow for any member who has a disability as defined in section two hundred ninety-two of the executive law, where such disability renders such member unable to participate in-person at any such meeting location where the public can attend, to be considered present for purposes of fulfilling the quorum requirements for such public body at any meetings conducted through videoconferencing pursuant to this section, provided, however, that the remaining criteria set forth in this subdivision are otherwise met; and provided, further, that the public body maintains at least one physical location where the public can attend such meeting;

This amendment takes effect immediately and will be deemed repealed on the same date (July 1, 2024) as the remainder of § 103-a. The full text of the Open Meetings Law may be found [here](#).