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**Mark D. Levine, Borough President**

To: Manhattan CB District Managers and Chairs  
From: Adele Bartlett, General Counsel, Tricia Shimamura, Director of Community Affairs  
Re: New Open Meetings Law Provisions  
Date: April 29, 2022

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As you are all aware by now, the New York State Opens Meetings Law (“OML”) (to which all Community Board meetings are subject) was amended on April 9, 2022. The provisions of the new law do not go into effect until June 9, 2022. Until then, the suspension of certain provisions of the prior OML remains in effect, permitting boards to conduct completely virtual meeting. The stay of the new law going into effect provides us time to understand the new provisions and prepare to meet them.

What your board needs to do:

**Determine** whether you wish to adopt procedures that permit modified hybrid meetings pursuant to the new OML.

If **no**, and board wishes to hold all meetings in person as they did prior to COVID emergency declarations and suspensions, then no action need be taken.

If **yes**, then:

Prior to June 9, 2022, the board must draft procedures that they will follow to comply with the law. These procedures must be presented at a public hearing and then adopted by resolution of the full board.

The procedures drafted should:

- Specify whether the procedures will apply to its committees and task forces as well as the full board.
- Outline the provisions of the law, in that meetings can be held with some members attending remotely, so long as there is a quorum of the board members

present at one or more specific in-person locations. Those locations must provide for attendance by the public.

- Set out the list of specific circumstances or conditions under which members will be permitted to participate from remote locations. These circumstances should qualify as “extraordinary”. Examples provided in the law include: “...disability, illness, caregiving responsibilities or any other significant or unexpected factor which precludes the member’s physical presence at such meeting.”
- Provide that where a member attends virtually, the name and specific reasons for virtual attendance be noted in the board minutes.
- Provide that any members participating virtually cannot be counted toward quorum.
- Provide the member appearing virtually must at all times be able to be “heard, seen and identified.” In other words, they must be continually visible on video with identification.
- Provide for the public to attend remotely and participate in the public session as those members of the public attending in person.
- Provide that those meetings where members are participating virtually will utilize “...technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA) as amended, and corresponding guidelines.”
- Provide that notices of meetings where there will be virtual participation be board members set forth that fact, and in addition to listing the physical location(s) where the public can attend, provide information as to how the public can participate virtually. The notice should also state where members of the public can locate documents relevant to the matters to be considered at the meeting.
- Provide that minutes of meetings where there was virtual participation must be posted within the time set forth in Sec. 106 of the POL, (two weeks) and that a transcript of the meeting be available on request. In addition to regular attendance information, the minutes must identify which members of the board participated virtually and set forth the reason justifying such attendance.

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Once the board has drafted its proposed remote participation provisions, they should be presented at a public hearing. Only after such hearing, can they be adopted by the board and put into effect.

The in-person attendance requirements will not apply during a declared disaster emergency by the state or the city, provided the board passes a resolution finding that the disaster in question impedes its ability to hold in-person meetings.

The law sunsets July 1, 2024.