Update on NYS Open Meetings Law and Executive Order 202.1 and Executive Order 202.55
August 6, 2020

Executive Order 202.1, which allows but does not require public bodies to suspend the in-person attendance requirement of the NYS Open Meetings Law, has been extended through September 4, 2020 by Executive Order 202.55. Pursuant to Executive Order 202.1, public bodies are authorized to conduct meetings remotely so long as they (1) allow the public to view or listen to such meetings, (2) record the meetings, and (3) transcribe such meetings within a reasonable time period.

Consequently, public bodies may conduct meetings and public hearings either (a) remotely pursuant to the requirements of Executive Order 202.1, or (b) in-person following CDC and New York State Department of Health guidance, which includes enforcing the 50% facility capacity requirements, social distancing, the wearing of face masks, and heightened cleaning and disinfection procedures. NYCOM’s updated guidance, “Conducting Meetings and Public Hearings During the COVID-19 Pandemic” can be downloaded from the NYCOM website by clicking here.

Local officials are strongly encouraged to consult with their municipal attorney to ensure that they are complying with the New York State Open Meetings Law and Executive Order 202.1. If you have questions about conducting meetings and public hearings during the COVID-19 pandemic, please contact NYCOM General Counsel Wade Beltramo at wade@nycom.org, NYCOM Counsel John Mancini at jmancini@nycom.org, or NYCOM Counsel Rebecca Ruscito at rebecca@nycom.org.

Additionally, please also be advised that Executive Order 202.55 extends the authorization of the NYS Liquor Authority (pursuant to EO 202.38) to permit restaurants and bars to serve food and beverages on expanded premises, including on contiguous public spaces and otherwise unlicensed contiguous private space under the control of the restaurant or bar. Finally, Executive Order 202.55 extends the deadline for filing a 2020 small claims assessment review petition for property located in Nassau County to September 4, 2020, and also allows the Nassau County Executive to extend certain deadlines related to school district property taxes.