Update on the Ability of Local Governments to Conduct Public Hearings
April 10, 2020

Late in the evening on April 9, 2020, Governor Cuomo issued Executive Order No. 202.15, which, in relevant part, postponed until June 1, 2020 at the earliest, all in-person public hearings scheduled for April and May of 2020. Local officials may continue to hold public hearings remotely through the use of telephone conference, video conference, and/or other similar service.

On March 13, 2020, Governor Cuomo issued Executive Order No. 202.1, which suspends Article 7 of the Public Officers Law (also known as the Open Meetings Law) to the extent necessary to permit any public body to meet and take such actions authorized by law without allowing the public to be physically present at the meeting. The order also authorizes public bodies to meet remotely by conference call or similar service. If a public body restricts in-person access to its meetings or conducts a meeting remotely by conference call or similar service, the public body must provide the public the ability to view or listen to such meetings live and must record and later transcribe such meetings.

Consequently, if a public body is unable to conduct its public hearings pursuant to Executive Order 202.1, then, pursuant to Executive Order 202.15, such public hearings are postponed until at least June 1, 2020.

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 the Governor’s Executive Orders 202.1 and 202.15. If you have question about conducting meetings and public hearings during the COVID-19 pandemic, please contact NYCOM General Counsel Wade Beltramo at wade@nycom.org or NYCOM Counsel Rebecca Ruscito at rebecca@nycom.org.

Impact of Executive Order 202.15 on the Village Budget Process

As described above, Executive Order 202.15 no longer allows local governments to hold in-person public hearings until June 1 or later. However, governing bodies still have the ability to “hold the public hearing remotely, through use of telephone conference, video conference, and/or other similar service.” We do not recommend that you not hold a public hearing on the tentative budget. This is a critical step in the budget process.

As we have said in our COVID-19 guidance, for villages that are in the process of adopting their budget, we recommend you do your best to comply with the dates outlined in Village Law which end with adoption on or before May 1. However, if you have to delay some of the required steps in order to properly complete them (e.g., getting the technology in place to enable you to hold a public hearing remotely), you should do so. If such delays are necessary, please consult with your municipal attorney to ensure compliance with the New York State Open Meetings Law.
result in you missing the May 1 budget adoption deadline, NYCOM as well as the Office of
the State Comptroller recommend that you adopt the budget as soon as possible after that
date. It is important that you keep in mind the impact that a late budget adoption could
have on your property tax collection process.

NYCOM has developed a guide to remote meetings technology which is available on
NYCOM’s COVID-19 Guidance webpage. If you have questions about such technology,
please contact David Bissember at david@nycom.org.