

COVID-19 Public Meeting Guidance

As per NYS Executive Order 210 (effective 6/25), meetings that are subject to the Open Meetings Law (OML) must be conducted in-person. Until further notice, agencies must adhere to the following guidance for public meetings subject to Open Meeting Law:

Face Coverings and Physical Distancing

- Agencies must require all meeting attendees (City employees, visitors¹, and members of the public²) over the age of two who are medically able to tolerate a face covering must wear a face covering at all times, regardless of vaccination status, except when eating or drinking.
- Agencies must provide face coverings to attendees if needed, at no cost.
- Agencies must ensure all meeting attendees remain 6 feet apart at all times, regardless of vaccination status.

Meeting Notices

- If the meeting is publicly noticed, the notice must include:
 - The date, time, and location of the meeting (as required by the OML).
 - The location of any overflow room(s).
 - The allowable occupancy for the primary and overflow room(s) (e.g. 10 members of the public will be permitted in the primary room and 15 members of the public in the overflow room).
 - Videoconferencing information for those who wish to participate online, where practicable. If there are no alternative viewing opportunities, an overflow room should be used to allow for greater attendance.
 - Notice that all meeting attendees will be required to practice physical distancing and all attendees over the age of two who are medically able to tolerate a face covering will be required to wear a face covering, regardless of vaccination status.
 - The following health and safety statement:

Please do not attend this meeting if:

- You have experienced any symptoms of COVID-19 within the past 10 days (a fever of 100.0 degrees Fahrenheit or greater, a new cough, new loss of taste or smell, or shortness of breath).
- You have tested positive for COVID-19 within the past 10 days.
- You have been in close contact (within 6 feet for at least 10 minutes over a 24-hour period) with anyone while they had COVID-19 within the past 10 days and are required to quarantine under existing CDC guidance (you have not had COVID-19 within the past 3 months, and you are not fully vaccinated).

- Agencies must post signs at the building entrance with the same health and safety statement.
 - If a member of the public informs meeting organizers that they cannot enter after reading the health and safety statement, agencies should be prepared to provide them with an alternate means of participating/watching the meeting so the person may do so from a private location. To minimize interaction, information should be pre-prepared and easily distributed with limited contact.
 - Agencies should not ask any attendee their vaccination status or other health questions.
 - An agency may not bar entrance to anyone based on voluntary disclosure of vaccination status.

¹ "Visitors" are prescheduled or expected guests who the agency anticipates will have a prolonged visit and will interact closely with agency employees, but who are not seeking services from the agency. Visitors also include, but are not limited to, maintenance workers, consultants, and individuals coming from other entities for conferences and meetings.

² "Members of the Public" are individuals participating in an event hosted by a City agency or other public body, such as a meeting or hearing, who are not visitors.

Meeting Spaces

- Agencies must secure a space large enough to allow members of the public body and a reasonable number of members of the public to attend in-person that will allow all in attendance to remain 6 feet apart at all times.
 - To determine a reasonable number, agencies should consider prior meeting attendance and level of public interest (for example, if 25-50 members of the public normally attend, and the scheduled meeting has drawn an average level of public interest, 25 attendees is reasonable). All other attendees, such as staff, may attend via videoconference from a private location.
 - When planning for the event, if an agency is unable to obtain a room (or rooms) large enough to allow members of the public body and a reasonable number of members of the public to attend and practice physical distancing, the meeting should be postponed until a larger venue or additional overflow space is obtained. Any meeting can be rescheduled for a date less than one week in advance with proper notice given as soon as practicable.
 - Overflow rooms must be equipped with a monitor large enough to be seen and heard by all members of the public in attendance.
 - Any overflow spaces provided, like any place where a public meeting is conducted, must be accessible for people with disabilities. Best practice is for the overflow room to be in the same building as the primary meeting room.
- If members of the public have the right to speak at the meeting/hearing, the agency must ensure they are able to do so. The meeting room should accommodate the expected crowd. If your meeting room cannot accommodate all attendees, the following can be done:
 - You may circulate people who wish to speak through the meeting room. An on-site overflow room should be available for people to watch the hearing before or after testifying if they must be cycled out of the hearing room.
 - Members of the public may provide testimony remotely from a private location (but agencies **cannot** require them to testify remotely).
 - Members of the public may choose to submit written testimony.

Members of the Public Body

- If there is videoconferencing equipment in the overflow room that permits members of the public body who are in that room to communicate with members of the public body who are in the primary room, that would be videoconferencing permitted under the OML, so that the members in the overflow room would count towards a quorum and can participate/vote.
- Members of the public body participating remotely may **not** vote or be counted towards a quorum unless all OML requirements are met (ex: the location they are testifying from remotely must be accessible to members of the public, etc.)
- Members of the public must have access to the room where members of the public body are present unless they cannot be accommodated due to physical distancing requirements. In such situations, an overflow room should be made available.
- Hearings required under CAPA, which are not also meetings of a public body, are not governed by the OML and may continue to be held by remote means. However, if a quorum or more of the members of a public body are in attendance at a CAPA hearing, it is a meeting of the public body and must comply with OML.

Questions?

- If your agency intends to hold a meeting with 5,000+ attendees, please contact GCQuestions@law.nyc.gov, as additional NYS safety requirements may apply.
- For questions pertaining to OML, contact the Law Department at GCQuestions@law.nyc.gov.
- For further guidance on the City's policies, please reference [Managing the Return to Office in the Age of COVID-19](#) or email your question to RTOGuidance@dcas.nyc.gov.