



Old Astoria Neighborhood Association (OANA)
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Physical Presence Should Not Be the Price of Participation

By Richard Khuzami, President, Old Astoria Neighborhood Association

New York's Open Meetings Law discriminates. Not by intent, but in effect. It decides who can fully serve in public life based on whether a person can be in a particular room at a particular hour. People who work nights, care for children or aging parents, live with illness or disability, have trouble getting around, or cannot afford the time and travel are put at a disadvantage. Their voices count for less.

The law exists for a good reason: the public has a right to watch its government deliberate and decide, because access is what makes government accountable. The Old Astoria Neighborhood Association supports that principle without reservation. But the law confuses two different things: a meeting that is physically assembled and a meeting that is genuinely open. They are not the same.

Under current law, the ability to attend a meeting virtually is extremely limited. A member may participate by video only in "extraordinary circumstances," which the law describes as disability, illness, caregiving responsibilities, or another significant or unexpected event that prevents attendance. Even then, that member generally does not count toward a quorum. The single exception is a member with a qualifying disability, and only if the body chooses to allow it. For everyone else, a quorum must be physically present at locations the public can attend, or the meeting cannot proceed. And none of this is available unless the public body first adopts a resolution after a public hearing and posts written procedures under Section 103-a of the Public Officers Law.

In May, Albany extended these rules to July 15, 2028, without other changes. That was a missed opportunity. Another two years of the same restrictions means another two years of the same exclusions.

Consider who is affected. A nurse working a night shift. A single parent who cannot find a babysitter on a Tuesday evening. A small-business owner who closes at nine. A senior who no longer drives after dark. A person far from transit, or relying on paratransit that may not arrive on time. None of these situations is extraordinary. They are ordinary life for a great many New Yorkers. That is precisely the problem. The law treats the obligations of ordinary people as reasons to exclude them, unless their lives are unusual enough to qualify.

We use the word discriminatory deliberately. We are not claiming a court has found a violation of anti-discrimination law. We are saying something simpler: a rule that consistently disadvantages people based on their work, their family responsibilities, their health, their age, their mobility, or their income produces unequal access to public service. Whatever the intent, the result is that some voices are heard and others are not.

The law already concedes the key point. If a member with a disability can participate by video, count toward a quorum, and vote, and the meeting remains open and accountable, then openness clearly does not depend on everyone sitting in the same room. Remote participation and transparency can coexist. The state has simply limited that recognition to one group.

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The result is a hierarchy among members. Some are full participants. Others can vote online only if enough colleagues showed up in person, and only after explaining why they could not come. Still others, whose reasons do not fit the definition, cannot participate remotely at all. People should not have to disclose personal matters or prove hardship simply to do the work they were appointed or elected to do.

There is also a practical cost. Community boards and other local bodies depend on volunteers. When attendance rules prevent a quorum, the business of government stops, even when enough members are ready and able to participate online. Experienced members leave. Qualified people decline to serve. Public service narrows to those whose lives can accommodate a fixed time and place. That is not representative government.

Reform does not mean less transparency. A modern law should allow public bodies, including committees, to meet in virtual or hybrid form, with remote members counting toward quorum, deliberating, and voting on equal terms. It should keep everything that makes meetings accountable: timely notice, posted materials, members who can be seen and identified, recorded votes, minutes, and recordings available to the public. It should guarantee real-time public viewing and equal opportunity for remote public comment.

And it must not trade one barrier for another. People without internet access or digital skills need public connection locations, telephone access, and other practical options. Disability accommodations must remain built into the system. Smaller bodies need clear statewide standards and technical help so that access does not depend on a local budget.

Community boards across the city, including our own Queens Community Board 1, are discussing this issue. We urge our state legislators to sponsor this reform, the Governor to support it, and every resident who has ever been unable to make a meeting to tell their representatives why it matters.

Government should be open to everyone. Physical presence should not be the price of participation.

Richard Khuzami is president of the Old Astoria Neighborhood Association.
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