

# STATE OF NEW YORK

4309

2023-2024 Regular Sessions

## IN ASSEMBLY

February 14, 2023

Introduced by M. of A. DICKENS, FALL, SANTABARBARA, SEAWRIGHT, JACOBSON, MEEKS -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to the accessibility of public hearings and meetings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 74-a of the public officers law, as added by chap-  
2 ter 368 of the laws of 1977, is amended to read as follows:

3 § 74-a. Duty of public officers regarding [~~the physically handicapped~~  
4 accessibility]. 1. It shall be the duty of each public officer responsi-  
5 ble for the scheduling or siting of any public hearing to make reason-  
6 able efforts to ensure (a) that such hearings are held in facilities  
7 that permit barrier-free physical access to the physically handicapped,  
8 as defined in subdivision five of section fifty of the public buildings  
9 law; and (b) that services of a qualified interpreter, if available, are  
10 provided at such public hearings at no charge to persons who are deaf or  
11 hard of hearing upon written request to the public officer responsible  
12 for the scheduling or siting of the public hearing within a reasonable  
13 time prior to such hearing. If interpreter services are requested, the  
14 public officer responsible for the scheduling or siting of the public  
15 hearing shall engage the services of a qualified interpreter, if avail-  
16 able, to interpret the proceeding to, and the testimony of such persons  
17 who are deaf or hard of hearing; provided, however, that such action  
18 does not impose an undue hardship on the public body holding such hear-  
19 ing.

20 2. (a) On and after January first, two thousand twenty-six, such  
21 public officers shall have the power and it shall be their individual  
22 duty to equip any rooms used for public hearings which accommodate more  
23 than one hundred persons with an assistive listening system for use by

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 the deaf or hard of hearing; provided, however, that such action does  
2 not impose an undue hardship on the public body equipping such rooms.

3 (b) For purposes of this subdivision, the term "assistive listening  
4 system" shall mean situational-personal acoustic communication equipment  
5 designed to improve the transmission and auditory reception of sound.  
6 Such system shall include but not be limited to the use of standard  
7 amplitude modulation (AM), frequency modulation (FM), audio induction  
8 loop, infrared light sound, or hard wire systems.

9 § 2. Subdivision (d) of section 103 of the public officers law, as  
10 added by chapter 40 of the laws of 2010, is relettered subdivision (g)  
11 and two new subdivisions (h) and (i) are added to read as follows:

12 (h) Public bodies shall make or cause to be made all reasonable  
13 efforts to ensure that services of a qualified interpreter, if avail-  
14 able, are provided at meetings at no charge to persons who are deaf or  
15 hard of hearing upon written request to the public body within a reason-  
16 able time prior to such meeting. If interpreter services are requested,  
17 the public body shall engage the services of a qualified interpreter, if  
18 available, to interpret the proceedings of the meeting; provided, howev-  
19 er, that such action does not impose an undue hardship on the public  
20 body holding such meeting.

21 (i) (1) On and after January first, two thousand twenty-four, public  
22 bodies shall have the power and it shall be their collective duty to  
23 equip meeting rooms which accommodate more than one hundred persons with  
24 an assistive listening system for use by the deaf or hard of hearing;  
25 provided, however, that such action does not impose an undue hardship on  
26 the public body equipping such rooms.

27 (2) For purposes of this section, the term "assistive listening  
28 system" shall mean situational-personal acoustic communication equipment  
29 designed to improve the transmission and auditory reception of sound.  
30 Such system shall include but not be limited to the use of standard  
31 amplitude modulation (AM), frequency modulation (FM), audio induction  
32 loop, infrared light sound, or hard wire systems.

33 § 3. This act shall take effect on the first of January next succeed-  
34 ing the date on which it shall have become a law.