

BOND

MUNICIPALITIES INFORMATION MEMO

FEBRUARY 1, 2022

The End of the Statewide Indoor Business Mask or Vaccine Requirement and What it Means for Local Governments

Effective Feb. 10, 2022, New York's indoor mask or vaccine mandate has been lifted for businesses, counties and municipalities. Since going into effect on Dec. 10, 2021, the previous directive mandated that "all indoor public places" must either require proof of vaccination or require all persons over the age of 2 and medically able to wear a mask. With the revocation of this mandate, businesses and local governments can once again choose whether to require masks or proof of vaccination.

Where are Masks Still Required?

According to the [press release](#) from Gov. Kathy Hochul's office, a statewide mask mandate still remains in effect for:

- Hospitals and state-regulated health care settings
- State-regulated adult care facilities and nursing homes
- Homeless shelters
- Domestic violence shelters
- Correctional facilities
- Schools
- Childcare centers
- Public transportation facilities including buses, bus stations, trains, train stations, subways, subway stations, planes and airports.

Mask requirements for schools are slated to be reassessed in early March based on public health data and forthcoming guidelines to be published by the Department of Health.

Emergency Declaration Remains in Effect (For Now)

At this time, Gov. Hochul's most recent [COVID-19 disaster emergency declaration](#) remains in effect until Feb. 15, 2022. Under legislation passed earlier this year, local governments and other public bodies have been permitted to continue holding meetings remotely without public in-person access so long as the meeting is recorded and transcribed. Public bodies have been given substantial discretion as to how remote meetings are held, as the [amended statute](#) only requires that the public have the ability to "view or listen" to the proceeding. Questions have been raised regarding the extent of public comment required under the remote format. Because no agency has express authority to enforce the Open Meetings Law, these questions are largely resolved by each individual public body.

Now that the State has cleared the way for public bodies to return to mask-free meetings, it is unclear whether Gov. Hochul will issue any further extensions of the disaster emergency. If the disaster

emergency reaches its February 15 expiration without any further extension, public bodies will be required to return to in-person meetings under the Open Meetings Law.

We will continue to monitor guidance from the State and provide updates as additional information becomes available. For any questions about the information in this memo, please contact [Nolan Kokkoris](#), any attorney in Bond's [Municipalities practice](#) or the Bond attorney with whom you are regularly in contact.

