



# Attorney General Opinion Could Bring Changes to Remote Brown Act Participation for those with Disabilities

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A recent opinion issued by the Office of the Attorney General (AG) found that the federal Americans with Disabilities Act (ADA) requires that individuals with disabilities can participate in Brown Act meetings remotely, without the need to post the address of their remote meeting location. The decision could improve accessibility for individuals with permanent or temporary disabilities serving on Brown Act bodies.

Previously, in a 2001 opinion on the same topic, the AG's office declared that physical presence was an essential job function, thereby not requiring reasonable accommodation under the ADA. However, the new opinion reflects the significant shift in public meeting practices following the COVID-19 pandemic, where remote participation became more common. The AG now concludes that in-person attendance at Brown Act meetings is no longer an essential job function as defined in the ADA.

The opinion does impose certain conditions for those participating remotely without opening their location to the public. Participants must identify any adults who are also present with them in the room from which they are participating, including their relationship to the participant. Additionally, no action can be taken on agenda items if the participant's connection is disrupted.

CSAC has long advocated for Brown Act modernization that improves access for those who serve on Brown Act bodies and the communities they serve. In recent years, we have sponsored several Brown Act reform bills, including:

- SB 1100 (Cortese, 2022): Ensures that public meetings are safe and accessible by clarifying rules for removal of disruptive individuals
- AB 557 (Hart, 2023): Removed the sunset date for emergency Brown Act meeting procedures
- AB 817 (Pacheco, 2023-24): Proposed allowing members of non-decision-making advisory bodies to participate in Brown Act meetings without needing to post their remote meeting location. AB 817 failed to get out of the Senate Committee on Local Government in June 2024.