



January 14, 2022

The Honorable Dana Nessel, Attorney General
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

Dear Attorney General Dana Nessel,

We request your opinion on how the Open Meetings Act (OMA) intersects with federal law when a person with a disability either serves on a body subject to OMA or desires to participate in the meetings of such a body and seeks an accommodation for their disability.

We believe people with disabilities that prevent their physical attendance should be afforded accommodations, like virtual participation, during public meetings. This is especially important as the COVID-19 pandemic poses a real threat to the health and safety of people serving their state and local governments.

This is a matter of great urgency and importance as the allowance of local governments, as well as their boards and commissions, to meet virtually in response to the COVID-19 pandemic ended on January 1, 2022. This threatens the health and safety of people with disabilities and/or those who are immunocompromised serving in local government offices and of those wanting to participate in public meetings. It also threatens to drive these individuals away from serving on boards and participating in public meetings. Michiganians with disabilities and specific health conditions shouldn't have to risk their wellbeing to contribute to civic life in their communities.

The US Equal Employment Opportunity Commission stated in their FAQ - What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws - that "There may be reasonable accommodations that could offer protection to an individual whose disability puts that person at greater risk from COVID-19 and who therefore requests such actions to eliminate possible exposure."

We are requesting a formal opinion in response to the following question:

Does the Americans with Disabilities Act or Rehabilitation Act allow or require state and local boards and commissions to provide reasonable accommodations, such as the option to participate virtually, to individuals with disabilities who have been elected or appointed to serve or wish to participate as members of the public?

Thank you in advance for your assistance with this matter. Please do not hesitate to contact us should you have questions about this request or require further information.

Regards,

A handwritten signature in blue ink, appearing to read "Jeff Irwin".

Jeff Irwin
State Senator – District 18

A handwritten signature in blue ink, appearing to read "Wayne Schmidt".

Wayne Schmidt
State Senator – District 37