# STATE OF NEW YORK

5959--B

2017-2018 Regular Sessions

# IN ASSEMBLY

February 17, 2017

Introduced by M. of A. LUPINACCI -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to local civil administrative enforcement procedures in the town of Huntington and other municipalities

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

Section 1. Section 380 of the general municipal law is amended by adding a new subdivision 3 to read as follows:

**3. The town of Huntington may adopt a local law establishing an administrative adjudication hearing procedure under the provisions of this article for all code and ordinance violations relating to conditions which constitute a threat or danger to the public health, safety or welfare, provided, however, that such administrative adjudication hearing procedure shall not apply to violations of the building code of the town of Huntington.**

§ 2. Subdivision a of section 381 of the general municipal law, as added by chapter 382 of the laws of 1995, is amended to read as follows:

a. The head of the bureau shall be the director who shall be the chief administrative law judge of the bureau and shall have all the powers of an administrative law judge pursuant to this section. The director shall be appointed by the [~~mayor of such city~~] **chief executive officer of the municipality,** for a term of five years with the advice and consent of the [~~common or municipal council~~] **legislative body of such municipality**. The director shall be removable only for neglect of duty or misfeasance in office after notice and an opportunity for a hearing. Once appointed and confirmed, the director shall serve until his or her term expires and until his or her successor has been appointed and confirmed. The

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

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director shall devote his or her entire work time to the duties of the office.

§ 3. Subdivision f of section 381 of the general municipal law, as added by chapter 382 of the laws of 1995, is amended to read as follows:

f. The director shall collect, compile, and publish statistics and other data with respect to the operations and duties of the bureau and submit annually to the [~~mayor, the city council~~] **the chief executive officer of the municipality, the legislative body of such municipality,** and the public a report on such operations including but not limited to, the number of hearings initiated, the number of decisions rendered, the number of partial or total reversals by the appeals panel, the number of proceedings pending, and on any recommendations of the bureau of statutory or regulatory amendments.

§ 4. Subdivision g of section 385 of the general municipal law, as added by chapter 382 of the laws of 1995, is amended to read as follows:

g. Except as otherwise provided in this subdivision no appeal of a decision, determination or order of an administrative law judge imposing civil penalties shall be decided unless such civil penalties are paid or a cash or recognized surety company bond shall have been posted in the full amount of such civil penalties. No such payment or posting of such bond shall be required where the respondent is the holder of a current license or permit for the operation of a business issued by an agency or officer of such [~~city~~] **municipality**. Upon a showing of undue hardship or where justice may require, the administrative law judge who decided the case or appellate panel to which the appeal is assigned may order that the appeal shall be decided without requiring such payment or posting of such bond.

§ 5. This act shall take effect immediately.