§ 170-k. Local cops, local crimes act. 1. For purposes of this section, the following definitions shall apply:

(a) "Law enforcement agency" means the New York state police and any law enforcement agency or department of any municipality, any police district, or any agency, department, commission, authority or public benefit corporation of the state of New York employing a police officer as that term is defined in subdivision thirty-four of section 1.20 of the criminal procedure law or peace officer as that term is defined in section 2.10 of the criminal procedure law, except for the port authority of New York and New Jersey.

(b) "Local government" means any municipal corporation and governing board in the state of New York.

(c) "Municipal corporation" has the same meaning as such term is defined in section two of the general municipal law.

(d) "Governing board" has the same meaning as such term is defined in section two of the general municipal law.

(e) "Correctional facility" has the same meaning as such term is defined in subdivision four of section two of the correction law.

(f) "Local correctional facility" has the same meaning as such term is defined in subdivision sixteen of section two of the correction law.

(g) "Immigration detention facility" means any building, facility, or structure used, in whole or in part, to house or detain individuals for any violation of a civil provision of the federal Immigration and Nationality Act relating to an individual's immigration status.

(h) "Juvenile detention facility" means a specialized secure, secure, or nonsecure detention facility certified by the office of children and family services pursuant to section five hundred three of this chapter.

(i) "Facility for youth placed with or committed to the office of children and family services" means a facility operated pursuant to section five hundred four of this chapter.

(j) "Immigration authority" has the same meaning as such term is defined in section three hundred nineteen of this chapter.

(k) "Immigration enforcement" has the same meaning as such term is defined in section three hundred nineteen of this chapter.

(l) "Immigration law" means any civil provision of the federal Immigration and Nationality Act and any provision of law that penalizes a person's presence in, entry into, or reentry into the United States.

2. (a) No local government, law enforcement agency, correctional facility, local correctional facility, juvenile detention facility, or facility for youth placed with or committed to the office of children and family services, or agent thereof may, enter into, modify, renew, remain in, or extend:

(i) any agreement pursuant to section 287(g) of the Immigration and Nationality Act codified at 8 U.S.C. § 1357(g), including, but not limited to, any formal or informal agreement under which an officer or employee may engage in or assist immigration enforcement, or otherwise may perform a function of an immigration officer; or

(ii) any contract, intergovernmental service agreement, or any other formal or informal agreement to house or detain individuals for federal civil immigration violations, including, but not limited to, agreements entered into pursuant to 8 U.S.C. § 1103(a) or § 1231(g).

(b) Nothing in this subdivision shall be construed to preclude contracts or agreements by:

(i) any hospital or other health care facility as defined by section twenty-eight hundred one of the public health law, including any health care facility operated by a public benefit corporation pursuant to title two of article ten-C of the public authorities law, or any mental health facility or hospital as defined by section 1.03 of the mental hygiene law to provide health care services;

(ii) any authorized agency as defined by subdivision ten of section three hundred seventy-one of the social services law, to provide care or placement to children in the custody of the United States Office of Refugee Resettlement; or

(iii) any federal law enforcement agency for the provision of detention space for individuals subject to pending federal criminal charges; provided, however, that no such agreement may provide for detention space to house or detain individuals solely for federal civil immigration violations.

3. No local government, law enforcement agency, correctional facility, local correctional facility, juvenile detention facility, or facility for youth placed with or committed to the office of children and family services or agent thereof shall:

(a) pay, reimburse, subsidize, give any financial incentive or benefit or defray in any way costs related to the sale, purchase, construction, development, ownership, management, or operation of an immigration detention facility that is or will be owned, managed, or operated, in whole or in part by a private entity; or

(b) otherwise give any financial incentive or benefit in connection with the sale, purchase, construction, development, ownership, management, or operation of an immigration detention facility.

4. Notwithstanding any provision of state or local law to the contrary relating to the time in which a decision shall be rendered on an application for or an appeal relating to a permit, certificate, or variance, no local government shall approve a zoning variance or issue a permit or certificate for the construction or the reuse of existing buildings or structures by any private entity for use as an immigration detention facility unless the local government, at a minimum, and in addition to any other requirements:

(a) provides notice to the public of the proposed zoning variance, permit, or certificate action at least one hundred eighty days before authorizing the variance or issuing the permit or certificate; and

(b) solicits and hears public comments on the proposed zoning variance, permit, or certificate action in at least two separate meetings open to the public.

5. Nothing in subdivisions three and four of this section shall restrict any local government from adopting or applying additional zoning variance, permitting, or certificate requirements, or extending the length of the one hundred eighty day notice requirement, or increasing the number of meetings open to the public to discuss the zoning variance, permit, certificate, or reuse of existing buildings or structures, notwithstanding any provision of state or local law to the contrary relating to the time in which a decision shall be rendered on an application for or an appeal relating to a permit, certificate, or variance.

6. Nothing in this section shall be construed to prohibit a local government, law enforcement agency, correctional facility, or local

correctional facility from complying with any state or federal court order or judicial warrant, or any other action as required by law.

7. (a) Any agreement described in subdivision two of this section shall be deemed not consistent with state law and any such agreement existing upon the effective date of this section shall be void and unenforceable, and any law enforcement agency, correctional facility, local correctional facility, juvenile detention facility, or facility for youth placed with or committed to the office of children and family services, or agent thereof shall exercise any applicable termination provision contained in such agreement.

(b) Notwithstanding paragraph (a) of this subdivision, any law enforcement agency, correctional facility, local correctional facility, juvenile detention facility, or facility for youth placed with or committed to the office of children and family services, or agent thereof shall exercise any applicable termination provision contained in any agreement described in subparagraph (ii) of paragraph (a) of subdivision two of this section within three months after the effective date of this section, after which time any such agreement shall be deemed not consistent with state law, void, and unenforceable.

8. The provisions of this section shall apply notwithstanding any other provisions of state or local law, charter, code, ordinance, resolution, rule, or regulation to the contrary. Provided, however, that nothing in this article shall be construed to prevent or restrict the state government from adopting, enacting, or enforcing state policies or a local government from adopting, enacting, or enforcing local policies, laws, resolutions, ordinances, or regulations which comply with at least the applicable standards or requirements of this section, or which exceed the provisions of this section, or which further restrict the ability of state government or local government personnel to participate in immigration enforcement beyond the requirements set forth in the chapter of the laws of two thousand twenty-six that added this section.