*** § 264. Noncompliance with plan.** 1. If at any time the office determines that a county plan is not being complied with, it shall notify the advisory board through the chairperson and the state commission of correction in writing of such fact, and it shall withhold any portion of state funds not theretofore allocated. Such notice shall state the particular reasons for the determination and demand compliance with the plan within sixty days of the notice, setting forth the specific actions deemed necessary to secure compliance. If compliance is forthcoming the board and the state commission of correction shall be notified of such fact in writing and any state funds heretofore withheld shall be released. If compliance with the plan is not fulfilled within such time or within a thirty day extension period as authorized herein, the office shall notify the advisory board through the chairperson and the state commission of correction. Upon such notification, the county shall be deemed in noncompliance with the approved plan and the provisions of subdivision eight of section five hundred-b of the correction law shall be applied.

An extension may be granted by the office for a thirty day period upon a request by the board through the chairperson, where the office determines it to be appropriate, setting forth specific reasons for a need for an extension and the steps which shall be undertaken to be in compliance at the end of such period.

Any notification by the office of non-compliance pursuant to this section shall be deemed a final determination for purposes of judicial review.

2. The advisory board, through its chairperson, may reapply for continuation of its approved plan or modified plan, provided it certifies that it has complied with the specific actions deemed necessary by the office to secure compliance. Within thirty days of receipt of the application the office shall verify compliance with its notice and notify the board and the state commission of correction of its decision.

* NB Repealed September 1, 2027