§ 1330. Labor camps; violations; notice; injunction; administrative proceedings. 1. When it appears to an officer that there has been a violation of the public health law or sanitary code at or in relation to any labor camp and such violation continues two days after written notice and demand for the discontinuance thereof, served as provided herein, he shall proceed pursuant to subdivision two or three of this section with respect to such violation.

2. An officer may institute proceedings to enjoin the continuance of such violation or the continued operation of such camp and, for purposes of such proceedings, a violation of any provision of the public health law or of the sanitary code shall be considered a public nuisance which may be enjoined or restrained. No bond or undertaking shall be required of such officer in such proceedings and no application to vacate or modify any judgment obtained shall be entertained by any court without proof to such court that ten days notice of such application, and copies of the papers upon which the application is to be made, have been served upon such officer.

3. (a) A hearing may be held, upon notice of not less than three days, before an officer or his representative. The officer shall make a determination with respect to any alleged violation and may assess a penalty not to exceed one hundred dollars for each violation, provided that (i) if the respondent establishes that a violation which existed prior to the service of the notice of hearing ceased to exist on or prior to the date originally set for the hearing and has not reoccurred, then any penalty assessed for such violation shall be suspended on the condition that it will not reoccur during the next twenty-four months or (ii) for initial violations only which do not involve a serious and immediate risk to health or safety, if, prior to the date originally set for the hearing, an application for a loan for a farmworker housing project is made pursuant to section five hundred seventy-six-d of the private housing finance law and a satisfactory plan for curing the conditions giving rise to the violation is submitted to and approved by the department, then any penalty assessed may be vacated if such violation is cured within a reasonable period of time. In assessing a penalty hereunder, consideration shall be given to good faith efforts to

cure the violation made on or prior to the date originally set for the hearing. A violation which continues for more than one day after the expiration of the two days for compliance provided for in subdivision one shall be considered to be a separate violation for each day that it continues after such notice and demand for discontinuance have been served.

(b) The notice of hearing also may provide that the labor camp may be ordered vacated if such an order is determined to be necessary for the health and safety of its occupants or of the community in which it is located. If the notice of hearing contains this provision and such an order is determined to be necessary, then the officer shall issue such order.

(c) The hearing officer acting pursuant to this subdivision may issue subpoenas which shall be regulated by the civil practice law and rules.

4. Before the effective date of an order or judgment enjoining the continued operation of a camp pursuant to subdivision two or of an order directing the vacating of such camp pursuant to subdivision three, the officer shall notify the county agricultural agent, the representative of the nearest office of the state employment service, and the county social services commissioner.

5. A notice required by this section may be served upon the owner or operator of the camp in the same manner as a summons in a civil action, or by registered mail to such owner or operator at the address filed by him in the department or county health department or, if an address is not so filed, to his last known address or place of residence.

6. An officer may request and shall receive from all public officers, departments and agencies of the state and its political subdivisions such cooperation and assistance as may be necessary or proper in the enforcement of the provisions of this section.

7. Nothing contained in this section shall be construed to limit the duty or power of an officer to act with regard to an immediate threat to the health of the occupants of a camp or the community in which it is located, or to alter or abridge any of the duties and powers now or

hereafter existing in the commissioner, state district health officers, county boards of health, county commissioners of health, local boards of health or other public agencies or public officials, or any private party.

8. As used in this section, the term "officer" shall mean the commissioner, or the county commissioner of health or the state district health officer having jurisdiction.