§ 1399-k. Violations notice; administrative procedure; temporary restraining order. 1. A violation of the public health law or of the sanitary code relating to the housing of motel and hotel employees shall constitute a public nuisance which may be enjoined or restrained.

2. When an officer has cause to believe that there has been a violation of the public health law or of the sanitary code or any other rules or regulations promulgated pursuant to article nineteen of the labor law in the housing of motel and hotel employees and that such violation has continued for more than three days after notice of the violation and demand for discontinuance and abatement thereof has been served in writing on the owner or his agent authorized to receive legal notice in the manner prescribed for the service of summons set forth in the civil practice law and rules, an officer may:

(a) Conduct a hearing upon at least three days notice served on the owner or his aforementioned agent in the manner prescribed for the service of summons as set forth in the civil practice law and rules, and

(b) Make a determination after such hearing with respect to the alleged violation or violations and have the power to assess a fine on the owner of such motel or hotel not to exceed two hundred fifty dollars for each violation for each day succeeding the third day after the notice of violation and demand for discontinuance and abatement thereof has been given, and

(c) With respect to the hearing set forth herein the officer in accordance with the civil practice law and rules may: issue subpoena, compel the attendance of witnesses, and administer oaths to witnesses, and

(d) Make an ex parte application to the supreme court of the state of New York for a temporary restraining order which the court may grant when it determines that there is a violation which requires immediate relief.

3. The officer may appoint one or more hearing officers as shall be necessary to do or perform in his place or stead the acts authorized by paragraphs (a) and (c) of this section. The hearing officer shall make findings of fact and submit recommendations to the officer.

4. An officer may institute proceedings to enjoin the continuance of such violation or the continued operation of such motel or hotel. 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.

5. 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 motel or hotel 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 or local boards of health.