

LOCAL LAW #1 OF 2023

**AMENDING SECTIONS OF THE “HOUSING STANDARDS” CHAPTER OF THE
AUBURN CITY CODE**

By Councilor _____

July 20, 2023

WHEREAS, On March 28, 1991, by Local Law No. 2 of 1991, the City Council of the City of Auburn adopted Ch. 27 of the 1991 Code of the City of Auburn entitled “Housing Standards”; and

WHEREAS, Section 182-75 of the Housing Standards chapter provides direction for judicial review of governmental acts made thereunder; and

WHEREAS, it is optimal for the purposes of efficiency, clarity and certainty that the Housing Standards Chapter and provide an avenue for grievances to be heard administratively; and

WHEREAS, the City of Auburn Nuisance Abatement Committee meets regularly, holds administrative hearings and maintains general subject matter jurisdiction over housing matters; and

WHEREAS, Local Law No. 1 of 2023, attached hereto and incorporated herein, proposes to update Chapter 182 of the City Code to achieve such goals by adding an administrative appellate process to the Housing Standards Chapter and placing the same within the purview of the Nuisance Abatement Committee; and

NOW, THEREFORE, BE IT ENACTED that the Auburn City Council does hereby repeal the following sections of Local Law No. 2 of 1991, “Housing Standards”

1. Section 182-75

and,

BE IT FURTHER ENACTED that the Auburn City Council does hereby adopt Local Law No. 1 of 2023 attached and incorporated herein, which replaces the following Sections of Chapter 182 of the Auburn City Code entitled “Housing Standards”:

1. Section 182-75

and,

BE IT FURTHER ENACTED that the foregoing repeal and adoption shall take effect upon its filing with the New York Secretary of State.

Seconded by Councilor _____

	Ayes	Noes
Councilor Kent		
Councilor Giannettino		
Councilor Cuddy		
Councilor Locastro		
Mayor Quill		
Carried and Adopted		

§ 182-75 **Administrative and Judicial review.**

- a) Any person or persons jointly or severally aggrieved by any final order **or administrative fee issued or imposed** by the Housing Code Inspector may seek ~~to have such order reviewed by the Supreme Court in the manner prescribed by Article 78 of the Civil Practice Law and Rules and as otherwise provided for in the laws of the State of New York~~ **seek an administrative review of the same before the Nuisance Abatement Committee.**
- b) **The aggrieved party shall initiate an administrative review by submitting a written request for administrative review to the Office of the City Manager along with a copy of the order or fee notice seeking to be appealed from within 14 days of receipt of the same.**
- c) **The Nuisance Abatement Committee shall meet on a quarterly basis to hear appeals, at which time the aggrieved party or their counsel shall be granted the opportunity to present arguments on his or her own behalf to the Nuisance Abatement Committee.**
- d) **Pursuant to the City Code of Auburn section §213-5 the Nuisance Abatement Committee shall possess the authority to make a determination as to reverse, modify, or affirm the final order or administratively imposed fee of the Housing Code Inspector.**
- e) **Any person or persons jointly or severally aggrieved by any final order of the Nuisance Abatement Committee shall be deemed as exhausting all available administrative remedies and may seek to have such order reviewed by the Supreme Court in the manner prescribed by Article 78 of the Civil Practice Law and Rules and as otherwise provided for in the laws of the State of New York.**