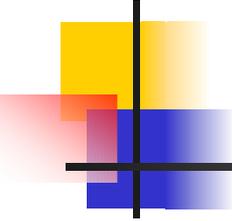


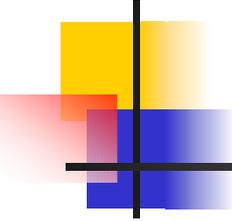
Code Enforcement Summit





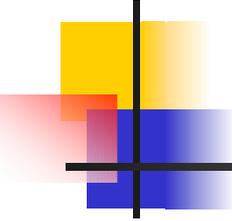
In Attendance:

- Councilman Mark Cuthbertson
Town of Huntington
- Bruce Richard
Director of Public Safety
Town of Huntington
- Cindy Mangano
Assist Attorney
Town of Huntington
- Siela Bynoe
Executive Director
Huntington Housing Authority
- Captain John Palumbo
Second Precinct
Suffolk County Police Department



What is Code Enforcement?

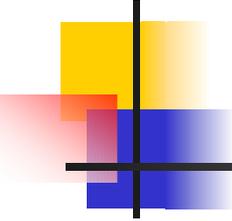
- Code Enforcement is the prevention, detection, investigation and enforcement of violations of codes or ordinances regulating public health, safety, and welfare, building standards and land-use.
- Code Enforcement is a function local governments perform that citizens consider important for accomplishing community goals, such as protecting property values and the environment.
- Others, however, view code enforcement as an annoying intrusion into the free use of private property.



Code Enforcement Task Force

- As a result of the recent incidents in the Huntington Station area, a code enforcement task force was established to proactively enforce Town code.
- Four of the eleven inspectors in code enforcement are assigned to the task force.
- Their assignment is to proactively pursue violations of Town code with particular emphasis on housing violations and other quality of life violations.

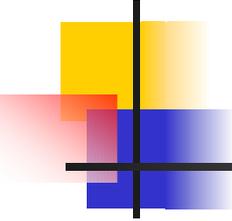
As a result of their efforts the following investigation have been conducted...



Code Enforcement Statistics

Code Enforcement Investigation Huntington Station October 1, 2009 to May 21, 2010

	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	April	May	Total
Illegal Housing	18	30	28	36	9	33	44	48	246
Litter and Debris	6	16	21	15	8	23	25	11	125
Unreg. Vehicles	7	9	6	3	0	5	6	3	39
Graffiti	0	0	7	6	14	5	7	22	61
Chapter 50 (2)	0	0	0	0	0	0	4	1	5
Other (3)	26	35	32	25	27	32	38	28	243
Total	57	90	94	85	58	98	124	113	719

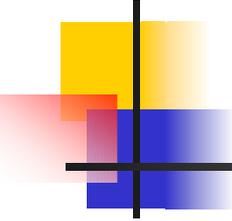


Code Enforcement Investigation

The Investigation Chart Includes the Following:

- (1) Includes illegal apartments, rooming houses and overcrowding.
- (2) Chapter 50 violations are those locations in which an arrest for prohibited conduct has occurred that qualifies the property as a public nuisance. A second arrest for prohibited conduct within one year will result in the property being deemed a repeat public nuisance and allows the Town to seek further sanctions against the property.
- (3) Includes other code violations including, but not limited to, high grass and weeds, insecure vacant house, insecure pool fence, no building permits, commercial vehicles on residential property and no building permits.

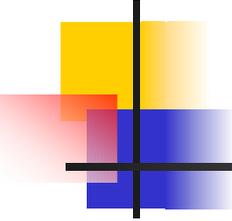
During this period, 777 notices of violation have been sent and 192 Summonses have been issued.



Typical Procedures:

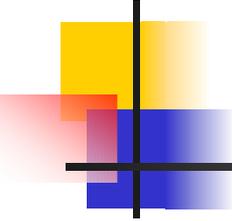
The following is the normal course of action taken by the Department of Public Safety – Code Enforcement Division upon receipt of a complaint. Not all complaints are the same and therefore these procedures can vary from case to case:

- **When a complaint comes in it is assigned to an inspector within 48 hours. The inspector conducts an initial inspection of the location of the complaint within 7 working days of receiving the case. Complaints of an emergency nature are responded to immediately.**
- **If the inspector verifies a code violation during the initial inspection, a notice or notices of violation are issued to the property owner. The property owner is usually given approximately 10 business days to comply with the Town code.**



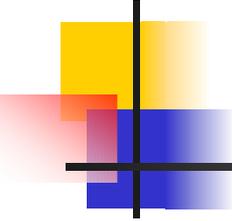
Typical Procedures (con't)

- **If the property owner contacts the inspector and indicates a desire to comply; the inspector will work with the owner to achieve compliance. This cooperation may result in a time extension to allow the property owner to fulfill the necessary requirements to comply with the code.**
- **If the property owner does not contact the inspector, a re-inspection of the property is conducted at the expiration of the time placed on the notice of violation.**
- **If the code violations have been corrected, the case is closed.**
- **If there has been no compliance a summons to appear in 3rd District Court is issued to the violator.**
- **The appearance dates are between four and six weeks from the date of the summons being issued. The time it takes to achieve compliance with the code after the issuances of a summons can vary.**



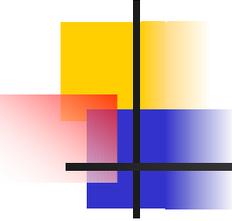
Search Warrants

- It's important to understand that the code enforcement inspectors are not police officers or peace officers.
- They are ordinary citizens who are responsible for the enforcement of Town code.
- They must, however, work under the same restrictions as police officers when it comes to enforcement.



Search Warrants

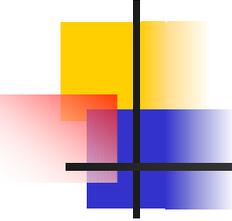
- Code enforcement inspectors cannot enter someone's home without the permission of the property owner and/or tenant.
- If this permission is not granted, the inspector may issue a "demand for inspection".
- The demand for inspection is required before an application for administrative search warrant may be submitted to the court.
- To obtain an administrative search warrant, the Town must convince a judge in District Court that there is probable cause to believe that an illegal apartment exists within the structure.



Search Warrants

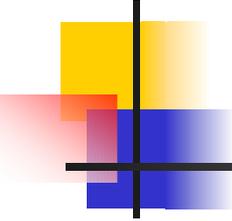
- Probable cause is a higher burden to prove than mere suspicion.
- The Town must explain to the judge why it believes the apartment exists.
- Many presumptions of illegal housing have been made a part of the Town code.

These include, but are limited to, the following:



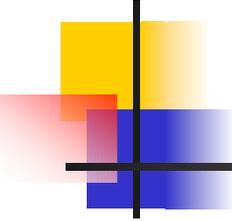
Search Warrants

- **More than one (1) mailbox or mail slot or post office address upon the premises**
- **More than one (1) gas meter**
- **More than one (1) electric meter**
- **More than one (1) connecting line for cable or utility services**
- **Separate entrances for segregated parts of the dwelling.**
- **Permanent partitions or internal doors which may serve to bar access between segregated portions of the dwelling.**
- **A separate written or oral lease or rental arrangement, payment or agreement for portions of the dwelling among its owner(s) and/or occupants and/or persons in possession thereof**
- **The inability of any occupant or person in possession thereof to have unimpeded and/or lawful access to all parts of the dwelling unit**



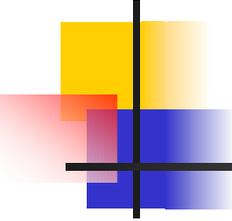
Search Warrants Lead to Inspections

- **Once a search warrant is obtained, the Town has ten (10) days to have it executed.**
- **Search warrants can only be executed by police officers.**
- **The Suffolk County Police Department is very instrumental and cooperative in the execution of the warrants.**
- **Code enforcement inspectors accompany the police during the search.**
- **Every search warrant obtained by code enforcement has resulted in the discovery and confirmation of illegal housing.**
- **Often times, after a search warrant is completed, portions of the structures are placarded as unsafe for human occupancy.**



Public Nuisances Code, Chapter 50

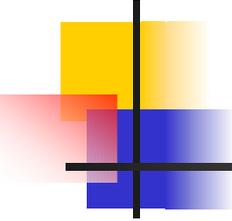
- Another strong law in the code enforcement arsenal is the public nuisance code, **Chapter 50**. This code prohibits any property from being maintained as a public nuisance or repeat public nuisance.
- PUBLIC NUISANCE: The use or maintenance of any building, residence, premises, structure, place or lot, developed or undeveloped, for the furtherance of prohibited conduct.
- REPEAT PUBLIC NUISANCE: Any building, residence, premises, structure, place or lot, developed or undeveloped, where an owner or agent has been given written notice that an arrest and/or conviction for prohibited conduct has taken place at said location and within one (1) year of that arrest and/or conviction there is an additional arrest and/or conviction at that location for prohibited conduct for which the owner or agent is again notified in writing.



Chapter 50 (con't)

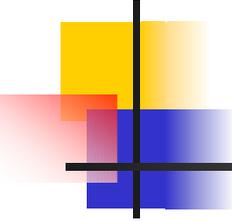
Prohibited Conduct can be any of the following:

- A. An arrest charging the violation of or a conviction of any of the following parts of the New York State Penal Law,
 - (1) Controlled Substances
 - (2) Prostitution
 - (3) Gambling
 - (4) Criminal Sale of Marijuana in the Fourth Degree through First Degree.
 - (5) Criminal Possession of Stolen Property in the Fourth Degree through First Degree
 - (6) Auto Stripping in the Second and First Degrees.
 - (7) Forgery of a Vehicle Identification Number.
 - (8) Illegal Possession of a Vehicle Identification Number Plate.
- B. Any criminal conduct which creates or results in the maintaining of a condition which endangers the safety, health or welfare of the public or that creates or results in the maintenance of any premises or place where persons gather for the purpose of engaging in criminal conduct.



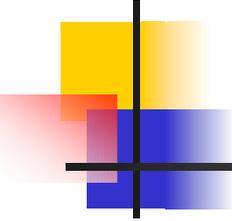
Chapter 50 (con't)

- C. Any intentional conduct or occurrence that is a willful violation of the New York Alcoholic Beverage Control Law and of the New York Penal Law, Prohibited Sales, Prohibited Participation, Unlawful Purchase, Sale or Consumption of Wine, Liquor or Beer.
- D. The use, occupancy and/or maintenance of any building, residence, premises, structure, place or lot, developed or undeveloped, where such unlawful use of real property endangers the health, safety or welfare of the public, including the occupants thereof.



Court Statistics

- During 2009, the Department of Public Safety processed **1521 summonses** in 3rd District Court that resulted in **\$214,355.00 in fines**.
- Also, during 2009, the Court issued 108 conditional discharges. A conditional discharge compels a defendant to comply with certain court ordered conditions that results in compliance with the Town Code. It was necessary to violate 19 defendants for failing to comply with the terms of the conditional discharge issued to them.
- The Court issued warrants for the arrest of 8 defendants who failed to appear in court.



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