

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2022**

**A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE
ENTITLED “ADMINISTRATION AND ENFORCEMENT”**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 2 of the Town Code entitled “Administration and Enforcement” in order to modify the procedure relative to expedited permit application review.

Section 2.

Chapter 2 of the Town Code is hereby established as follows:

§ 2-10.1 Procedure on request for expedited permit application review.
[Added 5-29-2007 by L.L. No. 6-2007]

- A. An applicant may apply in writing to the Building Commissioner requesting expedited permit application review, which request shall include such supportive documentation **and information** as the Building Commissioner may require. The Building Commissioner shall review the request to determine if it meets one or more of the following criteria:
- (1) The request is made to accommodate an **urgent or** emergency situation which has created a danger to health and/or safety, **or to property. The Building Commissioner may conduct a site inspection in accordance with applicable law to verify the urgent or emergency situation;** or
 - (2) The request is in furtherance of advancing a public interest such as, but not limited to, job creation and/or economic development; or
 - (3) The request is made in connection with the provision of an essential service, which shall include, but not be limited to, facilities or parts thereof which are connected to the furnishing of medical, governmental, police, fire and/or health and safety services; or
 - (4) The request is made to avoid extreme financial hardship to the applicant, which hardship is not self-created.
 - (5) **The request is related to an application for design modifications and accessibility improvements to facilitate access, safety or independent living or to remove**

architectural barriers to access for persons with mobility impairments or for people with disabilities, at entrances to and within buildings. Some examples of requests satisfying this criterion shall include but not be limited to the following: the installation of ramps or kitchen and bathroom renovations for the purposes listed above.

(6) The request is made to address an urgent concern including but not limited to, illness, disability, extreme living conditions, death in the family, or a critical need involving the applicant or an immediate family member of the applicant, and the delay in waiting for the application to be processed under ordinary review-time standards would result in a severe detriment to the applicant or the applicant's immediate family member.

B. The procedure set forth in Section 2-10.1(A) shall not apply to the following:

(1) Building and plumbing permit applications to maintain construction, changes, alterations, improvements or modifications previously undertaken without the required permit(s).

(2) Where it can be reasonably determined by the Building Commissioner that the applicant or someone on the applicant's behalf engaged in conduct that is contrary to the Town Code, New York State Building Code, or other applicable law, or with the intention of not complying with such code or law without first seeking a required approval.

[B] C. Upon receipt of a request for expedited permit application review, the Building Commissioner and the Planning Commissioner shall review the request, together with the documentation supporting it, and render a [proposed] written determination within five (5) business days. The Building Commissioner and Planning Commissioner may require additional documentation to support the request. If the two commissioners agree on the determination, the determination shall be the final determination. If the two commissioners do not agree on the determination, the request shall be denied. The Building Commissioner shall notify the applicant of the determination, in writing, within five (5) business days from receipt of the request. The written determination shall become a part of the permanent file maintained by the Building Department.

~~[The proposed written determination shall then be forwarded to the Supervisor and the Councilperson having jurisdiction over the affected premises for comment from each. The Supervisor and the Councilperson shall have five business days to consider the request and proposed determination, and each may provide comment and/or recommendations to the Building Commissioner prior to the expiration of that time period.~~

~~C. In the event that the Supervisor and Councilperson make no comment or recommendation, the proposed determination shall become a final determination and shall become a part of the permanent file maintained by the Building Department.~~

~~In the event that the Supervisor and/or Councilperson make comments or recommendations contrary to the proposed determination, those comments or recommendations shall prevail and shall become a part of the permanent file maintained by the Building Department.~~

~~D. Applicants not meeting the above criteria who wish to have an expedited permit application review may request same in writing to the Building Commissioner. Upon receipt of said request, the applicant will be provided with a list of designated architectural and engineering firms which have been approved by the Town Board of the Town of North Hempstead, whereupon, the applicant may select a participating firm to review his/her application and pay the cost thereof. [Amended 5-27-2008 by L.L. No. 5-2008]]~~

D. Prohibitions.

It shall be unlawful for any person or business entity to make false statements or mislead the Building Commissioner in order to secure an expedited review pursuant to the provisions of this chapter, or to fail and/or neglect to inform the Commissioner of a change in the project which would negate eligibility for an expedited review.

Section 3.

This Local Law shall take effect immediately upon filing with the Secretary of State.