



Document (1)

1. [NY CLS Mun H R § 20](#)

Client/Matter: -None-

Search Terms: general municipal law

Search Type: Natural Language

Narrowed by:

Content Type
Statutes and Legislation

Narrowed by
Jurisdiction: New York



NY CLS Mun H R § 20

Current through 2026 released Chapters 1-296.

***New York Consolidated Laws Service > Municipal Home Rule Law (Arts. 1 — 6) > Article 3
Procedure for Adoption of Local Laws; Referenda; Filing and Publication (§§ 20 — 28)***

§ 20. Procedure for adoption of local laws by legislative body

1. No local law shall be passed except by at least the majority affirmative vote of the total voting power of the legislative body. On the final passage of a local law the question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the record, journal or minutes of proceedings.
2. The style of local law shall be “Be it enacted by the (naming the legislative body) of the (name of local government) as follows:”
3. Every such local law shall embrace only one subject. The title shall briefly refer to the subject matter. For purposes of this chapter, a local law relating to codification or recodification of ordinances or local laws into a municipal code shall be deemed to embrace only one subject. As used herein codification or recodification shall include amendments, deletions, repeals, alterations or new provisions in the municipal code; provided, however, that the notice of public hearing required by this section shall briefly describe the codification or recodification.
4. A proposed local law may be introduced only by a member of the legislative body at a meeting of such body or as may be otherwise prescribed by the rules of procedure adopted by the legislative body. No such local law shall be passed until it shall have been in its final form and either (a) upon the desks or tables of the members at least seven calendar days, exclusive of Sunday, prior to its final passage, or (b) mailed to each of them in postpaid properly addressed and securely closed envelopes or wrappers in a post box or post office of the United States post office department within the local government at least ten calendar days, exclusive of Sunday, prior to its final passage, or (c) e-mailed to the e-mail in-box of each of them in the Portable Document Format (PDF) at least ten calendar days, exclusive of Sunday, prior to its final passage, provided that (i) the local government has documented that each member of the legislative body has an e-mail address, (ii) the local government has published such e-mail address on the bulletin board of the local government clerk, and (iii) the legislative body has unanimously adopted a resolution authorizing such electronic delivery; unless the elective or appointive chief executive officer, if there be one, or otherwise the chairman of the board of supervisors, in the case of a county, the mayor in the case of a city or village or the supervisor in the case of a town shall have certified as to the necessity for its immediate passage and such local law be passed by the affirmative vote of two-thirds of the total voting power of the legislative body.

For purposes of this subdivision, a proposed local law shall be deemed to be upon the desks or tables of the members if: it is set forth in a legible electronic format by electronic means, and it is available for review in such format at the desks of the members. For purposes of this subdivision “electronic means” means any method of transmission of information between computers or other machines designed for the purpose of sending and receiving such transmissions and which: allows the recipient to reproduce the information transmitted in a tangible medium of expression; and does not permit additions, deletions or other changes to be made without leaving an adequate record thereof.

5. In the case of a local government which does not have an elective chief executive officer as defined by subdivision four of [section two](#) of this chapter, no local law shall be passed by the legislative body until a public hearing thereon has been had before such body and in every other local government no such local law shall be approved by the elective chief executive officer until a public hearing thereon has been had



before him. Such a public hearing held before the legislative body or before the chief executive officer, as the case may be, pursuant to this subdivision shall be on such public notice of at least three days as has been or hereafter may be prescribed by a local law on which a hearing shall have been held as prescribed by this section upon five days' notice or, in the event such a local law prescribing the length of notice is not adopted, upon five days' notice. Where the public hearing is before such officer, such notice shall be given by him within ten days after the local law shall have been presented to him and the hearing shall be held within twenty days after such presentation.

History

Add, L 1963, ch 843, eff Jan 1, 1964.; amd, L 1964, ch 78, § 8; L 1970, ch 892; L 1974, ch 45, § 1, eff March 12, 1974; L 1980, ch 364, § 1, eff June 23, 1980, and applicable to local laws adopted on or after such date; [L 2013, ch 426, § 1](#), eff Oct 23, 2013; [L 2015, ch 397, § 1](#), effective October 26, 2015.

Annotations

Notes

Amendment Notes:

2013. Chapter 426, § 1 amended:

Sub 4, first undesignated par by deleting at fig 1 “table” and adding the matter in italics.

By adding sub 4, second undesignated par.

The 2015 amendment by ch 397, § 1, added “or (c) e-mailed to the e-mail in-box of each of them in the Portable Document Format (PDF) at least ten calendar days, exclusive of Sunday, prior to its final passage, provided that (i) the local government has documented that each member of the legislative body has an e-mail address, (ii) the local government has published such e-mail address on the bulletin board of the local government clerk, and (iii) the legislative body has unanimously adopted a resolution authorizing such electronic delivery” in the first paragraph of 4.

Notes to Decisions

1.In general

2.—Initiative and referendum

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9.—Codification or recodification**10.Title of law****11.Public hearing****12.—Notice****13.—Contents of notice****14.—Substantial compliance****15.—Timeliness****16.Miscellaneous****1. In general**

Enactment of village zoning law in conformity with notice and hearing requirements set forth in CLS [Mun H R § 20](#) immunized law from challenge premised upon village's alleged failure to conform with CLS [Vill 7-706](#). [Schilling v Dunne, 119 A.D.2d 179, 506 N.Y.S.2d 179, 1986 N.Y. App. Div. LEXIS 57519 \(N.Y. App. Div. 2d Dep't 1986\)](#).

A local law of a city was not validly enacted where it was not introduced by motion or resolution, was not timely and duly laid on members' desks before passage, was not given public hearing by mayor and written objections of mayor were not timely presented to common council, since, to validate local legislation, procedural requirements of law must be complied with. [Pillion v Magee, 25 N.Y.S.2d 82, 175 Misc. 698, 1941 N.Y. Misc. LEXIS 1416 \(N.Y. Sup. Ct. 1941\)](#).

The passage of any local law requires compliance with this section (former City Home Rule Law § 13). [Garlen v Glens Falls, 35 Misc. 2d 363, 230 N.Y.S.2d 965, 1962 N.Y. Misc. LEXIS 2929 \(N.Y. Sup. Ct.\)](#), aff'd, [17 A.D.2d 277, 234 N.Y.S.2d 564, 1962 N.Y. App. Div. LEXIS 6721 \(N.Y. App. Div. 3d Dep't 1962\)](#).

Fact that town code provided that town's zoning laws could be changed by "introduction of an amending ordinance" did not preclude town from amending its zoning laws by duly enacted local law. [Burchetta v Town Bd. of Carmel, 140 Misc. 2d 1050, 532 N.Y.S.2d 620, 1988 N.Y. Misc. LEXIS 572 \(N.Y. Sup. Ct. 1988\)](#), aff'd, [167 A.D.2d 339, 561 N.Y.S.2d 305, 1990 N.Y. App. Div. LEXIS 13360 \(N.Y. App. Div. 2d Dep't 1990\)](#).

Because the interests of the Villages were related marginally, if at all, to the purposes intended to be promoted by the procedural requirements of [N.Y. Mun. Home Rule Law § 20](#), they did not have standing to prosecute the claims that the Town Board improperly amended the Comprehensive Plan by enacting the zoning change and amending the zoning map and that the granting of a company's petition was an act of spot zoning and unconstitutional and was for the benefit of the property owner, not the community at large. [Village of Pomona v Town of Ramapo, 914 N.Y.S.2d 566, 30 Misc. 3d 263, 2010 N.Y. Misc. LEXIS 5478 \(N.Y. Sup. Ct. 2010\)](#), aff'd in part, modified, [94 A.D.3d 1103, 943 N.Y.S.2d 146, 2012 N.Y. App. Div. LEXIS 3162 \(N.Y. App. Div. 2d Dep't 2012\)](#).

In adopting and administering a local law imposing a tax on utilities a village should follow the procedures set out in the applicable statutes. 1968 Ops St Compt File #195.

If village board of trustees does not vote on adoption of local law within reasonable time after public hearing on proposed local law, procedures for adoption of local law, including public hearing, must be undertaken again. [1986 Op St Compt No. 86-35, 1986 N.Y. Comp. LEXIS 140](#).

2. —Initiative and referendum

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This section (former City Home Rule Law § 2) delegates no power to the people to initiate or adopt by popular vote amendments to city ordinances, resolutions or local laws other than those amending a city charter. [Noonan v O'Leary, 132 N.Y.S.2d 726, 206 Misc. 175, 1954 N.Y. Misc. LEXIS 2677 \(N.Y. Sup. Ct.\), aff'd, 284 A.D. 646, 133 N.Y.S.2d 167, 1954 N.Y. App. Div. LEXIS 3455 \(N.Y. App. Div. 1954\).](#)

3. —Ordinances

Chapters of a town code were not unenforceable on the ground that those chapters were adopted in contravention of the requirements of [N.Y. Town Law § 130](#) and [N.Y. Mun. Home Rule Law § 20](#) because it was not improper for the town board, in passing the chapters, to have incorporated by reference the rules and regulations of the Trustees of the Freeholders and Commonalty of the Town. [Brookhaven Baymen's Assn., Inc. v Town of Southampton, 201 A.D.3d 856, 163 N.Y.S.3d 77, 2022 N.Y. App. Div. LEXIS 443 \(N.Y. App. Div. 2d Dep't 2022\).](#)

An ordinance adopted by the people is of no more effect than an ordinance adopted by the city council. [Lynch v O'Leary, 2 N.Y.S.2d 588, 166 Misc. 567, 1938 N.Y. Misc. LEXIS 1322 \(N.Y. Sup. Ct. 1938\).](#)

Where waterfront oil distribution terminal operator, which sought declaration of invalidity of town ordinance, did not offer copy of proposal with respect to alleged variation between proposal and ordinance as finally adopted, and certificates of town attorney to effect that all proper proceedings had been taken for enactment were appended, compliance with proper procedures in enactment of ordinance would be assumed. [Mobil Oil Corp. v Huntington, 85 Misc. 2d 800, 380 N.Y.S.2d 466, 1975 N.Y. Misc. LEXIS 3331 \(N.Y. Sup. Ct. 1975\).](#)

4. Declaration of necessity for immediate passage

The motive of the mayor in sending a message declaring necessity for immediate passage of local laws, cannot be questioned in courts. [Murway v O'Brien, 293 N.Y.S. 481, 161 Misc. 438, 1934 N.Y. Misc. LEXIS 2004 \(N.Y. Sup. Ct. 1934\).](#)

5. Voting by legislative body

Local term-limit provision was invalid for lack of a mandatory referendum as a law that changed the term of elective office and curtailed elective officers' power by requiring a supermajority to repeal it. A declaratory action had no limitations period because the supermajority requirement, which continually curtailed elective officers' power and was contrary to state law providing for a simple majority, was substantively invalid. [Hoehmann v Town of Clarkstown, 216 A.D.3d 865, 189 N.Y.S.3d 592, 2023 N.Y. App. Div. LEXIS 2619 \(N.Y. App. Div. 2d Dep't\), aff'd, 40 N.Y.3d 1, 213 N.E.3d 103, 192 N.Y.S.3d 43, 2023 N.Y. LEXIS 765 \(N.Y. 2023\).](#)

A two-thirds vote of the city council of the City of Saratoga Springs is required to adopt a local law changing the tax district boundaries. 1967 Ops St Compt File #528.

6. Enacting clause

Proposed local law initiated by petition to amend charter was invalid where it did not contain an enacting clause or a proper title. [Noonan v O'Leary, 132 N.Y.S.2d 726, 206 Misc. 175, 1954 N.Y. Misc. LEXIS 2677 \(N.Y. Sup. Ct.\), aff'd, 284 A.D. 646, 133 N.Y.S.2d 167, 1954 N.Y. App. Div. LEXIS 3455 \(N.Y. App. Div. 1954\).](#)

Town oil spillage ordinance, which was labeled both “ordinance” and “local law,” did not substantially depart from statutory mandate as to style and title. [*Mobil Oil Corp. v Huntington*, 85 Misc. 2d 800, 380 N.Y.S.2d 466, 1975 N.Y. Misc. LEXIS 3331 \(N.Y. Sup. Ct. 1975\)](#).

7. One subject

A local law, the purpose of which, as summarized in its title, is “to prevent an increased fare on rapid transit or street surface railways without approval of a majority of electors of New York city,” but which, in fact, prohibits any change in any contract or franchise of any city railroad corporation with respect to preferentials, bonuses or subsidies or obligations to render public services, offends against this section (former City Home Rule Law § 13) and [*N. Y. Const., Art III, § 16*](#), which provide that a local law shall embrace but one subject and that shall be expressed in its title. [*McCabe v Voorhis*, 243 N.Y. 401, 153 N.E. 849, 243 N.Y. \(N.Y.S.\) 401, 1926 N.Y. LEXIS 765 \(N.Y. 1926\)](#).

A local law abolishing several county offices did not embrace more than one subject since county reorganization was the main purpose. [*Burke v Kern*, 287 N.Y. 203, 38 N.E.2d 500, 287 N.Y. \(N.Y.S.\) 203, 1941 N.Y. LEXIS 1379 \(N.Y. 1941\)](#).

New York City Council’s adoption of modification of city’s fiscal year 1991 budget that eliminated funding for Independent Budget Office (IBO), as well as its adoption of fiscal year 1992 budget that contained no appropriation for IBO, was not legislative equivalent of local law delaying establishment of IBO (which was approved by majority of voters as revision to New York City Charter), and thus city violated city charter and would be compelled to establish and fund IBO, since “legislative act of equal dignity and import” is required to modify statute, and budget modification and adoption at issue were not acts of equal dignity and import given facts that they dealt with more than one subject and were adopted by resolution of city council. [*New York Pub. Interest Research Group v Dinkins*, 83 N.Y.2d 377, 610 N.Y.S.2d 932, 632 N.E.2d 1255, 1994 N.Y. LEXIS 272 \(N.Y. 1994\)](#).

A local law would not be invalid as relating to more than one subject where it dealt with only a single general subject, namely the revision of a city charter by the removal therefrom of outmoded provisions. [*Application of Yaras*, 283 A.D. 214, 126 N.Y.S.2d 733, 1953 N.Y. App. Div. LEXIS 3005 \(N.Y. App. Div. 1953\)](#), aff’d, [*308 N.Y. 864, 126 N.E.2d 306, 308 N.Y. \(N.Y.S.\) 864, 1955 N.Y. LEXIS 1114 \(N.Y. 1955\)*](#).

A proposition to be submitted to the electors is not objectionable as dealing with more than one subject merely because, in proposing an increase in minimum salary schedules, it deals with more than one department of the city government, such as both the police and fire departments. [*Petition of Mitrione*, 14 A.D.2d 716, 219 N.Y.S.2d 866, 1961 N.Y. App. Div. LEXIS 8869 \(N.Y. App. Div. 3d Dep’t 1961\)](#).

A statement included in the title of a measure proposed for submission to the electors of the city for increasing minimum salary schedules of the police and fire departments that it is designed to establish salary schedules in line with those paid by other municipalities is not of such nature as to invalidate the proposition as embracing more than one subject. [*Petition of Mitrione*, 14 A.D.2d 716, 219 N.Y.S.2d 866, 1961 N.Y. App. Div. LEXIS 8869 \(N.Y. App. Div. 3d Dep’t 1961\)](#).

Oswego county local law “amending the local law No. 1 1971 which provided for the apportionment of the legislative body of the county of Oswego” was not void as embracing more than one subject in violation of Municipal Home Rule Law, since the title of local law No. 1 expresses subject matter of apportionment which necessarily includes the composition and membership of the county legislature. [*Rebeor v Wilcox*, 58 A.D.2d 186, 396 N.Y.S.2d 536, 1977 N.Y. App. Div. LEXIS 11854 \(N.Y. App. Div. 4th Dep’t 1977\)](#), aff’d, [*44 N.Y.2d 279, 405 N.Y.S.2d 625, 376 N.E.2d 1271, 1978 N.Y. LEXIS 1938 \(N.Y. 1978\)*](#).

Trial court properly denied a motion for summary judgment filed by an individual and a lobbying group in their declaratory judgment action because the constitutional one-subject rule was inapplicable to local legislation and the enactment of a local rule did not violate the one-subject rules in the Municipal Home Rule Law and a city charter

inasmuch as adding electronic cigarettes to existing smoking legislation was the only subject of the bill, was clearly stated in its title, and was openly debated before the city council. [*NYC C.L.A.S.H. v City of New York*, 147 A.D.3d 97, 45 N.Y.S.3d 22, 2017 N.Y. App. Div. LEXIS 41 \(N.Y. App. Div. 1st Dep't 2017\)](#).

A proposition abolishing the offices of county registrar and county sheriff is not invalid as covering more than one subject. It covers only the single subject of county reform. [*Albert v Kern*, 32 N.Y.S.2d 310, 177 Misc. 852, 1941 N.Y. Misc. LEXIS 2532 \(N.Y. Sup. Ct.\)](#), rev'd, [*263 A.D. 48, 31 N.Y.S.2d 418, 1941 N.Y. App. Div. LEXIS 4531 \(N.Y. App. Div. 1941\)*](#).

Secretary of State cannot be compelled to file a local law, where the proposed law contains matters requiring either mandatory or permissive referenda and more than one subject is covered. In the absence of referenda and by covering more than one subject, the law is not ready for filing. [*Massena v Lomenzo*, 58 Misc. 2d 40, 294 N.Y.S.2d 657, 1968 N.Y. Misc. LEXIS 1205 \(N.Y. Sup. Ct. 1968\)](#).

A single local law increasing the terms of office of town councilman, the town clerk and the town supervisor from two to four years does not violate the single subject requirement of Municipal Home Rule Law § 20(3). [*1992 Op St Compt No. 9-13, 1992 N.Y. Comp. LEXIS 9*](#).

New York City, N.Y., Loc. Laws No. 152 did not violate the single subject rule because the law's title unequivocally stated that its purpose was to amend the Administrative Code of the City of New York to regulate electronic cigarettes; all the provisions of the law showed a single purpose, to regulate e-cigarette consumption in the same manner as the law regulated tobacco burning cigarettes. [*NYC C.L.A.S.H. v City of New York*, 48 Misc. 3d 661, 14 N.Y.S.3d 616, 2015 N.Y. Misc. LEXIS 1616 \(N.Y. Sup. Ct. 2015\)](#), modified, [*147 A.D.3d 97, 45 N.Y.S.3d 22, 2017 N.Y. App. Div. LEXIS 41 \(N.Y. App. Div. 1st Dep't 2017\)*](#).

8. —Charter amendments

Subdivision 3 of this section (former City Home Rule Law § 13) is inapplicable to a proposed charter amendment, which, under § 2, may deal with "any number of subjects." [*Petition of Mitrone*, 14 A.D.2d 716, 219 N.Y.S.2d 866, 1961 N.Y. App. Div. LEXIS 8869 \(N.Y. App. Div. 3d Dep't 1961\)](#).

Where there was no indication that changes or amendments in charter proposal, as prepared by city charter revision commission, were made by common council subsequent to filing of charter proposal by commission with city clerk, there was no violation of statute. [*Elefante v Hanna*, 54 A.D.2d 822, 389 N.Y.S.2d 501, 1976 N.Y. App. Div. LEXIS 14527 \(N.Y. App. Div. 4th Dep't\)](#), modified, [*40 N.Y.2d 908, 389 N.Y.S.2d 356, 357 N.E.2d 1011, 1976 N.Y. LEXIS 3078 \(N.Y. 1976\)*](#).

In a proceeding by petitioners seeking to annul a reapportionment plan for a county legislature, the reapportionment plan was valid and did not violate the requirement that every local law embrace only one subject where, although petitioners alleged that the plan dealt with both reapportionment and the reduction in the number of legislative seats, the reduction of legislative seats was a necessary corollary to the objective of reapportionment and, moreover, the plan was an amendment to the county charter and could deal therefore with any number of subjects. [*Woll v Erie County Legislature*, 83 A.D.2d 792, 440 N.Y.S.2d 146, 1981 N.Y. App. Div. LEXIS 15130 \(N.Y. App. Div. 4th Dep't\)](#), aff'd, [*53 N.Y.2d 1030, 442 N.Y.S.2d 498, 425 N.E.2d 886, 1981 N.Y. LEXIS 2559 \(N.Y. 1981\)*](#).

Amendment or repeal of §§ 159–172 of the Lockport City Charter could be accomplished by a single local law. 1961 Ops St Compt #112.

9. —Codification or recodification

Since a recodification of village ordinances necessarily involves numerous subjects, and since a local law may embrace only one subject, it is doubtful that a recodification may be achieved by one local law. 1967 Ops St Compt File #620.

The use of a village “code”, which consists merely of a compilation of existing ordinances into a bound volume for easy reference, may be discontinued by resolution of the village board of trustees; thereafter, reference to such legislation should be as originally enacted. 1974 Ops St Compt File #704.

10. Title of law

A local law, the purpose of which, as summarized in its title, is “to prevent an increased fare on rapid transit or street surface railways without approval of a majority of electors of New York city,” but which, in fact, prohibits any change in any contract or franchise of any city railroad corporation with respect to preferentials, bonuses or subsidies or obligations to render public services, offends against this section (former City Home Rule Law § 13) and [*N. Y. Const., Art III, § 16*](#), which provide that a local law shall embrace but one subject and that shall be expressed in its title. [*McCabe v Voorhis*, 243 N.Y. 401, 153 N.E. 849, 243 N.Y. \(N.Y.S.\) 401, 1926 N.Y. LEXIS 765 \(N.Y. 1926\)](#).

The title of a local law was not inadequate where it indicated that the local law repealed various provisions of a city charter and identified the repealed provisions by reference to the titles in which they were to be found in the city charter and also identified the charter both by its title and chapter number by the date of its passage. [*Application of Yaras*, 283 A.D. 214, 126 N.Y.S.2d 733, 1953 N.Y. App. Div. LEXIS 3005 \(N.Y. App. Div. 1953\)](#), aff'd, [*308 N.Y. 864, 126 N.E.2d 306, 308 N.Y. \(N.Y.S.\) 864, 1955 N.Y. LEXIS 1114 \(N.Y. 1955\)*](#).

This section (former City Home Rule Law § 13) may be construed to sustain severable sections of a local law which are fully described by the title even though the parts not so described were improperly passed. [*Murway v O'Brien*, 293 N.Y.S. 481, 161 Misc. 438, 1934 N.Y. Misc. LEXIS 2004 \(N.Y. Sup. Ct. 1934\)](#).

Proposed local law initiated by petition to amend charter was invalid where it did not contain an enacting clause or a proper title. [*Noonan v O'Leary*, 132 N.Y.S.2d 726, 206 Misc. 175, 1954 N.Y. Misc. LEXIS 2677 \(N.Y. Sup. Ct.\)](#), aff'd, [*284 A.D. 646, 133 N.Y.S.2d 167, 1954 N.Y. App. Div. LEXIS 3455 \(N.Y. App. Div. 1954\)*](#).

Town oil spillage ordinance, which was labeled both “ordinance” and “local law,” did not substantially depart from statutory mandate as to style and title. [*Mobil Oil Corp. v Huntington*, 85 Misc. 2d 800, 380 N.Y.S.2d 466, 1975 N.Y. Misc. LEXIS 3331 \(N.Y. Sup. Ct. 1975\)](#).

11. Public hearing

Local Law No. 3 of 2017 of the Town of Shelby (2017 Law) did not have to be annulled as the town did not fail to comply with lawful procedure because the town board satisfied the applicable requirements in the Municipal Home Rule Law and the Town's Zoning Code regarding the holding of a public hearing and referral to the Town of Shelby Planning Board through the public hearing and the Planning Board referral carried out in connection with the proposed 2016 Law as the changes between the proposed 2016 Law and the 2017 Law were minor and did not result in a substantially different law or one that was not embraced within the prior public notice; and and the planning board was clearly notified of the effect of the proposed 2016 Law. [*Matter of Frontier Stone, LLC v Town of Shelby*, 174 A.D.3d 1382, 107 N.Y.S.3d 195, 2019 N.Y. App. Div. LEXIS 6007 \(N.Y. App. Div. 4th Dep't 2019\)](#), reh'g denied, app. denied, [*177 A.D.3d 1345, 110 N.Y.S.3d 350, 2019 N.Y. App. Div. LEXIS 8064 \(N.Y. App. Div. 4th Dep't 2019\)*](#), app. denied, [*35 N.Y.3d 902, 147 N.E.3d 580, 2020 N.Y. LEXIS 785 \(N.Y. 2020\)*](#).

The requirement that in a city where the mayor has no veto power the legislative body must hold a public hearing before enacting a local law emphasizes the legislative intent that the public shall have an opportunity to express its

views before proposed legislation becomes law. [*Pillion v Magee*, 25 N.Y.S.2d 82, 175 Misc. 698, 1941 N.Y. Misc. LEXIS 1416 \(N.Y. Sup. Ct. 1941\)](#).

This section does not forbid vetoing a local law without a hearing, but does forbid approving a local law without a public hearing. [*Barile v City Comptroller of Utica*, 56 Misc. 2d 190, 288 N.Y.S.2d 191, 1968 N.Y. Misc. LEXIS 1673 \(N.Y. Sup. Ct. 1968\)](#).

No provision of law requires the Board of Education to hold a public hearing before taking action to request the city to impose a sales tax or before imposing the tax on outside territory of the district. A public hearing must be held by the City Council prior to its adoption of the local law imposing the tax for school district purposes. 1952 Ops St Compt File #5814.

It is essential to the validity of village local laws that an initial local law be enacted after a public hearing prescribing the minimum notice to be given of public hearings on subsequently proposed local laws. 1960 Ops St Compt File #570.

Public hearings on the adoption of village local laws must be held by the mayor only if he has the power of veto over local laws or ordinances passed by the board of trustees. 1968 Ops St Compt File #537.

A public hearing on the adoption of a local law should be held by the village board of trustees. 1969 Ops St Compt File #344.

A public hearing on a village zoning local law must be held on public notice as provided by the Municipal Home Rule Law. 1975 Ops St Compt File #631.

12. —Notice

Different notice of enactment of a local law may be provided in the charter. [*Stanford v Summers*, 247 A.D. 627, 288 N.Y.S. 921, 1936 N.Y. App. Div. LEXIS 8338 \(N.Y. App. Div. 1936\)](#).

A village local law regarding zoning was properly enacted, despite the fact that it failed to meet the publication and posting requirements of the former Village Law, where the local law did meet the notice and hearing requirements of [*Mun H R Law § 20\(5\)*](#). [*Savona v Soles*, 84 A.D.2d 683, 446 N.Y.S.2d 639, 1981 N.Y. App. Div. LEXIS 15808 \(N.Y. App. Div. 4th Dep't 1981\)](#).

Town law, which banned operation of commercial incinerators, was not invalid because town did not notify 2 adjoining municipalities of public hearings held with respect to enactment of law, under CLS Town § 264(2), where law was adopted in accordance with alternate procedure outlined in CLS [*Mun H R §§ 20*](#) and [*27. Pete Drown Inc. v Town Bd.*, 229 A.D.2d 877, 646 N.Y.S.2d 205, 1996 N.Y. App. Div. LEXIS 7979 \(N.Y. App. Div. 3d Dep't\)](#), app. denied, [*89 N.Y.2d 802, 653 N.Y.S.2d 279, 675 N.E.2d 1232, 1996 N.Y. LEXIS 4246 \(N.Y. 1996\)*](#).

The obvious intent of this section is to give the public an opportunity to be heard on proposed local legislation, and it is complied with by notice of proposed public hearing to be held prior to proposed action of the city council given in the manner prescribed by local law. [*Neils v Yonkers*, 38 Misc. 2d 691, 237 N.Y.S.2d 245, 1962 N.Y. Misc. LEXIS 2071 \(N.Y. Sup. Ct. 1962\)](#).

The purpose and intent of subdivision 5 of [*section 20 of the Municipal Home Rule Law*](#) is to give adequate notice of the public hearing on the local law to be adopted, and since the statute does not direct the exact method of notice, the inadvertent failure of the County Legislature to designate as official newspapers the newspapers in which notice of public hearing on the proposed adoption of a local law was published is not a jurisdictional defect but a mere irregularity which may be cured nunc pro tunc by designation of those newspapers as the official newspapers. [*Morin v Foster*, 93 Misc. 2d 10, 402 N.Y.S.2d 168, 1978 N.Y. Misc. LEXIS 2006 \(N.Y. Sup. Ct. 1978\)](#).

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Failure of city government to give proper notice of public hearings before initial approval of local law, as required by CLS [Mun H R § 20](#), was moot issue where city council passed same law twice and proper notice of hearing was given in connection with second passage. [Seawall Associates v New York](#), 134 Misc. 2d 187, 510 N.Y.S.2d 435, 1986 N.Y. Misc. LEXIS 3085 (N.Y. Sup. Ct. 1986).

Since town complied with requirement of CLS [Mun H R § 20](#) for 5-day notice of public hearing before passage of local law, and parties challenging validity of law were those among public who were duly heard, town was not required to give 10-day notice of public hearing under CLS Town §§ 130, 264, and 265, otherwise applicable when proposed amendment to zoning ordinance is being considered. [Burchetta v Town Bd. of Carmel](#), 140 Misc. 2d 1050, 532 N.Y.S.2d 620, 1988 N.Y. Misc. LEXIS 572 (N.Y. Sup. Ct. 1988), aff'd, 167 A.D.2d 339, 561 N.Y.S.2d 305, 1990 N.Y. App. Div. LEXIS 13360 (N.Y. App. Div. 2d Dep't 1990).

Town zoning regulations may be enacted by ordinance under the provisions of the Town Law. Apparently, since the advent of the Municipal Home Rule Law, a town may also enact zoning regulations as a local law although the notice requirements under this law, both as to public hearing and post-publication, have not yet been clearly defined by the courts. 1968 Ops St Compt File #263.

13. —Contents of notice

Notice of public hearing on a local law prior to its approval by the mayor was sufficient to meet the requirements of subd 5 of this section where it was neither deceptive nor framed to give a false concept but stated that the hearing would bear upon a recently-adopted amendment designed to supersede certain charter provisions and § 25 of the General City Law placing restrictions on salary raises for municipal officials during their terms of office. [Garlen v Glens Falls](#), 17 A.D.2d 277, 234 N.Y.S.2d 564, 1962 N.Y. App. Div. LEXIS 6721 (N.Y. App. Div. 3d Dep't 1962), aff'd, 12 N.Y.2d 1025, 239 N.Y.S.2d 349, 189 N.E.2d 701, 1963 N.Y. LEXIS 1309 (N.Y. 1963).

Where a notice is properly given pursuant to subd 5 of this section, inaccurate printing of certain words, if not misleading, does not invalidate the publications. [Martin v Flynn](#), 19 A.D.2d 653, 241 N.Y.S.2d 883, 1963 N.Y. App. Div. LEXIS 3553 (N.Y. App. Div. 2d Dep't 1963).

Local law was invalid where notice requirements of CLS [Mun H R § 20](#) and local administrative code were not complied with because date of public hearing was misstated in publication specified in local code, and city, although it knew of error on date of publication, took no action until day before hearing when it sent letters and made telephone calls to some special interest groups. [41 Kew Gardens Rd. Associates v Tyburski](#), 124 A.D.2d 553, 507 N.Y.S.2d 698, 1986 N.Y. App. Div. LEXIS 61871 (N.Y. App. Div. 2d Dep't 1986).

Plaintiff's claims alleging a village's decision to increase water and sewer rates was invalid failed, because the village modified those rates as part of its annual budget review process, and the lack of specificity in its published notice of the budget hearing did not render the notice insufficient under state law. [YNGH, LLC v Village of Gouverneur](#), 121 A.D.3d 1266, 995 N.Y.S.2d 258, 2014 N.Y. App. Div. LEXIS 7033 (N.Y. App. Div. 3d Dep't 2014).

A notice published in a local newspaper of a public hearing to amend City Charter with relation to the liability of city for damages was sufficient, and action instituted thereafter was dismissed where notice of defect was not given pursuant to the amendment. [Richardson v Lockport](#), 2 Misc. 2d 548, 153 N.Y.S.2d 946, 1956 N.Y. Misc. LEXIS 1687 (N.Y. Sup. Ct. 1956), modified, 3 A.D.2d 812, 160 N.Y.S.2d 401, 1957 N.Y. App. Div. LEXIS 6232 (N.Y. App. Div. 4th Dep't 1957).

Subdivision 5 of this section (former City Home Rule Law § 13) governs the notice to be given to the public of proposed amendment of the City Charter by local law, and is sufficiently met where the notice specifically refers to various sections to be amended and identifies the superseding local law, although it does not refer to the fact that passage of the local law will be subject to a permissive referendum, if the petition therefor is duly filed. [Garlen v Glens Falls](#), 35 Misc. 2d 363, 230 N.Y.S.2d 965, 1962 N.Y. Misc. LEXIS 2929 (N.Y. Sup. Ct.), aff'd, 17 A.D.2d 277, 234 N.Y.S.2d 564, 1962 N.Y. App. Div. LEXIS 6721 (N.Y. App. Div. 3d Dep't 1962).

Notice of hearing at which local law was adopted failed to satisfy basic requirements of due process where such notice made no reference to passage of local law but referred only to proposed zoning changes. [Trifaro v Zoning Bd. of Appeals, 73 Misc. 2d 483, 342 N.Y.S.2d 95, 1973 N.Y. Misc. LEXIS 2140 \(N.Y. Sup. Ct. 1973\)](#), rev'd, [Trifaro v Zoning Board of Appeals, 45 A.D.2d 1015, 358 N.Y.S.2d 74, 1974 N.Y. App. Div. LEXIS 4265 \(N.Y. App. Div. 2d Dep't 1974\)](#).

Notice of public hearing on county law requiring item pricing in retail food establishments was adequate, although it only alerted public that item pricing in "food" stores was being considered whereas law affected retail establishments other than food stores, since notice gave sufficient opportunity to any retail establishment which sold retail foodstuffs to determine if it would be affected by law. [Tops Mkts., Inc. v County of Erie, 156 Misc. 2d 49, 591 N.Y.S.2d 694, 1992 N.Y. Misc. LEXIS 536 \(N.Y. Sup. Ct. 1992\)](#).

The notice of hearing on a proposed local law need not contain the full text of the proposed local law. 1965 Ops St Compt #911.

Even though the local law is subject to a permissive referendum, it is not mandatory that the public notice of the hearing contain a statement to that effect. 1969 Ops St Compt File #344.

14. —Substantial compliance

In an action to declare invalid a local law reducing certain real property tax exemptions on the ground that certain procedures set out in the Municipal Home Rule Law were not followed, the village's motion for summary judgment was properly granted and the complaint was properly dismissed. The direction of the Village Board to the Village Attorney to prepare notice of hearing of the local law, the text of which was in the possession of all the Board members, was a substantial and sufficient compliance with the requirement that such a law be introduced by a member of the Board at a meeting of the Board, and a sufficient vote to hold a public hearing; nor was there any question that the text of the law, as adopted, was in the possession of the Board members well in advance of the 10-day period provided for in [Mun H R Law § 20\(4\)](#). Moreover, although the minutes of the Board meeting at which the local law was adopted omitted the specific language of the enactment, the minutes sufficiently summarized the matter, which was unanimously adopted, such that there could be no question of what was intended. [Alscot Investing Corp. v Laibach, 65 N.Y.2d 1042, 494 N.Y.S.2d 295, 484 N.E.2d 658, 1985 N.Y. LEXIS 18672 \(N.Y. 1985\)](#).

A village local law regarding zoning was properly enacted, despite the fact that it failed to meet the publication and posting requirements of the former Village Law, where the local law did meet the notice and hearing requirements of [Mun H R Law § 20\(5\)](#). [Savona v Soles, 84 A.D.2d 683, 446 N.Y.S.2d 639, 1981 N.Y. App. Div. LEXIS 15808 \(N.Y. App. Div. 4th Dep't 1981\)](#).

The requirements for the adoption of a local law establishing a sewer rent fund and a system of sewer rents were sufficiently and substantially complied with by city officials, where a public hearing was held prior to action by the city council rather than after council action in compliance with [Mun H R Law §§ 20, 21](#). [Braxton v Kuwik, 114 Misc. 2d 668, 452 N.Y.S.2d 182, 1982 N.Y. Misc. LEXIS 3541 \(N.Y. Sup. Ct. 1982\)](#).

Change made to original proposed zoning amendment after initial public hearing, involving definition of "mature forest," was insubstantial and did not require new notice and new public hearing, especially since definition in question was based on comments taken during public hearing attended by at least one party who was challenging validity of amendment. [Burchetta v Town Bd. of Carmel, 140 Misc. 2d 1050, 532 N.Y.S.2d 620, 1988 N.Y. Misc. LEXIS 572 \(N.Y. Sup. Ct. 1988\)](#), aff'd, [167 A.D.2d 339, 561 N.Y.S.2d 305, 1990 N.Y. App. Div. LEXIS 13360 \(N.Y. App. Div. 2d Dep't 1990\)](#).

With regard to the enactment of legislation by a county effecting planned retirement communities, substantial compliance with the notice provision set forth in the county's charter and with [N.Y. Mun. Home Rule Law § 20\(5\)](#) was made as was established by the affidavit of the deputy clerk of the legislature, who attested that he posted the

notice on the county clerk's bulletin board not less than three nor more than 15 days before the date of the meeting, though the affidavit did not give the exact date of the posting. Further, notice was published in the official county newspapers. [*Matter of MHC Greenwood Vil. NY L.L.C. v County of Suffolk*, 852 N.Y.S.2d 599, 18 Misc. 3d 312, 2007 N.Y. Misc. LEXIS 6405 \(N.Y. Sup. Ct. 2007\)](#), aff'd in part, modified, [*58 A.D.3d 735, 874 N.Y.S.2d 135, 2009 N.Y. App. Div. LEXIS 362 \(N.Y. App. Div. 2d Dep't 2009\)*](#).

If a posting is untimely, it may still be in substantial compliance with the notice requirement. Where the notice has in fact been posted on the bulletin board, a court should be reluctant to question the exact time of the posting. [*Matter of MHC Greenwood Vil. NY L.L.C. v County of Suffolk*, 852 N.Y.S.2d 599, 18 Misc. 3d 312, 2007 N.Y. Misc. LEXIS 6405 \(N.Y. Sup. Ct. 2007\)](#), aff'd in part, modified, [*58 A.D.3d 735, 874 N.Y.S.2d 135, 2009 N.Y. App. Div. LEXIS 362 \(N.Y. App. Div. 2d Dep't 2009\)*](#).

Whether changes or additions to, or deletions from a proposed local law on which a public hearing has been had are so substantial as to require a further public hearing thereon is a matter for determination by the local governing body. 1968 Ops St Compt File #408.

15. —Timeliness

Even though public hearing on local law establishing city charter revision commission was held more than 20 days after presentation of law to mayor, mayor's failure to hold public hearing on or sign law within time limitations set forth in statute pertaining to adoption of local laws by legislative bodies was not fatal to law's validity, because such law was adopted by operation of law. [*Elefante v Hanna*, 54 A.D.2d 822, 389 N.Y.S.2d 501, 1976 N.Y. App. Div. LEXIS 14527 \(N.Y. App. Div. 4th Dep't\)](#), modified, [*40 N.Y.2d 908, 389 N.Y.S.2d 356, 357 N.E.2d 1011, 1976 N.Y. LEXIS 3078 \(N.Y. 1976\)*](#).

A hearing held on a proposed local law, conducted by the mayor within 15 days after presentation of the law, was timely under subd. 5 of this section (former City Home Rule Law § 13). [*Schacht v New York*, 30 Misc. 2d 77, 219 N.Y.S.2d 53, 1961 N.Y. Misc. LEXIS 2777 \(N.Y. Sup. Ct.\)](#), modified, [*14 A.D.2d 526, 217 N.Y.S.2d 278, 1961 N.Y. App. Div. LEXIS 9583 \(N.Y. App. Div. 1st Dep't 1961\)*](#).

16. Miscellaneous

Resident taxpayer and qualified elector of city and county had standing to collaterally attack, by means of an Article 78 proceeding, administrative action threatened or done pursuant to an allegedly invalid law and was thus entitled to seek declaratory relief with respect to impending submission to electorate by election commissioners of proposed city charter, and with respect to allegedly invalid local charter revision law. [*Elefante v Hanna*, 54 A.D.2d 822, 389 N.Y.S.2d 501, 1976 N.Y. App. Div. LEXIS 14527 \(N.Y. App. Div. 4th Dep't\)](#), modified, [*40 N.Y.2d 908, 389 N.Y.S.2d 356, 357 N.E.2d 1011, 1976 N.Y. LEXIS 3078 \(N.Y. 1976\)*](#).

When considering application for zoning change, town board is acting in its legislative capacity, and there is accordingly no requirement that it state its reasons for denying application. [*Litz v Town Bd.*, 197 A.D.2d 825, 602 N.Y.S.2d 966, 1993 N.Y. App. Div. LEXIS 10118 \(N.Y. App. Div. 3d Dep't 1993\)](#).

Resolution adopted by town was ineffective to amend town zoning code, which was enacted by local law; doctrine of legislative equivalency requires that existing legislation be amended or repealed by same procedures as were used to enact it. [*Naftal Assocs. v Town of Brookhaven*, 221 A.D.2d 423, 633 N.Y.S.2d 798, 1995 N.Y. App. Div. LEXIS 12045 \(N.Y. App. Div. 2d Dep't 1995\)](#).

When a town board approved zoning changes allowing development of a parcel, it was error to dismiss, for lack of standing, a neighbor's claims alleging spot zoning, in violation of [*N.Y. Town Law § 262*](#), and a violation of N.Y. Env'tl. Conserv. Law art. 8 (SEQRA) because (1) the neighbor's proximity to the parcel relieved the neighbor of showing actual injury or special damage, (2) the neighbor alleged injuries to interests protected by SEQRA and the

town's zoning laws, and (3) the neighbor had standing to claim a violation of [*N.Y. Mun. Home Rule Law § 20. Matter of Youngewirth v Town of Ramapo Town Bd.*, 98 A.D.3d 678, 950 N.Y.S.2d 157, 2012 N.Y. App. Div. LEXIS 5979 \(N.Y. App. Div. 2d Dep't 2012\)](#).

Town Board's adoption of Ramapo, N.Y., Local Law No. 1-2010 did not violate this section. [*Matter of Youngewirth v Town of Ramapo Town Bd.*, 155 A.D.3d 755, 65 N.Y.S.3d 540, 2017 N.Y. App. Div. LEXIS 7803 \(N.Y. App. Div. 2d Dep't 2017\)](#).

City council can alter provisions relating to powers of city manager by local law, but the power itself cannot be amended by ordinance since no state statute can be amended by an ordinance. [*Lynch v O'Leary*, 2 N.Y.S.2d 588, 166 Misc. 567, 1938 N.Y. Misc. LEXIS 1322 \(N.Y. Sup. Ct. 1938\)](#).

The Secretary of State may exercise discretion in the filing of local laws. [*Massena v Lomenzo*, 58 Misc. 2d 40, 294 N.Y.S.2d 657, 1968 N.Y. Misc. LEXIS 1205 \(N.Y. Sup. Ct. 1968\)](#).

Amendment of local law after public hearings in violation of rules of council was not procedural defect of such magnitude as to invalidate local law; public comment would serve no purpose if proposed legislation could not thereafter be amended. [*Mantello v City of Troy*, 172 Misc. 2d 664, 656 N.Y.S.2d 826, 1997 N.Y. Misc. LEXIS 61 \(N.Y. Sup. Ct. 1997\)](#).

Allegations that local law was improperly introduced and sponsored were not so significant as to invalidate it; only departure in substance from formula prescribed by statute will invalidate municipal enactment. [*Mantello v City of Troy*, 172 Misc. 2d 664, 656 N.Y.S.2d 826, 1997 N.Y. Misc. LEXIS 61 \(N.Y. Sup. Ct. 1997\)](#).

In the absence of express authorization by the Legislature, a city may not hold advisory referendum on the question of whether the city should undertake a general revision of real property assessments. A city, by local law, may require that bond resolution, authorizing bonds to finance employment of experts to assist in any such revision of assessments, shall be subject to a mandatory or permissive referendum. 1952 Ops St Compt File #5909.

Requirement of publication of ordinances does not generally apply to local laws enacted by a village. 1968 Ops St Compt File #975.

Opinion Notes

Agency Opinions

1. In general

2. —Initiative and referendum

A Village Board of Trustees may establish a village manager form of government under §§ 18-1820 et seq. of the Village Law or under § 10 of the Municipal Home Rule Law. Questions such as permissive or mandatory referendum, civil service status of manager, and delegation of authority by Village Board of Trustees, may arise under either method depending upon procedure selected. 1990 N.Y. Op. Att'y Gen. No. 190-25.

Local government may not modify procedure for enactment of local laws by requiring that local laws be enacted by super-majority vote. 1998 NY Ops Att'y Gen I 98-37.

3. —Ordinances

A village may not enact a local law authorizing it to adopt ordinances. N.Y. Op. Att'y Gen. No. 83-48.

Where the Commissioner of Finance in the City of White Plains is presently appointed by the Common Council of said City the transfer of his budgetary powers to a Budget Director to be appointed by the Mayor with the approval of the Common Council may only be effected by the adoption of a local law by the Common Council by at least the majority affirmative vote of its total voting power followed by its submission to a referendum and its approval by the electors. 1975 NY Ops Atty Gen July 8 (Informal), [1975 N.Y. AG LEXIS 135](#).

A city or village, when requested, by local law or ordinance may establish traffic regulations for hospitals, shopping centers, apartment complexes, condominiums and fire stations. 1981 NY Ops Atty Gen July 21 (Informal).

Section 64(12) of the Town Law, imposing a \$1000 ceiling on annual appropriations for Veteran's Day observance by towns within a certain population class is a special law, and its terms may be superseded by a local law properly enacted. [1978 Op St Compt No. 78-961](#), [1978 N.Y. Comp. LEXIS 1](#).

A local law cannot be adopted unless the text thereof is reduced to writing prior to the publication of the notice of the time and place of a public hearing to be held on the adoption thereof. [1981 Op St Compt No. 81-124](#), [1981 N.Y. Comp. LEXIS 762](#).

4. Voting by legislative body

The total voting power on local laws of a board of aldermen of six when the president votes in the board of estimate and apportionment is five and a majority is three under (former City Home Rule Law §§ 10, 13). 1933 N.Y. Op. Att'y Gen. No. 211.

Local law that contains complete terms of sale of specified surplus county-owned property can be adopted by county legislature of charter county on vote of simple majority pursuant to CLS [Mun H R § 20\(1\)](#). [2012 N.Y. Op. Att'y Gen. No. 2012-10](#), [2012 N.Y. AG LEXIS 10](#).

5. One subject

6. —Charter amendments

The authorization for a charter amendment to be of any extent and to deal with any number of subjects is intended to release a charter amendment from the limitation to a single subject matter of a local law but is not necessarily intended to open the whole gamut of legislation to treatment as a charter amendment. The term "charter amendment" includes a new charter. Although the City of Cortland may amend the Cortland City Water Board Act by local law, it may not, by local law or charter amendment or revision, make the Cortland City Water Board Act a part of the Cortland City Charter. This may be done by a special act of the Legislature on a home rule request. Until the Cortland City Water Board Act is made a part of the Charter of the City of Cortland, a charter revision commission has no jurisdiction to consider that act in its deliberations and recommendations and the act may not be amended through the petition process. 1976 Ops Atty Gen May 18 (Informal), [1976 N.Y. AG LEXIS 116](#).

7. —Codification or recodification

The Village of Warwick is authorized to enact one local law providing for a recodification of all of the laws of the Village. However, any amendments, omissions, alterations or new provisions made in such recodification must be adopted separately by following proper procedures required by law relating to the particular subject matter. 1976 NY Ops Atty Gen Jan 16 (informal).

With respect to a local law which provides for the compilation of local legislation into a municipal code: (1) a general repealer provision therein repealing local legislation not included in the code is not invalid for failure to set forth the text of each item repealed, either in the local law or in the notice of hearing on the adoption thereof; (2) the local law is not invalid as embracing more than one subject; (3) the ordinances and resolutions compiled into the code retain their character as resolutions and ordinances and do not become local laws by virtue of such codification. [1982 Op St Compt No. 82-161](#), [1982 N.Y. Comp. LEXIS 563](#).

NY CLS Mun H R § 20

The Village of Warwick is authorized to enact one local law providing for a recodification of all of the laws of the Village. However, any amendments, omissions, alterations or new provisions made in such recodification must be adopted separately by following proper procedures required by law relating to the particular subject matter. 1976 NY Ops Atty Gen Jan 16 (informal).

The City of Port Jervis is not authorized to enact a local law amending its Charter requiring a public hearing in the passage of a local law prior to the vote of the Common Council in addition to the public hearing mandated by [Municipal Home Rule Law, § 20](#), to be held by the Mayor before approval of a local law. 1977 NY Ops Atty Gen Sept 23.

The Town of Waterford may, by enacting a single local law, at once abolish the office of chief of police and establish the office of public safety commissioner. 1978 NY Ops Atty Gen July 18.

8. Public hearing

9. — Notice

Public notice is required for public hearings held by villages. 1955 NY Ops Atty Gen Oct 31 (informal).

10. — Substantial compliance

After following proper procedures, a public hearing has been held on a proposed local law and thereafter amendments are made to such proposed local law, a second public hearing must be held on the local law containing such changes only if the changes are substantial as distinguished from those which are minor and inconsequential. 1978 NY Ops Atty Gen August 9.

11. — Timeliness

Where a public hearing on a proposed local law is postponed, a new hearing must be scheduled and a new legal notice published in the same manner as was done for the original hearing. [1980 Op St Compt No. 80-100, 1980 N.Y. Comp. LEXIS 309](#).

The requirement contained in [Municipal Home Rule Law, § 20](#), that a public hearing must be held before the adoption or approval of a local law by the local legislative body or the elected chief executive officer, as the case may be, applies to local laws adopted pursuant to [Real Property Tax Law, § 1556](#). 1971 NY Ops Atty Gen March 18 (informal).

Quorum of village board of trustees must be present to conduct hearing on proposed local law. NY Ops Atty Gen 88-50 (Informal).

While no provision of law requires the holding of a so-called “sewer grievance day” prior to the adoption of a sewer rent schedule, public notice and a public hearing are required prior to the adoption of a local law establishing or increasing a sewer rent schedule. [1979 Op St Compt No. 79-135, 1979 N.Y. Comp. LEXIS 231](#).

12. Miscellaneous

A local law which would require that a prospective appointee to the position of public safety commissioner of the Town of Waterford receive four (4) votes vice a simple majority of three (3) votes of the Waterford Town Board in order to be appointed to that position does constitute such an “abolition, transfer, or curtailment of the power of an elective officer” so as to be subject to mandatory referendum. 1978 NY Ops Atty Gen July 18.

[Section 36\(3\) of the Municipal Home Rule Law](#) provides the legal guidelines for determining the sufficiency of a petition to establish a city charter commission. [1981 N.Y. Op. Att’y Gen. No. 81-66, 1981 N.Y. AG LEXIS 88](#).

NY CLS Mun H R § 20

A Village Board of Trustees may establish a village manager form of government under §§ 18-1820 et seq. of the Village Law or under § 10 of the Municipal Home Rule Law. Questions such as permissive or mandatory referendum, civil service status of manager, and delegation of authority by Village Board of Trustees, may arise under either method depending upon procedure selected. 1990 N.Y. Op. Att'y Gen. No. 190-25.

Local law enacted by city to change form of administration of Civil Service Law from city personnel officer to county civil service commission was not subject to mandatory referendum. 1998 NY Ops Att'y Gen I 98-43.

The city charter may be amended to increase salaries of city council members by adopting a local law after having a public hearing on notice in accordance with Municipal Home Rule Law, § 20(5). If the salary increase takes effect during the term of an elective city officer, the law is subject to a permissive referendum. 1980 Op St Compt File #293.

Research References & Practice Aids

Cross References:

This section referred to in §§ 10, 40; CLS [Alt Co Gov § 53](#); CLS [Vill §§ 18-1822, 18-1828](#).

Establishment of commission for village manager by petition notwithstanding this section, CLS [Vill § 18-1822](#).

Jurisprudences:

12 NY Jur 2d Buildings, Zoning, and Land Controls §§ 109, 147, 150, 155 .

25 NY Jur 2d Counties, Towns, and Municipal Corporations §§ 89, 90, 274—276, 278, 286 .

26 NY Jur 2d Counties, Towns, and Municipal Corporations § 537.

56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions §§ 297 et seq.

Annotations:

Validity of submission of proposition to voters at bond election as affected by inclusion of several structures or units. 4 ALR2d 617.

Right of signer of petition or remonstrance to withdraw therefrom or revoke withdrawal, and time therefor. 27 ALR2d 604.

Inclusion or exclusion of first and last days in computing the time for performance of an act or event which must take place a certain number of days before a known future date. 98 ALR2d 1331.

Hierarchy Notes:

[NY CLS Mun H R, Art. 3](#)