

10235--A

I N A S S E M B L Y

May 17, 2016

Introduced by M. of A. ZEBROWSKI, JAFFEE -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to code enforcement officer's training and certificate

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 376-a of the executive law, as added by section 29
2 of part B of chapter 56 of the laws of 2010, is amended to read as
3 follows:
4 S 376-a. Code enforcement training AND CERTIFICATION. 1. For the
5 purpose of this section, the term code enforcement personnel shall mean
6 a code enforcement official CERTIFIED PURSUANT TO THIS SECTION charged
7 with enforcement of the uniform fire prevention and building code or the
8 state energy conservation construction code.
9 2. In addition to the functions, powers and duties otherwise provided
10 by this article, the secretary of state may promulgate rules and regu-
11 lations with respect to:
12 (a) The approval, or revocation thereof, of code enforcement training
13 programs for code enforcement personnel;
14 (b) Minimum courses of study, attendance requirements, and equipment
15 and facilities to be required for approved code enforcement training
16 programs for code enforcement personnel;
17 (c) MINIMUM TRAINING AND EXAMINATION REQUIREMENTS TO QUALIFY FOR CODE
18 ENFORCEMENT OFFICER CERTIFICATION, PROVIDED THAT SUCH TRAINING AND EXAM-
19 INATION REQUIREMENTS SHALL NOT RESULT IN CODE ENFORCEMENT PERSONNEL THAT
20 HAVE OTHERWISE COMPLETED THE MINIMUM BASIC TRAINING REQUIREMENTS IN
21 ORDER TO BE ELIGIBLE FOR CONTINUED EMPLOYMENT OR PERMANENT APPOINTMENT
22 AS OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND
23 SIXTEEN THAT AMENDED THIS PARAGRAPH FROM BEING INELIGIBLE WITHOUT
24 FURTHER TRAINING OR EXAMINATION FOR CERTIFICATION PURSUANT TO PARAGRAPH
25 (D) OF THIS SUBDIVISION;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 (D) ISSUANCE OF A CODE ENFORCEMENT OFFICER CERTIFICATION WHEN AN
2 APPLICANT SATISFIES THE REQUIREMENT SET FORTH IN PARAGRAPH (C) OF THIS
3 SUBDIVISION;

4 (E) REVOCATION OR SUSPENSION OF THE CERTIFICATION OF ANY CODE ENFORCE-
5 MENT PERSONNEL FOUND AFTER A HEARING TO HAVE MATERIALLY FAILED TO UPHOLD
6 DUTIES OF A CODE ENFORCEMENT OFFICER, INCLUDING BUT NOT LIMITED TO,
7 MAKING MATERIAL ERRORS OR OMISSIONS ON AN INSPECTION REPORT. THE HEARING
8 REQUIRED PRIOR TO SUCH REVOCATION OR SUSPENSION SHALL PROVIDE THE CODE
9 ENFORCEMENT OFFICER THE OPPORTUNITY TO BE HEARD AND SHALL BE CONDUCTED
10 PURSUANT TO ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCEDURE ACT;

11 (F) Minimum qualifications for instructors for approved code enforce-
12 ment training programs for code enforcement personnel;

13 [(d)] (G) The requirements of minimum basic training which code
14 enforcement personnel shall complete in order to be eligible for contin-
15 ued employment or permanent appointment, and the time within which such
16 basic training must be completed following such appointment;

17 [(e)] (H) The requirements for in-service training programs designed
18 to assist code enforcement personnel in maintaining skills and being
19 informed of technological advances;

20 [(f)] (I) Categories or classifications of advanced in-service train-
21 ing programs and minimum courses of study and attendance requirements
22 with respect to such categories or classifications;

23 [(g)] (J) Exemptions from particular provisions of this article in the
24 case of any county, city, town, or village if in the opinion of the
25 secretary of state the standards of code enforcement training estab-
26 lished and maintained by such county, city, town, or village are equal
27 to or higher than those established pursuant to this article; or revoca-
28 tion in whole or in part of such exemption, if in his or her opinion the
29 standards of code enforcement training established and maintained by
30 such county, city, town, or village are lower than those established
31 pursuant to this article;

32 3. In furtherance of his or her functions, powers and duties as set
33 forth in this section, the secretary of state may:

34 (a) Recommend studies, surveys and reports to be made by the depart-
35 ment of state regarding the carrying out of the objectives and purposes
36 of this section;

37 (b) Visit and inspect any code enforcement training programs approved
38 by the secretary of state or for which application for such approval has
39 been made; and

40 (c) Recommend standards for promotion to supervisory positions.

41 4. In addition to the functions, powers and duties otherwise provided
42 by this section, the secretary of state shall:

43 (a) Approve code enforcement training programs for code enforcement
44 personnel and issue certificates of approval to such programs, and
45 revoke such approval or certificate;

46 (b) Certify, as qualified, instructors for approved code enforcement
47 training programs for code enforcement personnel and issue appropriate
48 certificates to such instructors;

49 (c) Certify code enforcement personnel who have satisfactorily
50 completed basic training programs and in-service training programs, and
51 issue appropriate certificates to such code enforcement personnel, and
52 revoke such certificate;

53 (d) INVESTIGATE AND CONDUCT HEARINGS AS APPROPRIATE RELATIVE TO
54 COMPLAINTS MADE AGAINST CODE ENFORCEMENT PERSONNEL;

1 (E) Cause studies and surveys to be made relating to the establish-
2 ment, operation, effectiveness and approval of code enforcement training
3 programs;
4 [(e)] (F) Cause studies and surveys to be made relating to the
5 completion or partial completion of training programs by video or
6 computer to the maximum extent practicable;
7 [(f)] (G) Consult with and cooperate with the state university of New
8 York and private universities, colleges and institutes in the state for
9 the development of specialized courses of study for code enforcement
10 personnel.
11 S 2. This act shall take effect on the ninetieth day after it shall
12 have become a law.