S T A T E O F N E W Y O R K

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:

Section 1. Section 376-a of the executive law, as added by section 29 of part B of chapter 56 of the laws of 2010, is amended to read as follows:

S 376-a. Code enforcement training AND CERTIFICATION. 1. For the purpose of this section, the term code enforcement personnel shall mean a code enforcement official CERTIFIED PURSUANT TO THIS SECTION charged with enforcement of the uniform fire prevention and building code or the state energy conservation construction code.

2. In addition to the functions, powers and duties otherwise provided by this article, the secretary of state may promulgate rules and regulations with respect to:

(a) The approval, or revocation thereof, of code enforcement training programs for code enforcement personnel;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required for approved code enforcement training programs for code enforcement personnel;

(c) MINIMUM TRAINING AND EXAMINATION REQUIREMENTS TO QUALIFY FOR CODE ENFORCEMENT OFFICER CERTIFICATION, PROVIDED THAT SUCH TRAINING AND EXAMINATION REQUIREMENTS SHALL NOT RESULT IN CODE ENFORCEMENT PERSONNEL THAT HAVE OTHERWISE COMPLETED THE MINIMUM BASIC TRAINING REQUIREMENTS IN ORDER TO BE ELIGIBLE FOR CONTINUED EMPLOYMENT OR PERMANENT APPOINTMENT AS OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT AMENDED THIS PARAGRAPH FROM BEING INELIGIBLE WITHOUT FURTHER TRAINING OR EXAMINATION FOR CERTIFICATION PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION;

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

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

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

(F) Minimum qualifications for instructors for approved code enforcement training programs for code enforcement personnel;

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

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

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

[(g)] (J) Exemptions from particular provisions of this article in the case of any county, city, town, or village if in the opinion of the secretary of state the standards of code enforcement training established and maintained by such county, city, town, or village are equal to or higher than those established pursuant to this article; or revocation in whole or in part of such exemption, if in his or her opinion the standards of code enforcement training established and maintained by such county, city, town, or village are lower than those established pursuant to this article;

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

(a) Recommend studies, surveys and reports to be made by the department of state regarding the carrying out of the objectives and purposes of this section;

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

(c) Recommend standards for promotion to supervisory positions.

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

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

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

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

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

(E) Cause studies and surveys to be made relating to the establishment, operation, effectiveness and approval of code enforcement training programs;

[(e)] (F) Cause studies and surveys to be made relating to the completion or partial completion of training programs by video or computer to the maximum extent practicable;

[(f)] (G) Consult with and cooperate with the state university of New York and private universities, colleges and institutes in the state for the development of specialized courses of study for code enforcement personnel.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.