

# STATE OF NEW YORK

9676

## IN ASSEMBLY

February 4, 2020

Introduced by M. of A. ZEBROWSKI -- read once and referred to the  
Committee on Governmental Operations

AN ACT to amend the executive law, in relation to minimum standards for  
code enforcement personnel

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2 of section 376-a of the executive law, as  
2 amended by chapter 468 of the laws of 2017, is amended to read as  
3 follows:

4 2. In addition to the functions, powers and duties otherwise provided  
5 by this article, the secretary of state [~~may~~] shall promulgate rules and  
6 regulations with respect to:

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

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

12 (c) Minimum training and examination requirements to qualify for code  
13 enforcement officer certification, provided that such training and exam-  
14 ination requirements shall not result in code enforcement personnel that  
15 have otherwise completed the minimum basic training requirements in  
16 order to be eligible for continued employment or permanent appointment  
17 as of the effective date of [~~the~~] chapter four hundred sixty-eight  
18 the laws of two thousand seventeen [~~that amended this paragraph~~] from  
19 being ineligible without further training or examination for certifi-  
20 cation pursuant to paragraph (d) of this subdivision;

21 (d) Issuance of a code enforcement officer certification when an  
22 applicant satisfies the requirement set forth in paragraph (c) of this  
23 subdivision;

24 (e) Revocation or suspension of the certification of any code enforce-  
25 ment personnel found after a hearing to have materially failed to uphold  
26 duties of a code enforcement officer, including but not limited to,  
27 making material errors or omissions on an inspection report. The hearing  
28 required prior to such revocation or suspension shall provide the code

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

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1 enforcement officer the opportunity to be heard and shall be conducted  
2 pursuant to article three of the state administrative procedure act;

3 (f) Minimum qualifications for instructors for approved code enforce-  
4 ment training programs for code enforcement personnel;

5 (g) The requirements of minimum basic training which code enforcement  
6 personnel shall complete in order to be eligible for continued employ-  
7 ment or permanent appointment, and the time within which such basic  
8 training must be completed following such appointment, provided however,  
9 that absent a written extension from the secretary of state for good  
10 cause shown, the minimum basic training requirements shall be completed  
11 within ninety days from the date of appointment for building safety  
12 instructors and within six months from the date of appointment for code  
13 enforcement officials;

14 (h) The requirements for in-service training programs designed to  
15 assist code enforcement personnel in maintaining skills and being  
16 informed of technological advances which shall include (i) an annual  
17 minimum of ten hours for building safety instructors and twenty-six  
18 hours for code enforcement officials, and (ii) one hour of advanced  
19 in-service training on a matter determined annually by the secretary of  
20 state relating to changes in law, advancements in construction tech-  
21 niques, or detection and remediation of common violations of the uniform  
22 code and/or energy code including but not limited to mold, lead paint  
23 abatement and infestations of rodents and other pests;

24 (i) Categories or classifications of advanced in-service training  
25 programs and minimum courses of study and attendance requirements with  
26 respect to such categories or classifications;

27 (j) The prohibition of continued employment of an individual as code  
28 enforcement personnel whose certification has been suspended or revoked,  
29 unless such individual has received an extension to achieve an active  
30 certification by the secretary of state upon a showing of good cause;  
31 and

32 (k) Exemptions from particular provisions of this article in the case  
33 of any county, city, town, or village if in the opinion of the secretary  
34 of state the standards of code enforcement training established and  
35 maintained by such county, city, town, or village are equal to or higher  
36 than those established pursuant to this article; or revocation in whole  
37 or in part of such exemption, if in his or her opinion the standards of  
38 code enforcement training established and maintained by such county,  
39 city, town, or village are lower than those established pursuant to this  
40 article[+].

41 § 2. This act shall take effect on the one hundred twentieth day after  
42 it shall have become a law. Effective immediately, the addition, amend-  
43 ment and/or repeal of any rule or regulation necessary for the implemen-  
44 tation of this act on its effective date are authorized to be made and  
45 completed on or before such date.