

# STATE OF NEW YORK

7291

## IN SENATE

January 16, 2020

Introduced by Sens. PERSAUD, SKOUFIS, KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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 of  
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

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

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1 required prior to such revocation or suspension shall provide the code  
2 enforcement officer the opportunity to be heard and shall be conducted  
3 pursuant to article three of the state administrative procedure act;

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

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

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

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

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

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

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