

STATE OF NEW YORK

7291--A

IN SENATE

January 16, 2020

Introduced by Sens. PERSAUD, SKOUFIS, BIAGGI, KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 certif-
20 ication 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

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

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1 duties of a code enforcement officer, including but not limited to,
2 making material errors or omissions on an inspection report. The hearing
3 required prior to such revocation or suspension shall provide the code
4 enforcement officer the opportunity to be heard and shall be conducted
5 pursuant to article three of the state administrative procedure act;

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

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

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

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

30 (j) The prohibition of continued employment of an individual as code
31 enforcement personnel whose certification has been suspended or revoked,
32 unless such individual has received an extension to achieve an active
33 certification by the secretary of state upon a showing of good cause.
34 Where such suspension or revocation is the result of failure to complete
35 in-service training pursuant to paragraph (h) of this subdivision, any
36 adverse employment action shall be based on negligent failure to
37 complete the required hours. Nothing in this section shall be deemed to
38 diminish the rights, privileges, or remedies of any applicant or current
39 or former employee under any other law or regulation or under any
40 collective bargaining agreement or employment contract; and

41 (k) Exemptions from particular provisions of this article in the case
42 of any county, city, town, or village if in the opinion of the secretary
43 of state the standards of code enforcement training established and
44 maintained by such county, city, town, or village are equal to or higher
45 than those established pursuant to this article; or revocation in whole
46 or in part of such exemption, if in his or her opinion the standards of
47 code enforcement training established and maintained by such county,
48 city, town, or village are lower than those established pursuant to this
49 article[+].

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