STATE OF NEW YORK

276--A

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. ZEBROWSKI, LAWLER -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- 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:

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

2. In addition to the functions, powers and duties otherwise provided by this article, the secretary of state [~~may~~] **shall** 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 **four hundred sixty-eight** of the laws of two thousand seventeen [~~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;

(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**, provided however, that absent a written extension from the secretary of state for good cause shown, the minimum basic training requirements shall be completed within six months from the date of appointment for building safety inspectors and within twelve months from the date of appointment for code enforcement officials, provided further that a building safety inspector must complete at least one-third of required basic training courses prior to performing building safety inspector enforcement activities; and a code enforcement official must complete at least one-sixth of required basic training courses prior to performing building safety inspector enforcement activities and must complete two-thirds of required basic training courses prior to performing code enforcement official enforcement activities**;

(h) The requirements for in-service training programs designed to assist code enforcement personnel in maintaining skills and being informed of technological advances **which shall include an annual minimum of ten hours for building safety inspectors and twenty-six hours for code enforcement officials, and include topics on changes in law, advancements in construction techniques, or detection and remediation of common violations of the uniform code and/or energy code**;

(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;

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

(k) 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[~~;~~].

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.