

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:

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;

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

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

4 (e) Revocation or suspension of the certification of any code enforce-
5 ment personnel found after a hearing to have materially failed to uphold
6 duties of a code enforcement officer, including but not limited to,
7 making material errors or omissions on an inspection report. The hearing
8 required prior to such revocation or suspension shall provide the code
9 enforcement officer the opportunity to be heard and shall be conducted
10 pursuant to article three of the state administrative procedure act;

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

13 (g) The requirements of minimum basic training which code enforcement
14 personnel shall complete in order to be eligible for continued employ-
15 ment or permanent appointment, and the time within which such basic
16 training must be completed following such appointment, provided however,
17 that absent a written extension from the secretary of state for good
18 cause shown, the minimum basic training requirements shall be completed
19 within six months from the date of appointment for building safety
20 inspectors and within twelve months from the date of appointment for
21 code enforcement officials, provided further that a building safety
22 inspector must complete at least one-third of required basic training
23 courses prior to performing building safety inspector enforcement activ-
24 ities; and a code enforcement official must complete at least one-sixth
25 of required basic training courses prior to performing building safety
26 inspector enforcement activities and must complete two-thirds of
27 required basic training courses prior to performing code enforcement
28 official enforcement activities;

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

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

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

50 (k) Exemptions from particular provisions of this article in the case
51 of any county, city, town, or village if in the opinion of the secretary
52 of state the standards of code enforcement training established and
53 maintained by such county, city, town, or village are equal to or higher
54 than those established pursuant to this article; or revocation in whole
55 or in part of such exemption, if in his or her opinion the standards of
56 code enforcement training established and maintained by such county,

1 city, town, or village are lower than those established pursuant to this
2 article[~~7~~].
3 § 2. This act shall take effect on the one hundred twentieth day after
4 it shall have become a law. Effective immediately, the addition, amend-
5 ment and/or repeal of any rule or regulation necessary for the implemen-
6 tation of this act on its effective date are authorized to be made and
7 completed on or before such date.