

STATE OF NEW YORK

532--A

Cal. No. 452

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. PERSAUD, SKOUFIS, BIAGGI, KAVANAGH, MANNION, REICHLIN-MELNICK, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

LBD03038-04-2

1 as of the effective date of [~~the~~] chapter four hundred sixty-eight of
2 the laws of two thousand seventeen [~~that amended this paragraph~~] from
3 being ineligible without further training or examination for certif-
4 ication pursuant to paragraph (d) of this subdivision;

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

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

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

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

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

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

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

54 (k) Exemptions from particular provisions of this article in the case
55 of any county, city, town, or village if in the opinion of the secretary
56 of state the standards of code enforcement training established and

1 maintained by such county, city, town, or village are equal to or higher
2 than those established pursuant to this article; or revocation in whole
3 or in part of such exemption, if in his or her opinion the standards of
4 code enforcement training established and maintained by such county,
5 city, town, or village are lower than those established pursuant to this
6 article[~~7~~].
7 § 2. This act shall take effect on the one hundred twentieth day after
8 it shall have become a law. Effective immediately, the addition, amend-
9 ment and/or repeal of any rule or regulation necessary for the implemen-
10 tation of this act on its effective date are authorized to be made and
11 completed on or before such date.