§ 376-a. Code enforcement training and certification. 1. For the purpose of this section, the term code enforcement personnel shall mean a code enforcement official certified pursuant to this section charged with enforcement of the uniform fire prevention and building code or the state energy conservation construction code.

2. In addition to the functions, powers and duties otherwise provided by this article, the secretary of state 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 chapter four hundred sixty-eight of the laws of two thousand seventeen from being ineligible without further training or examination for certification pursuant to paragraph (d) of this subdivision;

(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 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.

3. In furtherance of his or her functions, powers and duties as set forth in this section, the secretary of state may:

(a) Recommend studies, surveys and reports to be made by the department of state regarding the carrying out of the objectives and purposes of this section;

(b) Visit and inspect any code enforcement training programs approved by the secretary of state or for which application for such approval has been made; and

(c) Recommend standards for promotion to supervisory positions.

4. In addition to the functions, powers and duties otherwise provided by this section, the secretary of state shall:

(a) Approve code enforcement training programs for code enforcement personnel that can be completed online, with flexible scheduling options that allow for completion at the desired time and pace of such code enforcement personnel, and issue certificates of approval to such programs, and revoke such approval or certificate;

(b) Certify, as qualified, instructors for approved code enforcement training programs for code enforcement personnel and issue appropriate certificates to such instructors;

(c) Certify code enforcement personnel who have satisfactorily completed basic training programs and in-service training programs, and issue appropriate certificates to such code enforcement personnel, and revoke such certificate;

(d) Investigate and conduct hearings as appropriate relative to complaints made against code enforcement personnel;

(e) Cause studies and surveys to be made relating to the establishment, operation, effectiveness and approval of code enforcement training programs;

(f) Cause studies and surveys to be made relating to the completion or

partial completion of training programs by video or computer to the maximum extent practicable;

(g) Consult with and cooperate with the state university of New York and private universities, colleges and institutes in the state for the development of specialized courses of study for code enforcement personnel.