



**State of New York
Department of State
Division of Code Enforcement and Administration**

One Commerce Plaza
99 Washington Avenue, Albany, New York 12231
(518) 474-4073 Fax: (518) 486-4487 www.dos.state.ny.us

Rules and Regulations - Department of State

**TITLE 19 (NYCRR)
CHAPTER XII - OFFICE OF FIRE PREVENTION AND CONTROL**

**PART 435 - MINIMUM STANDARDS FOR CODE ENFORCEMENT PERSONNEL IN THE STATE
OF NEW YORK - ADMINISTRATIVE PROCEDURES**

This information is not the official version of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR). No representation is made as to its accuracy, nor may it be read into evidence in New York State courts. To ensure accuracy and for evidentiary purposes, reference should be made to the official NYCRR. The official NYCRR is printed by Thomson Reuters/West, 610 Opperman Drive, PO Box 64526, St. Paul, MN 55164-0526, 1-800-344-5009.
This document is made possible through the courtesy of the Secretary of State of the State of New York.

§435.1 Purpose and definitions.

§435.2 Procedures for certification of code enforcement training programs.

§435.3 Facilities and equipment for code enforcement training programs.

§435.4 Procedures for instructor certification.

§435.5 Code enforcement training time completion requirements.

§435.6 Procedures for basic code enforcement training.

§435.7 Procedures for in-service training of code enforcement personnel.

§435.8 Procedures for advanced in-service training of code enforcement personnel.

§435.9 *Reserved.*

§435.10 Exemption and revocation procedures.

§435.1 Purpose and definitions.

This Part establishes procedures to administer the minimum standards for code enforcement personnel in the State of New York as established by Part 434 of this Title.

§435.2 Procedures for certification of code enforcement training programs.

(a) Certification of code enforcement training programs in basic, in-service, advanced in-service and promotional supervisory training shall be obtained in accordance with this section.

(b) An application for certification of a basic, in-service, advanced in-service, or promotional supervisory code enforcement training program shall be submitted to the State Fire Administrator by the chief executive officer of the municipality or his designated representative, or by a duly authorized officer of the provider of the training program. Such application shall be in writing, in a form acceptable to the State Fire Administrator, and shall include:

(1) the names and qualifications of the certified "standard" and/or "special" instructors as prescribed in Part 434 of this Title;

(2) a copy of a curriculum outline identifying subject content, number of hours of instruction and lesson plans to be utilized;

(3) a description of the facilities and equipment to be used to conduct the training programs as prescribed in Part 434 of this Title; and

(4) copies of the evaluation examinations and procedures to be used to attest that a student has attained that level of performance established by the municipality for its code enforcement personnel.

(c) Certification shall be issued after the State Fire Administrator determines that such application is complete, and that the code

enforcement training program described therein meets or exceeds the requirements of Part 434 of this Title. Amendments to code enforcement training programs for any calendar year shall be submitted to the State Fire Administrator prior to November 1st of the preceding year. Certification shall be continued provided the amendments are determined by the State Fire Administrator to meet or exceed the requirements of Part 434 of this Title.

§435.3 Facilities and equipment for code enforcement training programs.

An onsite review of the facilities and equipment prescribed in Part 434 of this Title may be conducted by the State Fire Administrator or his representative.

§435.4 Procedures for instructor certification.

(a) Certification of instructors in standard and special categories shall be obtained in accordance with this section.

(b) An application for standard certification, by or on behalf of an instructor, shall be submitted to the State Fire Administrator for his approval. Such application shall be in writing and shall contain the name of the applicant and such additional information as will attest that he has met the requirements of Part 434 of this Title.

(c) An application for special certification shall be submitted on behalf of an instructor by the chief executive officer of the municipality or his designee, or by a duly authorized officer of the provider of the training program. Such application shall be submitted in writing to the State Fire Administrator for his approval and shall contain the name of the nominee, the proposed subject of special certification, and a description of the special skills, knowledge or abilities which qualify him to teach the designated subject as prescribed in Part 434 of this Title.

§435.5 Code enforcement training time completion requirements.

Basic code enforcement training prescribed by Part 434 of this Title shall be completed within the time period required thereby. Within a given municipality, actual time for completion may be further limited by local rule.

§435.6 Procedures for basic code enforcement training.

(a) Upon initial appointment of a probationary or nonpermanent code enforcement official, the official's name shall be filed with the State Fire Administrator on a student enrollment card.

(b) Completion of the minimum basic code enforcement training program must be verified on the code enforcement trainee's individual training record as prescribed by the State Fire Administrator. A completed copy thereof must be filed with the State Fire Administrator prior to the conclusion of the trainee's time allocation as prescribed in Part 434 of this Title. As individual training items are completed by the trainee, such completion shall be verified on the individual training record by the standard or special certified instructor who taught or supervised that item. Completion of the entire basic training program shall be verified by the chief executive officer of the municipality or his designee, or by a duly authorized officer of the provider of the training program.

§435.7 In-service code enforcement personnel training.

(a) Upon the completion of a minimum of 24 hours of certified in-service training, code enforcement personnel may receive in-service accreditation from the State Fire Administrator. To receive such accreditation, code enforcement personnel shall, at the completion of at least 24 hours of in-service training, but no later than March 15th of the subsequent year, request in writing such in-service accreditation from the State Fire Administrator. Such a request shall include a list of the certified programs attended, specifying dates, locations and sponsors, along with proof of the completion of each program.

(b) To receive in-service accreditation, code enforcement personnel must complete at least one hour of certified instruction in each of the seven main topic areas listed in Part 434 of this Title. Other in-service training attended, so as to complete a minimum of 24 hours of training, may be distributed in any proportion among the seven main topic areas listed in Part 434 of this Title. Upon receipt of a request for in-service accreditation, the State Fire Administrator shall review such request to verify that the completed training satisfies the requirements of Part 434 of this Title and if appropriate shall issue in-service accreditation accordingly.

§435.8 Procedures for advanced in-service training of code enforcement personnel.

Upon the completion of a minimum of 48 hours of certified advanced in-service training in the International Codes, code enforcement personnel may receive certification of having successfully completed such training from the State Fire Administrator. To receive such certification, code enforcement personnel shall at the completion of the certified advanced in-service training submit a request in writing to the State Fire Administrator. Such a request shall include an identification of the certified program attended, specifying dates, locations and sponsors, along with proof of the completion of the program. Upon receipt of a request for certification of having successfully completed advanced in-service training in the International Codes, the State Fire Administrator shall review such request to verify that the completed training satisfies the requirements of Part 434 of this Title and if appropriate shall issue such certification accordingly.

§435.9 *Reserved.*

§435.10 Exemption and revocation procedures.

(a) Requests for exemption from specific provisions of Part 434 of this Title should be addressed to the Fire Fighting and Code Enforcement Personnel Standards and Education Commission, setting out with particularity those provisions from which exemption is sought and the reasons therefor, and shall include, where appropriate, textual and related materials to permit the commission to determine that the training program equals or exceeds the requirements of Part 434 of this Title.

(b) Revocation of exemptions or certification, in whole or in part, shall be made after a determination by the Fire Fighting and Code Enforcement Personnel Standards and Education Commission that the training program in question is below the standards of Part 434 of this Title.