



**Building Standards
and Codes**

Oversight Unit Overview Part A

A Division of New York Department of State

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Course Information

This course has been approved by the Department of State for In-Service Training credit as follows:

- 1 hours, Topic 1 – Uniform Code
- Course number: T02-07-3151



Course Agenda

- Oversight Staffing
- Types of complaints and number of complaints received
- Overview of the Oversight Process concerning complaints containing allegations of a material failure to uphold code enforcement duties
- Common items discovered during investigations

Oversight Unit Staffing

A Division of New York Department of State



Staff:

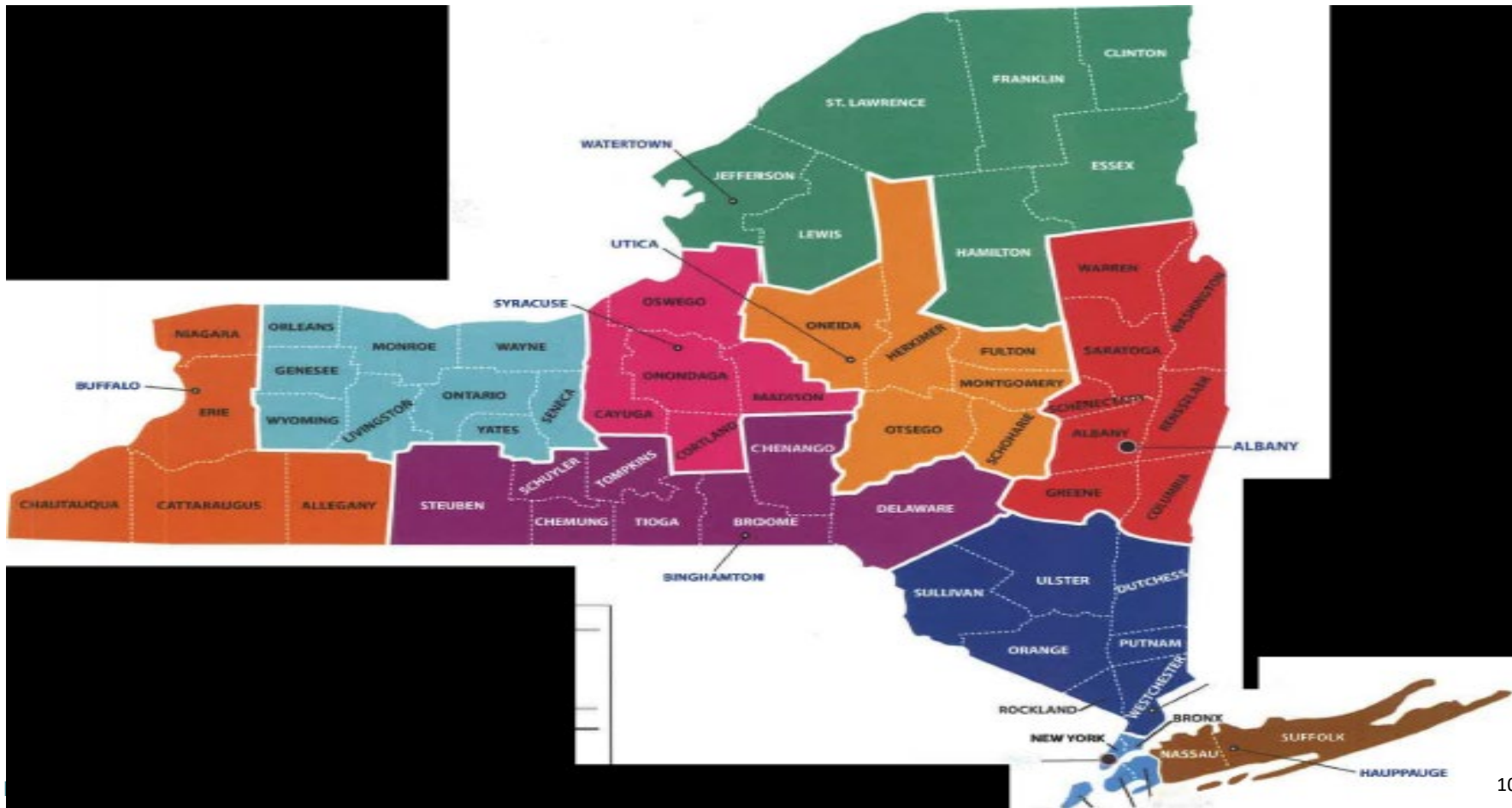
The Program Manager – Chad Haviland

Two teams:

Albany Team and Syracuse Team

Each Team consists of:

- 1 - Code Compliance Specialist 2
- 1 - Investigator 2
- 2 - Investigator 1s; and
- 1 – Code Compliance Specialist 1





Types of Complaints and Number of Complaints Received



Complaints against a Municipality

Types of Complaints:

Complaints against Municipalities (Part 1203)

Complaints against Code Enforcement Officials Part 1208)

- Two separate types of complaints, with different applicable regulations.
- Complaints (many/most times) include allegations against the Municipality and the Code Enforcement Official.
- Oversight determines whether the CEO or the Municipality is responsible.



Number of Complaints Received

930 cumulative complaints and counting

178 complaints filed in 2022

161 complaints received in 2023

33 complaints received 2024



Material Failure to Uphold Code Enforcement Duties

Revocation or Suspension

Any BSI or CEO who after a hearing is found to have;
“materially failed to uphold his or her code enforcement duties as a certified building safety Inspector or certified code enforcement official”

Including but not limited to;
“material errors or omissions on an inspection report”



Revocation or Suspension

Code Enforcement Official (CEO):

“...found after a hearing...”

“...Materially failed to uphold duties of a code enforcement official...”

1. Fails to note one or more serious violation
2. Other material errors or omissions

Revocation or Suspension

CEO:

“...found after a hearing...”

“...Materially failed to uphold duties of a code enforcement official...”

3. Demonstrates by act or omission...

Willful misconduct,

Gross negligence, or

Gross incompetence



Revocation or Suspension

CEO:

“...found after a hearing...”

“...Materially failed to uphold duties of a code enforcement official...”

- 4. Performs any code enforcement activity at a time when his or her certification is inactive or suspended**



Revocation or Suspension

Building Safety Inspector (BSI):

“...found after a hearing...”

“...Materially failed to uphold duties of a code enforcement official...”

1. Fails to note one or more serious violation
2. Other material errors or omissions

Revocation or Suspension

BSI:

“...found after a hearing...”

“...Materially failed to uphold duties of a code enforcement official...”

3. Demonstrates by act or omission...

Willful misconduct,

Gross negligence or

Gross incompetence

Revocation or Suspension

BSI:

“...found after a hearing...”

“...Materially failed to uphold duties of a code enforcement official...”

4. **Performs any code activity other than fire safety and/or property maintenance inspections**
5. **Performs any code enforcement activity at a time when his or her certification is inactive or suspended**



Effect of Revocation or Suspension

Suspend certification subject to terms and
conditions

OR

Revoked certification



Complaints

- In writing or a form acceptable to DOS
- Identify the subject person (CEO or BSI)
- Identify the Authority Having Jurisdiction (AHJ)
- Statement of acts or omissions
- Complainant's agreement to cooperate with investigation



Complaints

The Department will:

- Review complaint
- Determine whether the allegation shows failure to perform code enforcement duties



Complaints

The Department will:

- Assign complaint to an Investigator
- May request additional information
- Contact code official



Complaints

The Department may:

- Provide copies of complaint and supporting documentation to each AHJ that employs the subject person
- Cases regarding SED Law 807A –
 - School authorities, NYSED
- Personal Privacy Protection Law
 - Redactions



Complaints

Actions taken without a complaint

- The Department may initiate an investigation, refer a case to a jurisdiction for investigation or refer to the ALJ for suspension or revocation proceedings, without a formal complaint

Investigations

- The Department shall investigate in such manner as the Department deems appropriate.
- The Department may refer the investigation to the AHJ that employs the *subject person*, with instructions, and the AHJ shall provide a report to the Department
- The *subject person* and all AHJs that employ the *subject person* shall fully cooperate with the investigation process



Hearings and Determinations

- The Department may refer the case to The Office of Administrative Hearings
 - Administrative Law Judge shall conduct a hearing
- The Decision shall include...
 - Suspend certification
 - Period of time
 - Conditions
 - Revoke certification

Common issues found by Oversight Unit

- Lack of documentation
- Inadequate documentation
 - Complaint inspections
 - Construction inspections
 - Energy Code inspections
 - Periodic Fire Inspections
 - Operating permits
- Minimal or no documentation for alterations or repairs
- Record of remedies/reinspection
- Building Permit documents
 - Existing buildings
 - Minimal or no documentation
 - Sufficient Plans
 - Truss documents
 - Certificate of Occupancies or Certificate of Compliance
 - Inadequate local law
 - Less than anticipated
 - CEO enforcing the Uniform Code while training status is “In-active”

Any Questions?



Code Enforcement Training & Certification Requirements

A Division of New York Department of State



NEW YORK
STATE OF
OPPORTUNITY.

**Building Standards
and Codes**



19 NYCRR Part 1208

A Division of New York Department of State



Part 1208

1208-1 Introduction, Purpose, and Definitions

1208-2 Minimum Training Requirements and Standards

1208-3 Certification of Building Safety

Inspectors and Code Enforcement Officials

1208-4 Certification of Training Courses and Instructors

1208-5 Miscellaneous Provisions

1208-6 Suspension or Revocation of Certifications



Enforcement Activity

Two levels of enforcement certification:



Certified Building Safety Inspector (BSI)



Certified Code Enforcement Official (CEO)

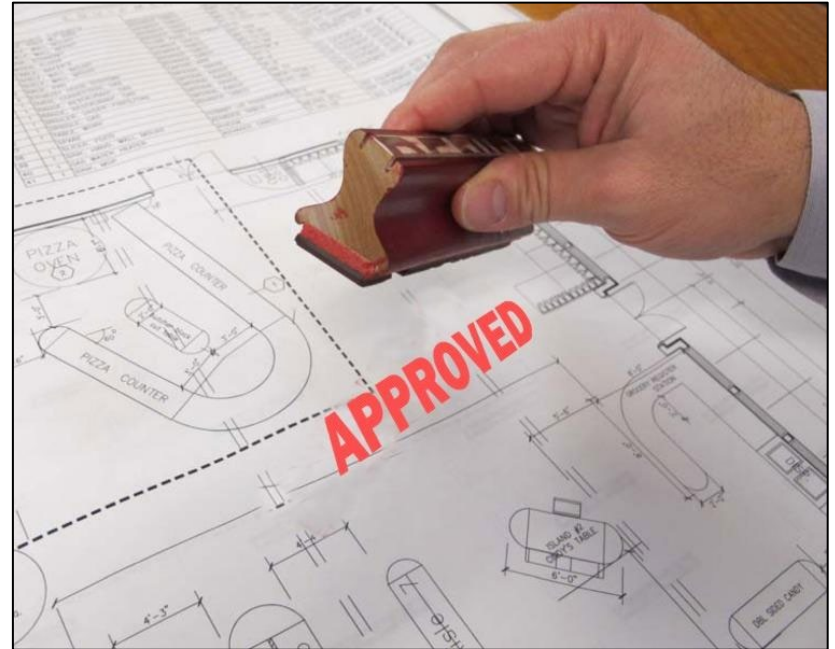
Certified Building Safety Inspector

Fire safety and/or property maintenance inspections of *existing* buildings and structures



Certified Code Enforcement Official

- Review and approve plans incidental to a permit.
- Perform construction inspections.
- Conduct fire safety and property maintenance inspections.

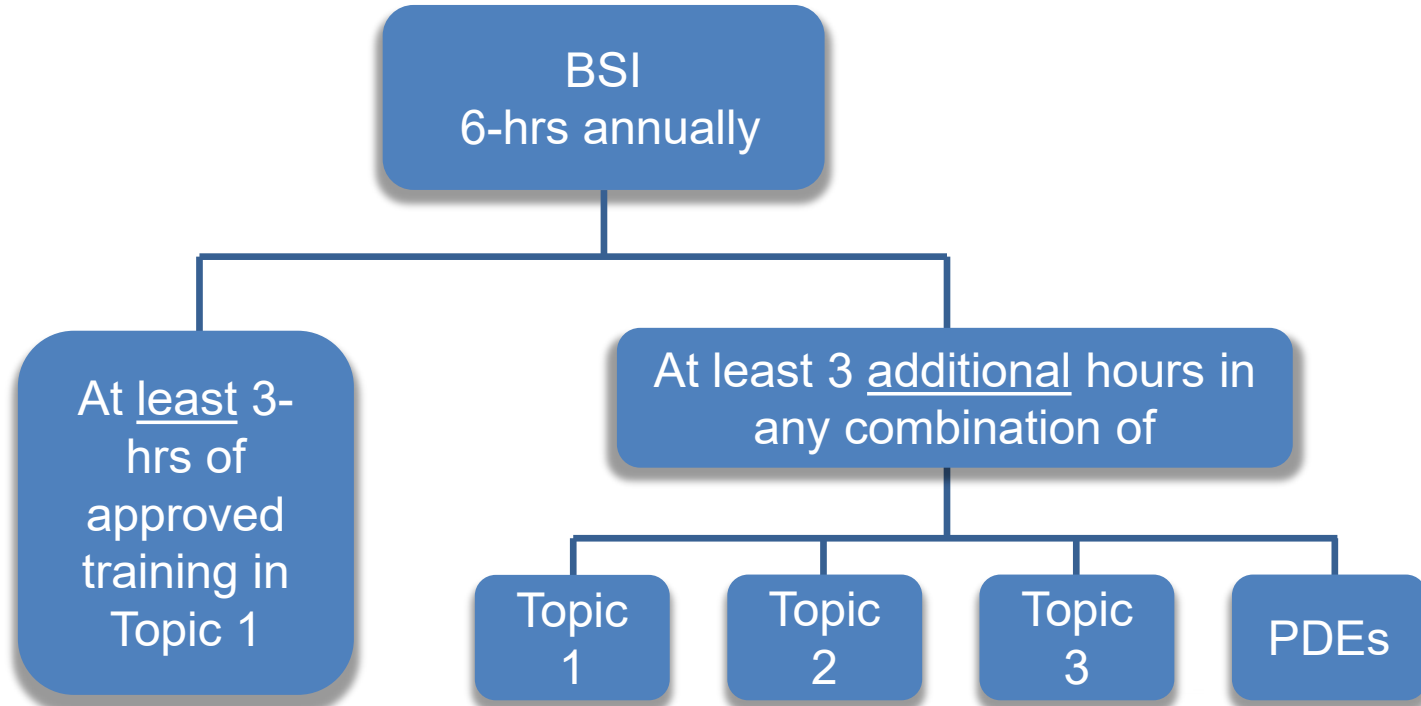


Certified Code Enforcement Official

Help Wanted : Code Enforcement Official

- 21 years of age or older.
- High school diploma, GED, or appropriate equivalent.
- Completion and passing of two-week basic legal course at Criminal Justice Academy, and ability to become certified to carry a sidearm.
- Completion of the New York State Code Enforcement Basic Training Program.

In-Service Training Requirements



In-Service Training Requirements

CEO
24-hrs annually

At least 12-hrs of approved training

3-hrs
Topic 1

3-hrs
Topic 2

3-hrs
Topic 3

3 additional
hours in any
combination
of Topics 1,
2, or 3

At least 12 additional hours
in any combination of

Topic 1

Topic 2

Topic 3

PDEs



Summary of Training Requirements

Online Trainings

Approved Online Courses

The following courses have been approved for annual In-Service training credit. Unapproved online classes may be used toward Professional Development Electives.

- [Division of Building Standards and Codes](#) courses provided through the Statewide Learning Management System (SLMS)
- [Simpson Strong-Tie](#)
- [FEMA](#)

Webinar Trainings

- [In-Service Training Schedule](#)

<https://dos.ny.gov/code/service-training>

Professional Development Electives



Training courses whose subject matter advances the professional development of a CEO or BSI.

1208-3.3(d)



Professional Development Electives

Professional development electives include, but are not limited to, classes in the following topics:

Zoning

Planning

Ethics

Management

Communications

Hazards

Writing skills

Time management

Records

management

Media relations

Computer skills

Professional Development Electives



Building Standards and Codes

New York State
Department of State
Division of Building Standards
and Codes
One Commerce Plaza
99 Washington Avenue, Suite 1160
Albany, NY 12231-0001
(518) 474-4073
Fax: (518) 474-5788
www.dos.ny.gov

Professional Development Electives Application Form

This form is required for anyone intending to apply up to twelve hours of professional development electives toward their annual in-service training credit.

Professional development electives are training courses that have not been submitted to the Division of Building Standards and Codes for review and approval but whose subject matter advances the professional development of an individual building safety inspector or code enforcement official. Professional development electives include, but are not limited to, classes in the following topics: zoning, planning, ethics, management, communications, hazards, writing skills, time management, records management, media relations and other topics that contribute to the professional development of a building safety inspector or code enforcement official as determined by the secretary. College level courses that are within the appropriate subject matter and are worth three or more credit hours (three hours a week per semester) shall be worth twelve hours of in-service credit. Meetings, roundtable discussions and prerecorded videos are not acceptable as professional development electives.

Building Safety Inspectors Up to three hours of the required six hours of code enforcement in-service training may be obtained through professional development electives.

Code Enforcement Officials Up to twelve hours of the required 24 hours of code enforcement in-service training may be obtained



Professional Development Electives

Required documentation:

- Course title
- Description of the course
- Duration of course (hours)
- Certificate of completion
- Name of the course sponsor
- Date and location of the course
- Attendance verification





Advanced In-Service Training

To maintain certification, BSIs and CEOs must successfully complete all Advanced In-Service (AIS) training within the time established by 1208-3.4.



Advanced In-Service Training

- AIS training counts toward the annual In-Service training requirement.
- It is not “extra” training.



Advanced In-Service Training

- Required pursuant to 19 NYCRR 1208-3.4.
- DOS issues statements when AIS training is required.
 - Topic area
 - Minimum number of hours
 - Time for completing the training



Advanced In-Service Training

Advanced In-Service training notification:

- Posted on DBSC website
- Distributed via E-Bulletins
- NYSBOC chapters

Training Opportunities

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

January – June 2024 In-Service Training Schedule

Twenty hours of approved In-Service training is available via live webinars:

Topic 1: 6 hours

Topic 2: 7 hours

Topic 3: 7 hours

Total: 20 hours

Training Opportunities



NYSBOC



**Live
Webinars**



**On-Line
Self-Paced**



**ICC
Certifications**



Polling Question

How many total In-Service training hours must a CEO obtain annually to maintain their certification?

- a. 6
- b. 3
- c. 24
- d. 12

In-Service Training Adjustments

1208-3.5 (a) (1) Adjustment to an in-service training requirement or to an advanced in-service training requirement may be granted for reasons of health certified by an appropriate health care professional, for extended active duty with the Armed Forces of the United States, or for other good cause acceptable to the secretary.



In-Service Training Adjustments

Training opportunities are available 24 hours a day, 365 days a year.

- SLMS classes
- Self-study classes
- Simpson Strong-Tie

Remember this before you request an adjustment.



Inactive Status

Reasons for certification being classified as inactive:

- Fail to satisfy the annual In-Service training requirement.
- Fail to satisfy an AIS training requirement.

Cannot perform enforcement activities while inactive

Reclassified as Active

- Less than three consecutive years of inactive status: complete training for the current year.
 - BSI – 6 hours
 - CEO – 24 hours

**Cannot perform enforcement activities while
inactive**

Reclassified as Active

2024

January						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June						
Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

<https://www.vertex42.com/calendars/printable-calendars.html>

Printable Yearly Calendar © 2022 by Vertex42.com. Free to Print.

Cannot perform enforcement activities while inactive



Inactive Status

- Three or more consecutive years of inactive status:
 - Retake basic training, or
 - Request a waiver and pass the applicable exams
 - **If you fail any one exam, you must retake basic training**
- See 1208-3.5(d)

Revocation of Certification

19 NYCRR 1208-3.5(b)(1)(ii) provides that the Secretary may revoke a code enforcement certification if the Secretary determines that an individual achieved a passing score on an exam by fraudulent or dishonest means. *

(2.5 Points)

I understand and acknowledge the consequences of cheating on an exam. ✓

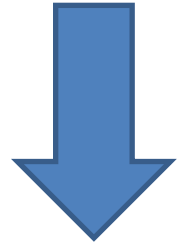
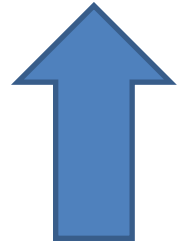
Certification of BSI & CEO

Level increase: BSI to CEO

- Notify the Division
- Complete basic training courses 9D, 9E, and 9F
- Acquire 24 hours of training annually

Level decrease: CEO to BSI

- Notify the Division in writing
- Acquire 6 hours of training annually





Polling Question

If an individual does not obtain the necessary In-Service training in a calendar year, their certification status is:

- a. Revoked
- b. Suspended
- c. Active
- d. Inactive

Any Questions?



This course provides a road map for the process of the Oversight Unit.

Thank you