

AMENDED IN ASSEMBLY MAY 9, 2016  
AMENDED IN ASSEMBLY MARCH 17, 2016  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2228**

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**Introduced by Assembly Member Cooley**

February 18, 2016

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An act to add Chapter 20 (commencing with Section 26205) to Division 20 of the Health and Safety Code, relating to code enforcement officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2228, as amended, Cooley. Code enforcement officers.

Existing law defines the term "code enforcement officer" as a person who is not a peace officer, who has enforcement authority for health, safety, and welfare requirements, and who is authorized to issue citations or file formal complaints, as specified.

This bill would require the Board of Directors of the California Association of Code Enforcement Officers (CACEO) to develop and maintain standards for the designation of Certified Code Enforcement Officers or CCEOs. The bill would require the board to designate minimum training, qualifications, and experience requirements for applicants to qualify for the CCEO designation. The bill would also require the board to qualify cities, counties, cities and counties, and accredited educational institutions as Certified Code Enforcement Officer Education Program Providers, and would require all students, participants, or employees who successfully pass the minimum education and certification requirements to be granted CCEO status in an

equivalent manner as applicants who attain certification through the CACEO.

The bill would require the board to set annual fees in amounts that are reasonably related and necessary to cover the costs of administering these provisions, to maintain a register of applications for certification, and adopt procedures for discipline, revocation, and sanctions against applicants, registrants, and certificants. The bill would allow all orders of the board resulting in revocation, suspension, or other action to be appealed by a writ of mandate or petition for judicial review to the superior court.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) There is statewide interest in preventing homes,
- 4 neighborhoods, commercial properties, and public ways from
- 5 deteriorating and falling into disrepair creating blight conditions.
- 6 (2) Blight adversely impacts community quality-of-life issues,
- 7 creates hazards and unsafe conditions that endanger the public,
- 8 causes citizen dissatisfaction, and leads to dangerous buildings,
- 9 increased crime, and reduced property values.
- 10 (3) Setting the standards, minimum requirements, and ongoing
- 11 educational requirements for local code enforcement officers who
- 12 elect to attain the Certified Code Enforcement Officer title helps
- 13 local agencies identify, select, and train qualified public officers
- 14 to enforce laws and codes necessary to help preserve safe,
- 15 well-ordered communities.
- 16 (4) Public officers who perform code enforcement functions
- 17 require a unique skill set that is not available through traditional
- 18 vocational offerings.
- 19 (b) It is the intent of the Legislature in enacting this measure to
- 20 protect human safety, preserve property values, reduce crime, and
- 21 abate public nuisances by helping to regulate the standard of
- 22 training and certification for local code enforcement officers that
- 23 public agencies may rely on. The municipal code enforcement
- 24 function is sufficiently important to justify having a standard by

1 public authority, with the title Certified Code Enforcement Officer  
2 having a legally defined meaning.

3 (c) It is the intent of the Legislature that compliance with this  
4 measure be voluntary and not to mandate local agencies or  
5 employers to require their code enforcement officers to become  
6 certified. The voluntary program created pursuant to this measure  
7 will ensure that individuals who are Certified Code Enforcement  
8 Officers have met prescribed education, training, and experience  
9 requirements and have passed a comprehensive examination  
10 reflective of the demands encountered in the code enforcement  
11 profession.

12 (d) It is the intent of the Legislature to recognize the California  
13 Association of Code Enforcement Officers professional  
14 development and credentialing program by establishing a Certified  
15 Code Enforcement Officer title to help local agencies define,  
16 standardize, and regulate this important function.

17 SEC. 2. Chapter 20 (commencing with Section 26205) is added  
18 to Division 20 of the Health and Safety Code, to read:

19

20 CHAPTER 20. CERTIFIED CODE ENFORCEMENT OFFICERS

21

22 26205. This chapter shall be known, and may be cited, as the  
23 Code Enforcement Officer Standards Act.

24 26206. For purposes of this chapter, the following terms have  
25 the following meanings:

26 (a) "Board" means the duly elected Board of Directors of the  
27 California Association of Code Enforcement Officers.

28 (b) "CACEO" means the California Association of Code  
29 Enforcement Officers, a public benefit corporation domiciled in  
30 California.

31 (c) "Certified Code Enforcement Officer" or "CCEO" means a  
32 person registered or certified as described in this chapter.

33 (d) "Code enforcement officer" has the same meaning as defined  
34 in Section 829.5 of the Penal Code.

35 26207. (a) The board shall develop and maintain standards  
36 for the various classes of CCEOs that it designates. The standards  
37 for education, training, and certification shall be adopted by  
38 administrative rule of the board, and they shall be no less than as  
39 described in this chapter. CCEOs shall not have the power of arrest  
40 except as authorized by the city, county, or city and county charter,

1 code, or regulation in which they operate. CCEOs shall not have  
2 access to summary criminal history information pursuant to this  
3 section, but persons regularly employed by a city, county, or city  
4 and county designated pursuant to this subdivision may be  
5 furnished state summary criminal history information upon a  
6 showing of compelling need pursuant to subdivision (c) of Section  
7 11105 of the Penal Code if the criteria specified in that section is  
8 otherwise met. A person may not be designated or certified as a  
9 CCEO under this section if that person is disqualified pursuant to  
10 the criteria set forth in Section 1029 of the Government Code.

11 (b) The board shall review all applications from cities, counties,  
12 cities and counties, and accredited educational institutions who  
13 seek to develop and provide education designed to qualify their  
14 students, participants, or employees as CCEOs. All applications  
15 that are submitted on approved forms that, subject to the board's  
16 review and approval, demonstrate the equivalency of the standards  
17 adopted under the rules of the board shall qualify as Certified Code  
18 Enforcement Officer Education Program Providers (program  
19 providers). All program providers are subject to ongoing program  
20 review and evaluation under the board's administrative rules. A  
21 program provider shall renew its program provider application and  
22 obtain approval under the board's administrative rules no later  
23 than 36 months from the date of the last approval or else it shall  
24 lapse and be subject to renewal under the board's administrative  
25 rules. All students, participants, or employees who successfully  
26 pass the minimum education and certification requirements of the  
27 program providers approved curriculum shall, subject to the same  
28 fees as other registered CCEOs under the board's administrative  
29 rules, be granted status as CCEOs in an equivalent manner as  
30 applicants who attained certification or registration status through  
31 the CACEO educational and certification programs and academies.

32 (c) The development and perpetual advancement of code  
33 enforcement officer professional standards and actively providing  
34 related educational offerings that lead to increased professional  
35 competence and ethical behavior shall be the highest priority for  
36 the board in its licensing, certification, and disciplinary functions.  
37 Whenever the advancement of code enforcement officer  
38 professional standards and the provision of related educational  
39 offerings is inconsistent with other interests sought to be promoted,  
40 the former shall be paramount.

1 26208. The board's administrative rules shall designate  
2 minimum training, qualifications, and experience requirements  
3 for applicants to qualify for the CCEO designation, including, but  
4 not limited to, training and competency requirements in the areas  
5 of land use and zoning laws, health and ~~housing codes, building~~  
6 ~~and fire codes, safety codes, substandard housing abatement,~~  
7 environmental regulations, sign standards, public nuisance laws,  
8 applicable constitutional law, investigation and enforcement  
9 techniques, application of remedies, officer safety, and community  
10 engagement. The board may, by administrative rule, designate  
11 additional classes of certifications to help meet its mission.

12 26209. The board shall conspicuously and continually publish  
13 its list of CCEOs on the CACEO Internet Web site, containing the  
14 registrant's full name, summary status as to individual disciplinary  
15 concerns, active or inactive status, date of active CCEO expiration,  
16 and business address, unless the business address is a residence,  
17 which shall be treated as confidential.

18 26210. A CCEO shall hold a valid certificate designating the  
19 person as a CCEO issued by the CACEO, shall at all times remain  
20 a member in good standing of the CACEO, and shall be subject  
21 to ongoing continuing education and registration requirements as  
22 designated by the board's administrative rules.

23 26211. Failure to maintain the continuing education  
24 requirements shall cause the certification status to lapse, subject  
25 to redemption as specified by the board's administrative rules.  
26 Once a certification lapses, the certification status shall  
27 automatically convert to inactive CCEO status unless it is  
28 redeemed. The rights, privileges, and procedures or limitations on  
29 redemption of inactive CCEOs shall be specified in the board's  
30 administrative rules.

31 26212. The board shall annually set fees in amounts that are  
32 reasonably related and necessary to cover the cost of administering  
33 this chapter. The fees shall be set by the board and published on  
34 the CACEO Internet Web site and maintained at the CACEO's  
35 headquarters.

36 26213. The board shall maintain a register of each application  
37 for a certificate of registration under this chapter. The register shall  
38 include all of the following:

39 (a) The name, residence, date of birth, and driver's license  
40 number (including state or country of origin) of the applicant.

1 (b) The name and address of the employer or business of the  
2 applicant.

3 (c) The date of the application.

4 (d) The education and experience qualifications of the applicant.

5 (e) The action taken by the board regarding the application and  
6 the date of the action.

7 (f) The serial number of any certificate of registration issued to  
8 an applicant.

9 (g) Any other information required by board rule.

10 26214. A person may not hold himself or herself out to be a  
11 Certified Code Enforcement Officer in this state or use the title  
12 “Certified Code Enforcement Officer” in this state unless the  
13 person holds a certificate of registration pursuant to this chapter.

14 26215. The board shall, by administrative rule, create a process  
15 to timely consider and review all applicants who hold certification  
16 from any other agency, and allow them to seek review and potential  
17 approval of the qualifications to potentially be recognized as a  
18 CCEO in this state. A denial of full recognition as a CCEO shall  
19 be accompanied by written justification and a list of required steps  
20 that may be required for the individual applicant to complete the  
21 registration and certification process. Recognition fees shall be set  
22 as described in Section 26212.

23 26216. (a) The board shall adopt administrative rules to process  
24 information, investigate allegations or suspicions of applicants or  
25 licensees providing false information, failing to disclose material  
26 information on the registration application, or not providing any  
27 information that may, either before or during the certification  
28 process, disqualify the applicant or certificant under subdivision  
29 (a) of Section 26207. The board shall adopt procedures and  
30 guidelines to impose any discipline, revocation of certification, or  
31 sanction, for cause, against any applicant, registrant, or certificant.

32 (b) The administrative rules shall provide the applicant or  
33 registrant with adequate and fair notice and hearing opportunities  
34 prior to the board taking any adverse action against the applicant  
35 or certificant.

36 (c) Any factual finding after a hearing that the board concludes  
37 is cause for revocation, suspension, or other disciplinary or  
38 administrative action against a registration or certification shall  
39 result in an order after hearing that meets the fair notification  
40 requirements of this section.

1 (d) All orders after hearing shall be deemed final under the  
2 board's authority and procedures and may be appealed as provided  
3 for in Sections 1094.5 and 1094.6 of the Code of Civil Procedure.

4 ~~26217. This chapter does not interfere with regulation or~~  
5 ~~certification requirements for building inspectors as defined by~~  
6 ~~Chapter 7 (commencing with Section 18949.25) of Part 2.5 of~~  
7 ~~Division 13.~~

8 *26217. This chapter shall not be construed to duplicate,*  
9 *overlap, or otherwise conflict with the certification and continuing*  
10 *education requirements for construction inspectors, plans*  
11 *examiners, and building officials established pursuant to Chapter*  
12 *7 (commencing with Section 18949.25) of Part 2.5 of Division 13.*