

CODE ENFORCEMENT OFFICERS

*Administrative Rules of the Texas Department of Licensing and Regulation
16 Texas Administrative Code, Chapter 62
(Effective August 1, 2020)*

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62.1. Authority. *(New Section adopted effective September 15, 2017, 42 TexReg 4615)*

These rules are promulgated under the authority of the Texas Occupations Code, Chapters 51 and 1952.

62.10. Definitions. *(New Section adopted effective September 15, 2017, 42 TexReg 4615; amended effective August 1, 2020, 45 TexReg 5164)*

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Act--Occupations Code, Chapter 1952, concerning the registration of code enforcement officers.
- (2) Advisory Committee--The Code Enforcement Officers Advisory Committee.
- (3) Applicant--A person who applies for registration under the Act.
- (4) Bite stick--A baton, club, or rod designed specifically to deter an animal bite.
- (5) Code enforcement--The inspection of public or private premises for the purpose of:
 - (A) identifying environmental hazards, including:
 - (i) fire or health hazards;
 - (ii) nuisance violations;
 - (iii) unsafe building conditions; and
 - (iv) violations of any fire, health, or building regulation, statute, or ordinance; and
 - (B) improving and rehabilitating those premises with regard to those hazards.
- (6) Code enforcement officer--An agent of this state or a political subdivision of this state who engages in code enforcement. This term does not include an agent of an agency of the federal government.
- (7) Code enforcement officer in training (also referred to as Supervisee)--An agent of this state or a political subdivision of this state who possesses less than one year of full-time experience in the field of code enforcement and engages in code enforcement under the supervision of a code enforcement officer. This term does not include an agent of an agency of the federal government.
- (8) Commission--The Texas Commission of Licensing and Regulation.
- (9) Department--The Texas Department of Licensing and Regulation.
- (10) Executive Director--The executive director of the Texas Department of Licensing and Regulation.
- (11) Full-time experience--Employment, self-employment, or independent contracting in the field of code enforcement where the regularly assigned duties include code enforcement for a minimum of 32 hours per week.
- (12) Registrant--A person registered under the Act.
- (13) Supervisor--A code enforcement officer who supervises one or more code enforcement officers in training.

62.20. Registration Requirements--Applicant and Experience Requirements. *(New Section adopted effective*

- (a) To be registered as a code enforcement officer, an applicant must:
 - (1) submit a completed application on a department-approved form;
 - (2) possess at least one year of full-time experience in the field of code enforcement on the date the application is filed with the department;
 - (3) successfully pass a criminal history background check;
 - (4) pass the required examination;
 - (5) submit the fee required by §62.80;
 - (6) successfully complete the training program described in §62.23; and
 - (7) complete all requirements within one year of the date the application is filed.

- (b) To be registered as a code enforcement officer in training, an applicant must:
 - (1) submit a completed application on a department-approved form;
 - (2) successfully pass a criminal history background check;
 - (3) submit a completed verification of supervision form, which shall include:
 - (A) The name of the applicant and each supervisor;
 - (B) The registration number of each supervisor;
 - (C) The primary location and address from which code enforcement services will be provided; and
 - (D) A description of code enforcement duties to be rendered by the applicant;
 - (4) pass the required examination;
 - (5) submit the fee required by §62.80;
 - (6) successfully complete the training program described in §62.23; and
 - (7) complete all requirements within one year of the date the application is filed.

- (c) A registered code enforcement officer in training who has obtained the experience necessary to qualify as a code enforcement officer may file an application to upgrade a registration to that of code enforcement officer. Upon payment of the required fee and approval by the department, the applicant shall be granted registration as a code enforcement officer.

- (d) On proper application, the department shall grant a certificate of registration to a licensee or registrant of another state that has requirements for the licensing or registration of a code enforcement officer that are at least equivalent to those of this state.

- (e) An applicant must submit proper, verifiable documentation as prescribed by the department to receive credit for the amount and type of practical experience and education claimed by the applicant.

62.21. Registration Requirements--Examinations. *(New Section adopted effective November 1, 2017, 42 TexReg 4615)*

- (a) An applicant who meets the criteria for registration set forth in §62.20 shall be eligible for a department examination.
- (b) A person taking an examination must comply with the department's examination requirements under Chapter 60, Subchapter E of this title.
- (c) Cheating on an examination is grounds for denial, suspension, or revocation of a registration and/or assessment of an administrative penalty.

62.22. Registration Requirements--General. *(New Section adopted effective November 1, 2017, 42 TexReg 4615)*

- (a) A code enforcement officer registration expires two years from the date of issuance, and may be renewed biennially.
- (b) A code enforcement officer in training registration expires one year from the date of issuance, and may be renewed annually.
- (c) A registration is not transferable.

62.23. Registration Requirements--Education. *(New Section adopted effective November 1, 2017, 42 TexReg 4615; amended effective August 1, 2020, 45 TexReg 5164)*

- (a) An applicant must complete a training program in code enforcement from an educational institution accredited or licensed by the Texas Education Agency or Texas Higher Education Coordinating Board.
- (b) The program shall include, but shall not be limited to, training in the following subjects:
 - (1) zoning and zoning ordinance enforcement;
 - (2) sign regulations;
 - (3) home occupations;
 - (4) housing codes and ordinances;
 - (5) building abatement;
 - (6) nuisance violations;
 - (7) abandoned vehicles;
 - (8) junk vehicles;
 - (9) health ordinances;
 - (10) basic processes of law related to code enforcement; and
 - (11) principles and procedures to be followed when possessing or carrying a bite stick.
- (c) The program shall consist of 36 classroom or laboratory hours. A classroom or laboratory hour shall constitute 50 minutes of actual classroom or laboratory time.

62.24. Continuing Education. *(New Section adopted effective November 1, 2017, 42 TexReg 4615; amended effective August 1, 2020, 45 TexReg 5164)*

- (a) Each registered code enforcement officer must complete at least twelve continuing education hours as set forth in this section within the 24 months preceding renewal of a registration, at least one hour of which must be in legal or legislative issues as provided in subsection (i)(12).
- (b) Each registered code enforcement officer in training must complete at least six continuing education hours as set forth in this section within the twelve months preceding renewal of a registration, at least one hour of which must be in legal or legislative issues as provided in subsection (i)(12).
- (c) A code enforcement officer in training who applies to upgrade a registration pursuant to §62.20 is not required to submit continuing education hours in order to upgrade.
- (d) Only continuing education activities conducted in accordance with this section shall be considered approved by the department and may be represented to the public as acceptable for registration renewal for registered code enforcement officers and code enforcement officers in training in Texas.
- (e) Department-approved continuing education activities for registration renewal may include the following:
 - (1) conferences;
 - (2) home-study training modules (including professional journals requiring successful completion of a test document);
 - (3) lectures;
 - (4) panel discussions;
 - (5) seminars;
 - (6) accredited college or university courses;
 - (7) video or film presentations with live instruction;
 - (8) field demonstrations;
 - (9) teleconferences; or
 - (10) other activities approved by the department.
- (f) Only the following continuing education activities shall serve as a basis for registration renewal:
 - (1) approved by the department or its designee in accordance with this section; or
 - (2) approved by another professional regulatory agency in the State of Texas as acceptable continuing education for registration renewal; and
 - (3) covering one or more of the curriculum areas listed in subsection (i).
- (g) Continuing education activities must meet the following criteria in order to be accepted for continuing education credit:
 - (1) the activity must cover one or more of the curriculum areas listed in subsection (i);
 - (2) the activity must be conducted by an organization which is:
 - (A) an accredited college or university;

- (B) a governmental agency, including local, state or federal agencies;
 - (C) an association with a membership of 25 or more persons, or its affiliate; or
 - (D) a commercial education business;
- (3) the activity must have a record-keeping procedure which includes a register of who took the course and the number of continuing education hours earned;
 - (4) the organization must implement procedures for verifying participant attendance;
 - (5) the activity must be at least 50 minutes in length of actual instruction time. Round-table discussions and more than one speaker for the total of 50 minutes per activity is permissible. No credit will be given for time used for other non-relevant activities; and
 - (6) the activity must be conducted in compliance with all applicable federal and state laws, including the Americans with Disabilities Act requirements for access to activities.
- (h) Commercial education businesses shall submit a request for approval on department forms, and shall not represent any course as approved until such approval is granted by the department in writing.
 - (i) The curriculum of an approved activity must include one or more of the following subjects:
 - (1) zoning and zoning ordinance enforcement;
 - (2) sign regulations;
 - (3) home occupations;
 - (4) housing codes and ordinances;
 - (5) building abatement;
 - (6) nuisance violations;
 - (7) abandoned vehicles;
 - (8) junk vehicles;
 - (9) health ordinances;
 - (10) basic processes of law related to code enforcement;
 - (11) professional, supervisory, or management training related to the profession of code enforcement;
 - (12) legislative or legal updates related to the profession of code enforcement; or
 - (13) principles and procedures to be followed when possessing or carrying a bite stick.
 - (j) Documentation of continuing education activity shall be maintained by the organization for five years, including:
 - (1) a roster which shall include the following:
 - (A) name, address, phone number, registration number, and signature of the registrant; and

- (B) number of continuing education hours earned by each individual; and
- (2) copies of all program materials sufficient to demonstrate compliance with this section.
- (k) At the conclusion of the activity the organization shall distribute to those registered code enforcement officers and code enforcement officers in training who have successfully completed the activity a certificate of completion which shall include the name of the registrant, the name of the organization providing the training, the title of the activity, the date and location of the activity, and the continuing education hours earned. The certificate shall include a breakdown of the hours earned on each topic listed under subsection (i).
- (l) Each registered code enforcement officer and code enforcement officer in training shall collect and keep certificates of completion of approved courses. These certificates of completion will be used to document the attendance of a registered code enforcement officer or code enforcement officer in training at approved courses. The department will conduct random audits for compliance with this requirement.
- (m) Failure to comply with continuing education requirements may result in suspension of a code enforcement officer or code enforcement officer in training registration until the necessary credits for continuing education are successfully completed.
- (n) The department may refuse to accept any or all courses for registration renewal if an organization fails to retain documentation related to the activity as required by this section, or fails to comply with any other requirements that are a basis for approval or that are a part of this chapter.
- (o) Initial certification in the twelve months preceding renewal will be accepted as proof of the continuing education required by this section if the certification is listed as follows:
 - (1) International Code Council (ICC):
 - (A) residential building inspector;
 - (B) residential electrical inspector;
 - (C) residential mechanical inspector;
 - (D) residential plumbing inspector;
 - (E) commercial building inspector;
 - (F) commercial electrical inspector;
 - (G) commercial mechanical inspector;
 - (H) commercial plumbing inspector;
 - (I) fire inspector I;
 - (J) fire inspector II;
 - (K) residential combination inspector;
 - (L) commercial combination inspector;
 - (M) certified building official;
 - (N) accessibility inspector;

- (O) zoning inspector;
 - (P) property maintenance and housing inspector; or
 - (Q) housing code official;
- (2) International Association of Plumbing and Mechanical Officials (IAPMO):
- (A) voluntary plumbing inspector; or
 - (B) voluntary mechanical inspector;
- (3) National Fire Protection Association (NFPA):
- (A) certified fire protection specialist;
 - (B) fire inspector I;
 - (C) fire inspector II;
 - (D) certified building inspector;
 - (E) certified residential electrical inspector; or
 - (F) certified master electrical inspector;
- (4) International Association of Electrical Inspectors (IAEI):
- (A) building 1 and 2 family dwelling;
 - (B) building general;
 - (C) electrical 1 and 2 family dwelling;
 - (D) electrical general;
 - (E) fire protection general;
 - (F) fire protection plan review;
 - (G) mechanical 1 and 2 family dwelling;
 - (H) mechanical general;
 - (I) plumbing 1 and 2 family dwelling; or
 - (J) plumbing general;
- (5) National Swimming Pool Foundation (NSPF) certified pool-spa operator; or
- (6) American Association of Code Enforcement (AACE):
- (A) certified property maintenance and housing inspector;
 - (B) certified zoning enforcement officer;

- (C) certified code enforcement officer; or
- (D) code enforcement administrator.

62.25. Registration Requirements--Renewals. *(New Section adopted effective November 1, 2017, 42 TexReg 4615)*

- (a) To renew a registration, an applicant must:
 - (1) comply with the applicable requirements of this chapter and the Act;
 - (2) submit a completed application on a department-approved form;
 - (3) complete the continuing education requirements under §62.24; and
 - (4) pay the fee required by §62.80.
- (b) To renew and maintain continuous registration, the renewal requirements under this section must be completed before the expiration of the registration. A late renewal means the registrant will have a period of non-registration from the expiration date of the expired registration to the issuance date of the renewed registration. During the unregistered period, a person may not claim to be a code enforcement officer or code enforcement officer in training, or use the titles “code enforcement officer” or “code enforcement officer in training.”
- (c) Failure to receive notification from the department prior to the expiration date of the license will not excuse failure to file for renewal or late renewal.

62.30. Exemptions. *(New Section adopted effective November 1, 2017, 42 TexReg 4615)*

- (a) A person who is licensed or registered under another law of this state and who under the license or registration engages in code enforcement is not required to register with the department.
- (b) This state or a political subdivision of this state is not required to employ a person registered under the Act if the state or political subdivision engages in code enforcement. However, if this state or a political subdivision of the state employs a person who uses the title “code enforcement officer,” the person must be registered under the Act.

62.65. Advisory Committee. *(New Section adopted effective September 15, 2017, 42 TexReg 4615)*

- (a) The commission shall establish an advisory committee to provide advice and recommendations to the department on technical matters relevant to the administration of this chapter. The name of the advisory committee shall be the Code Enforcement Officers Advisory Committee.
- (b) The advisory committee shall consist of nine members appointed by the presiding officer of the commission with the approval of the commission as follows:
 - (1) five registered code enforcement officers;
 - (2) one structural engineer or licensed architect;
 - (3) two consumers, one of which must be a certified building official; and
 - (4) one person involved in the education and training of code enforcement officers.
- (c) Members of the advisory committee shall serve staggered six-year terms so that the terms of three members will expire on February 1 of each odd-numbered year. If a vacancy occurs during a member’s term, the

presiding officer of the commission, with the approval of the commission, shall appoint a replacement who meets the qualifications for the vacant position to serve for the remainder of the term.

- (d) The presiding officer of the commission shall designate one member of the advisory committee to serve as presiding officer of the advisory committee for a term of two years. A member may serve more than one term as presiding officer.
- (e) The advisory committee shall meet at the call of the presiding officer of the commission or the executive director of the department.
- (f) Meetings shall be announced and conducted under the provisions of the Open Meetings Act, Texas Government Code, Chapter 551.
- (g) A quorum of the advisory committee is necessary to conduct official business. A quorum is five members. Advisory committee action shall require a majority vote of those members present and voting.
- (h) A member of the advisory committee may be removed from the advisory committee pursuant to Texas Occupations Code §51.209.

62.70. Standards of Conduct for Engaging in Code Enforcement. *(New Section adopted effective November 1, 2017, 42 TexReg 4615; amended effective August 1, 2020, 45 TexReg 5164)*

- (a) A registrant shall:
 - (1) be knowledgeable of and adhere to the Act, the rules, applicable codes, and all procedures established by the department for registrants; and
 - (2) be honest and trustworthy in the performance of all duties and work performed as a registrant, and shall avoid misrepresentation and deceit in any fashion, whether by acts of commission or omission. Acts or practices that constitute threats, coercion, or extortion are prohibited.
- (b) A registrant shall not:
 - (1) participate, whether alone or in concert with others, in any plan, scheme, or arrangement attempting or having as its purpose the evasion of any provision of the Act, the rules, or the standards adopted by the commission;
 - (2) furnish inaccurate, deceitful, or misleading information to the department;
 - (3) engage in any activity that constitutes dishonesty, misrepresentation, or fraud while performing as a registrant;
 - (4) consume alcohol or take a controlled substance not prescribed by a physician, while performing as a registrant;
 - (5) verbally, physically, or sexually abuse, or attempt to abuse an individual while performing as a registrant;
 - (6) accept, or offer to accept, any form of compensation for not reporting a hazard as required, or for correcting a hazard which was found while performing as a registrant;
 - (7) fail to report a crime when the report is required by law;
 - (8) claim to be a code enforcement officer or code enforcement officer in training, or use the titles "code enforcement officer" or "code enforcement officer in training," while the registrant's registration is expired;

- (9) use the registration number or certificate of another person, or allow another person to use his or her registration number or certificate;
 - (10) alter a registration certificate in a manner that is deceptive or misleading;
 - (11) be grossly negligent, incompetent, or engage in misconduct in the practice of code enforcement; or
 - (12) misuse a bite stick while performing as a registrant.
- (c) A registrant shall notify consumers of the name, mailing address, internet address, and telephone number of the department for the purpose of directing complaints to the department by providing notification:
- (1) on each written contract for services of a registrant;
 - (2) on a sign prominently displayed in the primary place of business of each registrant; or
 - (3) in a bill for services provided by a registrant to a third party.
- (d) A registrant shall not possess or carry a bite stick in a place prohibited by Texas Penal Code Section 46.03(a) unless the registrant has completed either:
- (1) a training course that meets the requirements of §62.23 of this chapter and includes instruction on the principles and procedures to be followed when possessing or carrying a bite stick;
 - (2) an approved continuing education course on the principles and procedures to be followed when possessing or carrying a bite stick; or
 - (3) the Animal Control Officer basic training course provided by the Texas Department of State Health Services.

62.71. Responsibilities of Supervisors. *(New Section adopted effective November 1, 2017, 42 TexReg 4615)*

- (a) A supervisor must:
- (1) be a registered code enforcement officer;
 - (2) have adequate training, knowledge, and skill to consult competently concerning any code enforcement services which the supervisee undertakes; and
 - (3) provide an alternate registered code enforcement officer to provide supervision for the supervisee in circumstances when the supervisor will not be available for more than four consecutive weeks.
- (b) A supervisor may not:
- (1) supervise more than three supervisees at one time;
 - (2) accept payment or other consideration from a supervisee in exchange for supervision; or
 - (3) be employed by the supervisee, lease or rent space from the supervisee, or have any relationship with the supervisee which could impair the supervisor's professional judgment.
- (c) A supervisor who has ceased supervision of a supervisee must submit a notification of termination of supervision to the department and the supervisee within 30 days of the date supervision ceases. The notification of termination of supervision must include:

- (1) the name and registration number of the supervisor, as well as the name and registration number of the supervisee;
- (2) a statement that supervision has terminated;
- (3) the reason for termination; and
- (4) the date of termination of supervision.

62.72. Responsibilities of Supervisees. *(New Section adopted effective November 1, 2017, 42 TexReg 4615)*

- (a) A code enforcement officer in training must be supervised by a registered code enforcement officer during all times the code enforcement officer in training is engaged in code enforcement. Time shall not be counted toward the experience required for registration as a code enforcement officer unless the code enforcement officer in training had a qualified supervisor.
- (b) A supervisee must at all times have a current, accurate verification of supervision form on file with the department. The form must include:
 - (1) The name of the applicant and each supervisor;
 - (2) The registration number of each supervisor;
 - (3) The primary location and address from which code enforcement services will be provided; and
 - (4) A description of code enforcement duties to be rendered by the supervisee.
- (c) The supervisee must file a new verification of supervision form if any details listed in subsection (b) change after submission of the original form.
- (d) A supervisee may not pay for supervision.
- (e) A supervisee may not employ his or her supervisor, lease or rent space from the supervisor, or have any relationship with the supervisor which could impair the supervisor's professional judgment.

62.80. Fees. *(New Section adopted effective November 1, 2017, 42 TexReg 4615)*

- (a) Fees paid to the department are non-refundable.
- (b) Registration fees:
 - (1) Code enforcement officer, two-year term--\$100
 - (2) Code enforcement officer in training, one-year term--\$50
- (c) Renewal fees:
 - (1) Code enforcement officer, two-year renewal--\$75
 - (2) Code enforcement officer in training, one-year renewal--\$50
- (d) The fee to upgrade a registration from code enforcement officer in training to code enforcement officer--\$25.
- (e) A duplicate/replacement fee for a registration issued under this chapter--\$25.

- (f) Late renewal fees for licenses issued under this chapter are provided under §60.83 of this title (relating to late renewal fees).
- (g) The dishonored/returned check or payment fee is the fee prescribed under §60.82 of this title (relating to dishonored payment device).
- (h) The fee for a criminal history evaluation letter is the fee prescribed under §60.42 of this title (relating to criminal history evaluation letters).

62.90. Administrative Penalties and Sanctions. *(New Section adopted effective November 1, 2017, 42 TexReg 4615)*

If a person or entity violates any provision of Texas Occupations Code, Chapters 51 and 1952, this chapter, or any rule or order of the commission or executive director, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both in accordance with the provisions of Texas Occupations Code, Chapter 1952; Texas Occupations Code, Chapter 51; and any associated rules.

62.91. Enforcement Authority. *(New Section adopted effective November 1, 2017, 42 TexReg 4615)*

The enforcement authority granted under Texas Occupations Code, Chapters 51 and 1952 and any associated rules may be used to enforce Texas Occupations Code, Chapters 51 and 1952, and this chapter.