

AMENDMENTS TO HOUSE BILL NO. 1469

Sponsor: SENATOR LAUGHLIN

Printer's No. 2186

1 Amend Bill, page 1, lines 7 and 8, by striking out "; AND, IN
2 TRAINING AND CERTIFICATION OF INSPECTORS, FURTHER PROVIDING FOR
3 TRAINING OF INSPECTORS"

4 Amend Bill, page 1, lines 16 through 20; pages 2 through 7,
5 lines 1 through 30; page 8, lines 1 through 21; by striking out
6 all of said lines on said pages and inserting

7 Section 1. Section 501(b)(1), (2) and (3) and (c) of the act
8 of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania
9 Construction Code Act, are amended and the section is amended by
10 adding subsections to read:

11 Section 501. Administration and enforcement.

12 * * *

13 (b) Municipal administration and enforcement.--This act may
14 be administered and enforced by municipalities in any of the
15 following ways:

16 (1) By the designation of an employee to serve as the
17 municipal code official to act on behalf of the municipality
18 for administration and enforcement of this act. A municipal
19 code official may utilize third-party agencies to supplement
20 the municipal code enforcement program's plan review and
21 inspection services or may utilize third-party agencies to
22 perform plan review and inspection services in categories
23 which its program does not possess the necessary personnel to
24 administer.

25 (2) By the retention of one or more construction code
26 officials or third-party agencies to act on behalf of the
27 municipality for administration and enforcement of this act.
28 This paragraph shall expire June 30, 2019.

29 (2.1) On and after July 1, 2019, by the retention of two
30 or more third-party agencies to act on behalf of the
31 municipality for administration and enforcement of this act.

32 (3) Two or more municipalities may provide for the joint
33 administration and enforcement of this act through an
34 intermunicipal agreement under 53 Pa.C.S. Ch. 23 Subch. A

1 (relating to intergovernmental cooperation). Any
2 intermunicipal agreement that provides for exclusive
3 enforcement by a third-party agency shall be in writing and
4 conform to paragraph (2.1) on and after July 1, 2019.

5 * * *

6 (b.1) Administration and enforcement by third-party
7 agencies.--A municipality opting to administer and enforce this
8 act by retaining two or more third-party agencies under
9 subsection (b) (2.1) shall be subject to the following
10 requirements:

11 (1) The services of the third-party agencies shall be
12 furnished and performed under written professional services
13 contracts with the municipality.

14 (2) In entering into professional services contracts
15 under this subsection, the governing body of the municipality
16 shall take into consideration all of the following:

17 (i) The qualifications of the third-party agency.

18 (ii) The fee schedule.

19 (iii) The availability of services.

20 (iv) The input of affected stakeholders.

21 (3) Third-party agencies contracting with the
22 municipality under this subsection may not be affiliated with
23 one another.

24 (4) One of the third-party agencies contracting with the
25 municipality under this subsection shall be designated as the
26 enforcement agent for the municipality for general code
27 enforcement actions.

28 (5) A professional services contract between a
29 municipality and a third-party agency in effect before the
30 effective date of this subsection shall remain in effect and
31 the provisions of subsection (b) (2.1) shall take effect upon
32 the expiration of the original terms of the professional
33 services contract.

34 (6) A professional services contract entered into
35 between a municipality and a third-party agency on or after
36 the effective date of this subsection may not exceed three
37 years.

38 (b.2) Waiver.--If a municipality opts to administer and
39 enforce this act under subsection (b) (2.1) but cannot obtain an
40 offer from a qualified third-party agency to fulfill the need to
41 have at least two third-party agencies, the municipality may be
42 relieved from the requirement of retaining two third-party
43 agencies by completing a certification form, subject to the
44 following:

45 (1) The municipality must complete the certification
46 form before the contract with the selected third-party agency
47 is executed and must maintain the form throughout the life of
48 the contract with the third-party agency.

49 (2) The certification form must be completed annually.

50 (3) A copy of the certification form must be filed with
51 the department. The department shall maintain a list of

1 municipalities that have filed a certification form on the
2 department's publicly accessible Internet website.

3 (4) The department shall furnish the certification form
4 which must:

5 (i) Require the municipality to disclose the methods
6 and dates of the public solicitation. For purposes of
7 meeting this requirement, the municipality shall
8 advertise requests for proposals and announce the
9 solicitation at a public meeting.

10 (ii) Require the municipality to disclose the number
11 of qualified bids received to the public solicitation.

12 (iii) Contain a statement that the information
13 provided by the municipality is in compliance with 18
14 Pa.C.S. § 4904 (relating to unsworn falsification to
15 authorities).

16 (iv) Contain a statement that the department does
17 not have the discretion to deny waiver requests.

18 (b.3) Duties of municipalities.--If a municipality contracts
19 with third-party agencies for the administration and enforcement
20 of this act, the municipality shall:

21 (1) Ensure that the form utilized for a permit
22 application notifies an applicant of all of the following:

23 (i) The third-party agency is acting on behalf of
24 the municipality.

25 (ii) An applicant may inform the governing body of
26 complaints about the third-party agencies' services,
27 including reports of incompetence or gross negligence, a
28 failure to abide by a time period specified under this
29 act, unprofessional behavior or discrimination based on
30 personal bias against the applicant.

31 (iii) The department certifies third-party agencies
32 and investigates complaints due to violations of this
33 act, incompetence or gross negligence, fraud, deceit or
34 acts of moral turpitude.

35 (iv) The department has a publicly accessible
36 Internet website that includes the form for filing a
37 complaint under subparagraph (iii).

38 (2) Maintain a record of complaints submitted under
39 paragraph (1)(ii).

40 (c) Board of appeals.--

41 (1) A municipality which has adopted an ordinance for
42 the administration and enforcement of this act or
43 municipalities which are parties to an agreement for the
44 joint administration and enforcement of this act shall
45 establish or designate a board of appeals as provided by
46 regulations promulgated by the department to hear appeals
47 from decisions of the code administrator[.] subject to the
48 following:

49 (i) Members of the municipality's governing body may
50 not serve as members of the board of appeals.

51 (ii) A municipality may establish a board of appeals

1 or may establish or designate a joint board of appeals in
2 accordance with 53 Pa.C.S. Ch. 23 Subch. A (relating to
3 intergovernmental cooperation).

4 (iii) A city of the first class may designate an
5 existing departmental board that has jurisdiction over
6 building standard appeals to act as the board of appeals
7 of the city of the first class and advise the appropriate
8 department that oversees building standards as to whether
9 an appeal should be granted, modified or rejected. The
10 department shall render final decision on requests for
11 appeal.

12 * * *

13 Amend Bill, page 8, line 22, by striking out "3" and
14 inserting

15 2

16 Amend Bill, page 8, by inserting between lines 24 and 25

17 Section 3. The amendment of section 501(b)(3) of the act
18 shall apply to intermunicipal agreements entered into on and
19 after the effective date of this section.

20 Amend Bill, page 8, line 25, by striking out "in 60 days" and
21 inserting

22 immediately