
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1730 Session of
1975

INTRODUCED BY FISHER, NOVAK, A. K. HUTCHINSON, ZORD, PARKER,
ROMANELLI, TURNER, WILSON AND KERNICK, SEPTEMBER 23, 1975

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 23, 1975

AN ACT

1 Authorizing the Department of Community Affairs to adopt rules
2 and regulations relating to certification of code enforcement
3 officer; to enter into agreements and contracts with
4 consultants, training centers and universities; to establish
5 a board to establish qualifications and training programs for
6 certification of code enforcement officers; and providing for
7 the dismissal of code enforcement officers who are negligent
8 in their duties; and making an appropriation.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Short Title.--This act shall be known and may be
12 cited as the "Pennsylvania Certification of Code Enforcement
13 Officers Act."

14 Section 2. Definitions.--The following words and phrases
15 when used in this act shall have the meanings ascribed to them
16 in this section.

17 "Agency" shall mean the Department of Community Affairs of
18 the Commonwealth of Pennsylvania.

19 "Board" shall mean the Pennsylvania Code Enforcement Officers
20 Certification Board.

21 "Certified code enforcement officers" shall mean a person

1 certified under this act to engage in the practices of code
2 enforcement.

3 "Code" shall mean the building and building-related
4 regulations heretofore or hereafter enacted or adopted.

5 "Code enforcement" shall mean the examination and approval of
6 plans and specifications, and the inspection of the manner of
7 construction, workmanship, and materials of construction of
8 buildings and structures and components thereof as an agent of
9 the Commonwealth of Pennsylvania or local government, to assure
10 compliance with the applicable state and local statutes.

11 "Municipality" shall mean any county, city, township,
12 borough, town, or incorporated town within the Commonwealth.

13 Section 3. Training Programs.--(a) The Department of
14 Community Affairs is hereby authorized to conduct or sponsor in-
15 service and pre-entry training programs on the technical, legal
16 and administrative aspect of building or related codes
17 administration and enforcement. For this purpose it may
18 cooperate and contract with educational institutions, local,
19 regional, State, or national building officials organizations,
20 and with any other appropriate organization for the purpose of
21 this section.

22 (b) The board may approve those training programs or
23 portions thereof, in which State and local code enforcement
24 officers and other employees participate under the provisions of
25 this section, as meeting the requirements for certification of
26 code enforcement officers.

27 (c) The Department of Community Affairs may reimburse the
28 participation expenses incurred by code enforcement officers
29 whose attendance at in-service training programs is approved by
30 the Department of Community Affairs.

(d) The Department of Community Affairs, in the development and sponsorship of educational and training programs, shall:

(1) develop such programs to enhance the educational background of code enforcement personnel;

(2) improve the code enforcement and inspection program of the State and local municipalities;

(3) improve and professionalize the code enforcement profession;

(4) improve uniform understanding, education, interpretations and enforcement of the Pennsylvania Building Act;

(5) plan such courses to aid in the testing and certification of code enforcement officers; and

(6) move toward a college, junior college, trade and technical school and university degree program in code enforcement.

Section 4. Code Enforcement Officers Certification Board.--

(a) There is hereby established in the Department of Community Affairs a Pennsylvania Code Enforcement Certification Board.

(b) The membership of the board shall consist of one registered architect, one registered professional engineer, two code enforcement officers, one building contractor, one elected or appointed local government official and one educator. All members shall be generally familiar with construction, and with code enforcement practices. The Secretary of the Department of Community Affairs or his designee shall also serve as a non-voting member of the board.

(c) The terms of office for the membership of the board shall be four years, except that the Governor shall initially appoint four members for two-year terms and three members for

1 four-year terms. The Governor shall appoint all members to fill
2 new terms and all vacancies on the board.

3 (d) Any member of the board may be removed by the Governor
4 for cause, after being given a written statement of the charges
5 and an opportunity to be heard thereon. Vacancies shall be
6 filled for the unexpired term in the same manner as appointments
7 are made.

8 (e) The board shall elect its own chairman and any other
9 officers deemed necessary for the functioning of the board. The
10 board shall meet at the request of the chairman or the Secretary
11 of the Department of Community Affairs or at the written request
12 to the chairman of at least two members. The board shall meet
13 not less than once every three months.

14 (f) In appointing the membership of the initial board, the
15 Governor shall appoint one of the code enforcement officers to a
16 term of two years, and one to a term of four years. On the
17 completion of these terms of office these seats on the board
18 shall be filled by the appointment of a certified code
19 enforcement officer.

20 (g) Each member shall receive necessary per diem travel and
21 other expenses incurred in the actual performance of his duties.

22 Section 5. Powers of the Board.--The board is authorized and
23 empowered to:

24 (1) formulate, propose, adopt, promulgate, and amend all
25 rules and regulations as are necessary to govern the examination
26 and evaluation of applicants seeking certification as code
27 enforcement officers;

28 (2) adopt all other rules and regulations necessary for the
29 board to carry out the duties assigned to it under this act and
30 otherwise prescribed by law;

1 (3) develop, administer and score examinations for
2 applicants seeking certification as code enforcement officers;

3 (4) enter into a contract or agreement with other agencies,
4 private corporations or individuals to develop or administer
5 score examinations;

6 (5) establish the required examination performance level,
7 which shall be necessary for the certification of code
8 enforcement officers;

9 (6) establish additional qualifications and criteria deemed
10 necessary for certification which may include individual
11 background, experience, education, training and employment;

12 (7) issue certificates to individuals meeting all
13 requirements established by the board;

14 (8) establish the duration of certification and purpose,
15 promulgate, adopt and amend rules and regulations necessary to
16 the continuance of certification;

17 (9) propose, adopt, promulgate and amend rules and
18 regulations for the suspension or revocation of certification as
19 required under section 8;

20 (10) establish various types and classes of certifications
21 as deemed necessary by the board.

22 Section 6. Application of this Act.--(a) After the effective
23 date of this act, and the rules and regulations issued pursuant
24 thereto, it shall be unlawful for any person not possessing a
25 valid certification to engage in building code enforcement in
26 the Commonwealth of Pennsylvania except for persons employed as
27 code enforcement officers prior to the effective date of this
28 act, in which case such person shall be automatically certified
29 for a period of six months, provided that he is actively engaged
30 in building code enforcement and has a minimum of two years

1 prior experience as a code enforcement officer.

2 (b) After the effective date of this act, and the rules and
3 regulations issued pursuant thereto, it shall be unlawful for
4 any person not possessing valid certification to use the title
5 or term "Certified Code Enforcement Officer."

6 Section 7. Issuance of Certification.--(a) An applicant for
7 registration shall file an application with the board and pay
8 the application and examination fees as may be established by
9 the board.

10 (b) The board shall ascertain by written or oral
11 examination, evaluation and review or qualification, if an
12 applicant is qualified for a certification of the type for which
13 he has applied. If the applicant's examination and
14 qualifications meet the minimum requirements, the board shall
15 issue a certificate to the applicant affixed with the seal of
16 the board, showing that the person named therein is entitled to
17 practice as a certified code enforcement officer in the
18 Commonwealth of Pennsylvania in accordance with the provisions
19 and rules and regulations of this act. Such certificates shall
20 bear the signatures of the chairman and the secretary of the
21 board.

22 (c) The board may deny certification to an applicant upon
23 proof of the commission by the applicant of any act or omission
24 which would constitute grounds for disciplinary action under
25 this act.

26 (d) The board shall keep a record of the names and addresses
27 of all certified code enforcement officers and such additional
28 personal data as the board may require.

29 (e) A duplicate certificate to practice as a certified code
30 enforcement officer in place of one which has been lost,

1 destroyed or mutilated shall be issued upon payment of the
2 required fee, subject to the rules and regulations of the board.

3 Section 8. Discipline.--(a) The board may upon its own
4 motion, and shall upon the verified complaint in writing of any
5 person, investigate the action of any certified inspector, and
6 may suspend or revoke the certification of any certified
7 inspector who is found guilty of any one or more of the acts or
8 omissions constituting grounds for disciplinary action under
9 this act.

10 (b) The board shall establish such rules and regulations
11 necessary to establish procedures and due process for suspension
12 or revocation of certification.

13 (c) All proceedings for the suspension or revocation of
14 certification under this act shall be conducted in accordance
15 with the rules established by the board.

16 (d) A certification may be suspended or revoked if the board
17 determines that the holder:

18 (1) is practicing in violation of the provisions of this
19 act;

20 (2) has obtained the registration by fraud or
21 misrepresentation, or the person named in the certification has
22 obtained it by fraud or misrepresentation;

23 (3) is impersonating a certified code enforcement officer or
24 formal certified code enforcement officer of the same or similar
25 name, or is practicing under an assumed or fictitious name;

26 (4) has aided or abetted in practice, as a certified code
27 enforcement officer, any person not authorized to practice as a
28 certified code enforcement officer under the provisions of this
29 act;

30 (5) has been guilty of fraud or deceit in practice as a

1 certified code enforcement officer;

2 (6) has been guilty of negligence or willful misconduct
3 constituting grounds for disciplinary action in practice as a
4 certified code enforcement officer;

5 (7) has been guilty of gross incompetence; or

6 (8) has affixed his signature to a report of inspection or
7 other instrument of service where no inspection has been made by
8 him or under his immediate and responsible direction, or has
9 permitted his name to be used for the purpose of assisting any
10 person, not a certified code enforcement officer, to evade the
11 provisions of this act.

12 (e) The conviction of a felony in connection with the
13 practice as a certified code enforcement officer constitutes
14 grounds for revocation or suspension of a certificate.

15 Section 9. Appeals.--All appeals to decisions, rules and
16 regulations issued pursuant to this act shall be heard by the
17 board. The board shall promulgate rules and regulations
18 establishing an appeal procedure.

19 Section 10. Severability.--If any section, sentence, clause,
20 phrase or word of this act is held invalid, the remainder of
21 this act shall not be affected.

22 Section 11. Appropriations.--The General Assembly hereby
23 appropriates \$100,000 annually for the administration, training
24 cost, or cost for the enforcement of this act, unless it is
25 determined that this amount is inadequate.