

"KNOW THE CODE"



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Mr. Bruce Hanson, Executive Director
MAJORITY LEGISLATIVE RESEARCH
Main Capitol Building
501 North 3rd Street
Harrisburg 17120

Re: CodeMaster Inspection Services position for House Bill 782

Dear Mr. Hanson,

Per your request, I am writing this official position statement regarding House Bill 782, which is holding a hearing on May 7, 2015 at the PA State Capitol. We strongly disagree with the intent and purpose of the bill proposed by Representative Hefley. As a Principal in a third party inspection agency, I sincerely appreciate you and the committee allowing us to voice our concerns.

First and foremost this bill eliminates choice for our customers. We work with over 26 municipalities in Berks, Bucks, Carbon, Lehigh, and Northampton Counties, they currently have the right to hire one or more third party agencies. Depending on the municipality's needs they may have some, limited or no staff, but **they currently have the ability now to hire more than one agency** and have the applicants select from a list of agencies to conduct UCC inspections in their municipality. **If they are NOT using a list for their UCC Code Compliance there is typically a reason why they are not.** They depend on and appreciate that an agency can provide the municipality an extension of their staff to conduct plan reviews and inspections. In some cases our staff supplements existing code staff and we work hand in hand with the municipality to ensure all code compliance is met. In other cases we handle all UCC Code Compliance on behalf of the municipality, including Building Code Official (BCO) designation. If the municipal staff needed to coordinate with multiple agencies for the permit process, it would be extra work on the municipal staff that is already stretched with limited resources. **The bottom line is municipalities under the current law have the ability and option to select one or more agencies now and most have chosen to stay with one agency.**

We are a professional service. Our staff is highly qualified and has gone through rigorous training and certifications. We have responded to Requests for Proposals from our customers and they chose to work with us because of the quality of our staff their qualifications, our customer service, proximity to their office, or other reasons. At any point in time they can terminate this arrangement and go out for RFP and they are free to choose another agency or agencies if there is an issue with our staff or services. They have hired us because of our service, staff and experience. Over time we have built a working relationship that helps both of us manage expectations and determine each other's roles. Forcing a municipality to offer multiple agencies will create undue burden on them because they will then need to

coordinate multiple firms, with multiple systems and procedures, and thus increases the risk that all requirements are met and there are no gaps between agency and municipality.

Each municipality is different. Our staff has worked with some municipalities for over ten years perfecting the enforcement process, inspection types, fair fee assessments and communication to applicants. The more we understand the desires of the municipality, the more effective we can be at our job. This relationship building and understanding of interpretations is built on years of experience in working with each other. We trust each other and know when to escalate an issue or handle the situation in the field.

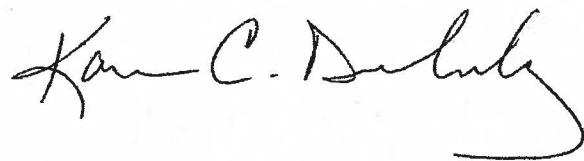
We have heavy competition from other third party agencies which keeps our service level high, review and inspection times short and our rates low. When we respond to an RFP, there are typically at least four (4) other local agencies as well as individuals that are competing for the work. This healthy competition ensures our review and inspection costs are reasonable and our staff is well qualified and offering a high level of service. We dedicate time and resources to ensure our staff stays up to date on all construction trends and certifications. If a mandatory multiple agency amendment is put into effect, it would force us to market our services directly to the applicants to choose our company from a proposed list; this will lead to conflicts of interest. If third party agencies are marketing directly to an applicant or contractor it will breed the lowest common denominator with regards to quality, service and price. Each applicant will gravitate toward the lowest price regardless of the quality of the inspectors. Or toward the firm which they have a relationship with and likely to be most lenient in its interpretation of the code thus eroding the very reasons codes were established on the first place. Allowing third parties to market directly to contractors will corrode the "arms-length" relationship which is in place to maintain a level of life safety and ADA compliance. In addition the municipality who also shares in the responsibility of enforcing the code will have little or no say over who the applicant selects and will be accepting a great deal of risk and liability.

Third party Building Code Officials (BCOs) are public employees under the State Ethics Act and subject to its provisions. In many cases, **the third party agency is an extension of municipal staff** – and legally – we function in a quasi-governmental capacity. When a municipality appoints us as their BCO and another agency conducts the review and inspection of a property, we will be requested to sign off they completed the work successfully. We do not have direct control over the work of a competitor firm or their interpretation of the code. To ensure they performed the review and inspection process properly would require time to review their work causing extra time and money to be incurred by the applicant.

If an applicant has any issue with our work today, there are **mechanisms that the legislature established for resolving problems** – filing a **written complaint** with the Department of Labor and Industry and/or using the **UCC Board of Appeals process**. We have customers using the Board of Appeals process very successfully. This peer review of the project has the authority to override a code decision of the property. We work with the municipality and the applicant to educate everyone on the code translation and the code intent, so all the information is presented and a decision can be rendered.

Thank you for taking the time to review our concerns and respond to the information that we have presented. We can meet anytime to further discuss and review our positions outlined in this letter or to advise on other solutions to address any problems the legislature hears for your constituents. Mandating two (2) or more agencies is not the answer to any issues out there regarding UCC enforcement and ***the bottom line is municipalities currently have the ability to select one or more agencies now and they have chosen to stay with one agency.***

Kind Regards,



Karen C. Duerholz
Principal
CodeMaster Inspection Services, Inc.