



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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MEMO

Date: 5 May 2015

To: PA House of Representatives
Labor & Industry Committee

From: Richard E. Forry – Treasurer/Zoning Officer 

Subject: HB 782.

Ladies & Gentlemen:

As each of you know Act 45 of 1999, i.e. the Uniform Construction Code (UCC), was enacted on November 10, 1999, with implementation beginning on July 1, 2004. During the eleven (11) years since its implementation, Mount Joy Township, along with five (5) other municipalities, has utilized one (1) third-party administrator for enforcement of the UCC, i.e. Commonwealth Code Inspection Service, Inc.

Prior to the implementation of Act 45 of 1999, representatives from each of the six (6) municipalities assembled to solicit proposals for the selection of a third-party administrator and review the proposals received as to the respective third-party administrator's qualifications and associated fee schedule. The decision of the municipal representatives was to recommend hiring Commonwealth Code Inspection Service, Inc. The governing bodies of each of the six (6) municipalities agreed and hired the firm.

It is my understanding that various members of the PA House of Representatives have concerns relative to 1) retaliation towards a resident by an employee of the third-party administrator; 2) residents experiencing delays in having their projects inspected; and 3) excessive cost.

Mount Joy Township has not had any complaints relative to retaliation towards a resident by an employee of the third-party administrator. Similarly, the Township has not received any complaints from residents relative to delays in having their projects inspected nor excessive cost.

While I fully understand these concerns may have been expressed by one or more persons to those associated with the PA House of Representatives, no matter how many third-party administrators are retained by a municipality, there is no guarantee these concerns [or ones that are similar in nature] will not be expressed in the future should HB 782 become law.

One of the complaints that Mount Joy Township has received and most assuredly will continue to receive involves the entire concept of the UCC, i.e. as a property owner, the resident views the need for obtaining a UCC permit as one more layer of bureaucracy which is viewed as “diminishing”, if not “taking away”, the resident’s property rights. I would encourage all those involved, with making the decision as to whether or not HB 782 should become law, to investigate “the roots” of each of the complaints thus far received. Each of the concerns expressed may be rooted in the resident’s perception that their “property rights” are being eroded and are attempting to utilize any method or means available to have “their property rights restored”.

Another complaint that Mount Joy Township has received pertains to the length of time “from permit application to permit issuance” being unreasonable. The majority of contractors that Mount Joy Township deals with understand the UCC and the lead time necessary for the issuance of the requested permit, but there are those contractors who either wait to the very last minute to apply for a permit, or do so begrudgingly for what whatever the reason, and want the requested permit issued immediately if not sooner. Mount Joy Township takes action, i.e. approval or denial, on all applications submitted within seven (7) to ten (10) days following its receipt. [It is noted the UCC requires action to be taken on a permit application within fifteen (15) days of the submission of the permit application].

Ninety (90%) to Ninety-five (95%) percent of the UCC permit applications received by Mount Joy Township are submitted by the property owners themselves, rather than by a contractor. Almost all of the residents will openly state they do not understand anything pertaining to the UCC. Should HB 782 become law and the resident be required to “choose” a third-party administrator from those retained by the municipality, I envision a “hesitancy” on the part of the resident in selecting whom they wish to perform the required inspections due to their unfamiliarity with the UCC.

I understand there are municipalities that offer two or more third-party administrators, mainly because the volume of requested permit reviews and approvals is of such magnitude it exceeds what one firm alone may be able to accomplish. Over the last five (5) years, the volume of UCC permits has ranged from a low of 91 applications to a high of 146 applications in a calendar year. Thus, we have not had the need to retain the services of a second third-party administrator. I would envision that having a second third-party administrator will only serve to drive up the cost of review fees due to the lack of available work for all of the third-party administrators retained.

Having only one (1) third-party administrator has worked well for Mount Joy Township over the last eleven (11) years. An important aspect of that is the fact that the Township’s staff is in constant contact with the third-party administrator, either transmitting newly received applications needing review or following up on the status of those previously submitted. And finally, it is noteworthy that the fee schedule utilized today is the same as when first hired.

Bottom line is – don’t fix the parts of the UCC that actually work.