

September 24, 2014

Representative Michael Peifer
32 Commercial Street
Honesdale, PA 18431

Senator Lisa Baker
2512 Route 6
Hawley, PA 18428

Dear Mike and Lisa,

We are writing to request your support in opposing SB1023, amendment to the Uniform Construction Code (UCC).

Apparently the bill was prompted by abuses by Third Party Agencies (TPA) administering the UCC in various municipalities by over-charging, requiring excessive inspections, delays in conducting inspections, etc.

When we were considering switching from in-house UCC administration to a Third Party Agency, the "word on the street" was that the TPA's tended to be too lax in their administration and enforcement - exactly the opposite of the supposed current situation. From the outreach we have been conducting, the abuses appear to be limited to occurring in a low percentage of municipalities. For the majority, the current requirements are working very well.

The UCC already contains provisions for addressing most of the alleged abuses being carried out. The TPA should be held accountable the same as a municipality whose governing body or direct employees are abusing their authority or are not in compliance. **This** is how the abuses should be addressed, **not** by causing difficulties for those that are conscientiously administering the Uniform Construction Code.

On the surface, the passage of SB1023 may seem like a very simple solution. However, the implementation will be anything but simple, especially for those municipalities who continue to be involved in UCC administration through their TPA and/or have adopted amendments to the UCC.

When selecting a TPA, Dingman Township took numerous items into consideration, including:

- The TPA needed to provide "office" hours in the Township Building at least twice a week so as to make the building code official (BCO) available to meet with and assist residents and contractors with questions. The logistics in coordinating availability and space between two or more would most likely prove difficult.
- The TPA needed to be able to administer the amendments to the UCC adopted by the Township. "Training" of the TPA employees has proved fairly complicated, and ongoing.

Keeping on top of employees from two or more TPAs would be quite burdensome for Township staff.

- The TPA and Township needed to be able to coordinate and integrate administrative, procedural, and records management procedures. Dingman remains very involved in UCC administration by maintaining up to date records on plan reviews, inspections, enforcement actions, etc., and serving as a point of contact to our residents on general permit requirements, providing guidance on completing paperwork, resolving conflicts, etc. We have had two TPAs (not simultaneously) and this coordination process is very different from company to company. Maintaining a relationship with two or more TPAs at the same time would be a confusing and burdensome to all involved.
- Also not to be forgotten are procedures put in place at the state level. The Department of Labor & Industry requires opt-in municipalities to declare their BCO to the Department - only one BCO can be listed (which has to be an individual and not a company). Monthly UCC permit/fee reports submitted to the Department of Community & Economic Development are required to be signed off on by the BCO. Two or more TPAs would mean submitting a report for each one as companies are not going to be willing to "sign off" on data not under their control.

In summary, and to put it simply, SB1023 would cause unnecessary hardship and expense for the majority of municipalities where the current system is and has been working well. It essentially "punishes the masses for the actions of a few". The residents and businesses in Pennsylvania would be best served by adding "teeth" to the UCC for assuring municipal compliance and making TPAs equally accountable.

Your support and consideration of Dingman Township's position is greatly appreciated.

Sincerely,

DINGMAN TOWNSHIP BOARD
OF SUPERVISORS

Thomas E Mincer

Dennis L Brink

Kerry W Welsh

May 7, 2015

TO: Members of the House Labor & Industry Committee

FROM: Thomas Mincer, Supervisor
Dingman Township, Pike County

SUBJECT: House Bill 782

The Township's position expressed on previous versions of the Bill still stands (*comments located in attached letter*).

In addition, while HB782 attempts to alleviate some of our previous concerns by allowing us to set prequalification standards and designate one of the Third-Party Agencies (TPA) for general building code enforcement (where no permit currently exists), it also adds or retains the following:

1. Still requires municipalities to retain two or more TPAs and allows owners (or their authorized agent) to select one when filing a building permit application.
2. Requires municipalities to advertise (two times) a Request for Proposals and utilize a Professional Services Contract. (The process will be similar to bidding for purchases and will incur advertising and legal costs).
3. Includes provisions for a "Waiver" from the Dept. of L&I if the municipality made a reasonable effort but was unsuccessful if obtaining more than one qualified proposal.

The Bill does not, however, alleviate the burden on us to coordinate the administrative and procedural requirements of two separate companies concurrently with OUR procedures. It will also probably require a modification to our Permitting software.

In summary, it still punishes the majority for the sins of the few by not holding those TPAs that are overcharging or abusing their powers accountable.