

AMENDMENTS TO HOUSE BILL NO. 1469

Sponsor: REPRESENTATIVE HARPER

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1 Amend Bill, page 1, line 7, by striking out the period after
2 "enforcement" and inserting
3 ; and, in training and certification of inspectors, further
4 providing for training of inspectors.

5 Amend Bill, page 1, lines 10 through 12, by striking out all
6 of said lines and inserting

7 Section 1. Sections 501 and 701 of the act of November 10,
8 1999 (P.L.491, No.45), known as the Pennsylvania Construction
9 Code Act, are amended by adding subsections to read:

10 Amend Bill, page 2, by inserting between lines 23 and 24

11 Section 701. Training of inspectors.

12 * * *

13 (h.1) Code administrator complaints.--The following apply:

14 (1) The department shall accept and review a complaint
15 submitted by a building permit applicant about a code
16 administrator and the secretary shall have the discretion to
17 enforce remedial actions if necessary, including actions to
18 decertify the code administrator or revoke the code
19 administrator's certification for a period of time as
20 determined by the secretary. The department shall review a
21 complaint about a code administrator regarding any of the
22 following allegations:

23 (i) Incompetence, negligence or unethical conduct.

24 (ii) Failure to abide by a deadline specified under
25 this act for a code enforcement action which results in
26 an unduly delay in the progress of a project.

27 (iii) Duplicative, undisclosed or exorbitant fees
28 assessed as a result of a code enforcement action.

29 (iv) An interpretation of the Uniform Construction
30 Code which demonstrates professional incompetence or
31 differs from standard practice, including the
32 establishment of a different requirement after plan
33 approval.

34 (v) A violation of 34 Pa. Code § 401.14 (relating to
35 decertification or refusal to certify).

1 (2) After reviewing a complaint as specified under
2 paragraph (1), the department shall have the following
3 duties:

4 (i) Notifying the municipality where the code
5 administrator subject to the complaint is being utilized
6 as to the existence of the complaint and recommending
7 remedial actions that the department determines to be
8 necessary to correct deficiencies.

9 (ii) Notifying the code administrator who is the
10 subject of the complaint.

11 (iii) Investigating the complaint.

12 (3) The secretary may issue an order to a municipality
13 to allow a building permit holder who submitted a complaint
14 under this subsection to utilize another third-party agency
15 of the building permit holder's choice for any remaining code
16 enforcement actions necessary to utilize a project. The order
17 may also include a provision to allow the building permit
18 holder to permanently utilize a third-party agency of the
19 permit holder's choice for future projects in the
20 municipality if the secretary deems that it is possible that
21 the building permit holder will be retaliated against for
22 filing a complaint to the department by a code administrator.

23 (4) If a building permit applicant makes a complaint to
24 the department concerning a third-party agency or code
25 administrator, the department may not disclose the identity
26 of the building permit holder's complaint without the
27 building permit holder's consent unless disclosure is
28 unavoidable as a result of an investigation of a code
29 administrator under this subsection.

30 (5) A code administrator may not discriminate, threaten,
31 coerce or otherwise retaliate against a building permit
32 applicant who files a complaint under this subsection. A
33 person who alleges a violation of this paragraph may bring a
34 civil action in a court of competent jurisdiction for
35 appropriate injunctive relief or damages within 180 days of
36 occurrence of the alleged violation.

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