

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 734 Session of
2015

INTRODUCED BY HEFFLEY, HELM, KNOWLES, MALONEY, EMRICK, MILLARD,
TOOHIL, MOUL, RAPP, RADER AND EVERETT, MARCH 6, 2015

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 6, 2015

AN ACT

1 Amending the act of November 10, 1999 (P.L.491, No.45), entitled
2 "An act establishing a uniform construction code; imposing
3 powers and duties on municipalities and the Department of
4 Labor and Industry; providing for enforcement; imposing
5 penalties; and making repeals," in adoption and enforcement
6 by municipalities, further providing for administration and
7 enforcement.

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

10 Section 1. Section 501(b)(1) and (2) of the act of November
11 10, 1999 (P.L.491, No.45), known as the Pennsylvania
12 Construction Code Act, amended November 29, 2006 (P.L.1440,
13 No.157), are amended and the section is amended by adding a
14 subsection to read:

15 Section 501. Administration and enforcement.

16 * * *

17 (b) Municipal administration and enforcement.--This act may
18 be administered and enforced by municipalities in any of the
19 following ways:

20 (1) By the designation of an employee to serve as the

1 municipal code official to act on behalf of the municipality
2 for administration and enforcement of this act. A
3 municipality may enter into agreements with construction code
4 officials to perform plan review and inspection services for
5 categories which the municipal code official does not have
6 the resources or certification to perform.

7 (2) By the retention of [one or more construction code
8 officials or] two or more third-party agencies to act on
9 behalf of the municipality for administration and enforcement
10 of this act[.] in accordance with a professional services
11 contract. An owner or authorized agent shall select and
12 utilize one of the third-party agencies for the requirements
13 of this act with respect to an individual project.

14 * * *

15 (b.1) Administration and enforcement by third-party
16 agencies.--A municipality opting to administer and enforce this
17 act by retaining two or more third-party agencies under
18 subsection (b) (2) shall comply with all of the following
19 requirements:

20 (1) The services of a third-party agency shall be
21 furnished and performed under a written professional services
22 contract with the municipality. The professional services
23 contract shall offer, in the determination of the governing
24 body of the municipality, a favorable combination of
25 reasonable rates or fees and the ability of the third-party
26 agency to perform services in a timely and efficient manner
27 for building permit applicants.

28 (2) The municipality shall advertise a request for
29 proposal for the professional services contract. The
30 advertisement shall comply with all of the following

1 requirements:

2 (i) The advertisement shall be published in one
3 newspaper of general circulation, if available, in the
4 municipality at least two times at intervals of not less
5 than three days or once a week for two successive weeks
6 in a weekly newspaper. The first advertisement shall be
7 published not more than 45 days before the date fixed for
8 the opening of responses to the request for proposal. The
9 second advertisement shall be published not less than 10
10 days before the date fixed for the opening of responses
11 to the request for proposal. As used in this
12 subparagraph, the terms "newspaper of general
13 circulation" and "weekly newspaper" shall mean as defined
14 in 45 Pa.C.S. § 101 (relating to definitions).

15 (ii) The advertisement shall contain the date, time
16 and location for the opening of the proposals and any
17 prequalification standards or requirements that must be
18 met.

19 (3) Notice of the request for proposal shall be posted
20 where the governing body of the municipality normally meets
21 or in a conspicuous place within the municipality.

22 (4) (i) The municipality shall award a professional
23 services contract by public announcement at:

24 (A) a meeting where the proposals are opened and
25 read by the governing body of the municipality or by
26 an individual or committee appointed by the governing
27 body of the municipality to open and read the
28 proposals; or

29 (B) a subsequent meeting of the governing body
30 after the proposals are opened and read.

1 (ii) The municipality shall publicly announce the
2 time and place of a meeting under subparagraph (i) (B).

3 (5) In awarding professional services contracts, the
4 governing body of the municipality:

5 (i) Shall take into consideration all of the
6 following:

7 (A) The proposed fee schedule.

8 (B) The availability of services.

9 (C) The input of affected public stakeholders.

10 (ii) May establish prequalification standards for a
11 professional services contract if prequalification
12 standards are reasonably designed to assist the governing
13 body of the municipality in determining the ability of a
14 person submitting a proposal to successfully complete a
15 professional services contract.

16 (iii) May designate one of the third-party agencies
17 as the enforcement agent for the municipality for general
18 code enforcement actions not associated with work already
19 being completed in accordance with a building permit.

20 (6) A professional services contract between a
21 municipality and a third-party agency for the administration
22 and enforcement of this act in effect before the effective
23 date of this subsection shall be void on or after January 1,
24 2016, in order to provide competition for pricing and
25 performance among third-party agencies by the municipalities
26 that utilize third-party agencies. Nothing in this paragraph
27 shall be construed to prohibit a third-party agency that
28 entered into a professional services contract with a
29 municipality before the effective date of this subsection
30 from submitting a proposal as provided under this subsection.

1 (7) A professional services contract entered into
2 between a municipality and a third-party agency on or after
3 the effective date of this subsection may not exceed two
4 years.

5 (8) A municipality may not enter into an exclusive
6 contract with a third-party agency for the administration and
7 enforcement of this act after the effective date of this
8 subsection.

9 * * *

10 Section 2. This act shall take effect as follows:

11 (1) The amendment of section 501(b)(2) shall take
12 effect January 1, 2016.

13 (2) The remainder of this act shall take effect
14 immediately.