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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 782 Session of  
2015

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INTRODUCED BY HEFFLEY, EVERETT, KNOWLES, TOOHIL, EMRICK, TRUITT  
AND ZIMMERMAN, MARCH 13, 2015

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 13, 2015

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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 exclusive  
22           administration and enforcement of this act in effect before  
23           the effective date of this subsection shall remain in effect  
24           and the provisions of subsection (b) (2) shall take effect  
25           upon the expiration of the original terms of the professional  
26           services contract.

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

1       (8) Except as provided under paragraph (9), a  
2       municipality may not enter into an exclusive contract with a  
3       third-party agency for the administration and enforcement of  
4       this act after the effective date of this subsection.

5       (9) If a municipality opts to administer and enforce  
6       this act under subsection (b)(2), the municipality may apply  
7       to the department for a waiver from the requirement of  
8       retaining two or more third-party agencies under subsection  
9       (b)(2) if the municipality can demonstrate to the  
10       satisfaction of the department all of the following:

11               (i) The municipality made a reasonable effort to  
12               solicit and retain two or more third-party agencies.

13               (ii) The municipality was unsuccessful in obtaining  
14               sufficient qualified proposals by at least two third-  
15               party agencies.

16       \* \* \*

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

18               (1) The amendment of section 501(b)(2) shall take effect  
19       July 1, 2015, or immediately, whichever is later.

20               (2) The remainder of this act shall take effect  
21       immediately.