



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 1790

PRINTERS NO. 2897

PRIME SPONSOR: Silvis

### COST / (SAVINGS)

FUND	FY 2021/22	FY 2022/23
General Fund	\$0	\$0
Municipal Funds	\$0	\$0

**SUMMARY:** Amends the Pennsylvania Construction Code Act (Act 45 of 1999) to provide for transparency. This legislation would take effect in 180 days.

**ANALYSIS:** This legislation amends the Pennsylvania Construction Code Act to provide for specific code references for denied permit applications; the scheduling of required inspections; required disclosures on a permit application; and corrective action against certified code administrators.

**Notice of Permit Denial:** This legislation amends Section 502(a)(2) of the act to require specific references to the sections of the applicable ICC codes which the code administrator requires compliance for the application to be approved.

**Required Inspections:** This legislation adds a new paragraph at Section 502(a)(4) to require that construction code officials perform required inspections to ensure compliance with a permit approved and the UCC. The following apply:

- Inspections must be required during normal business hours at the construction site unless the permit holder agrees to or requests another time.
- The construction code official shall provide the permit holder with a written description of all items that are not in compliance, including specific references to the sections of the applicable ICC codes. The written description will be provided:
  - Within one business day with the specific references to the codes, or
  - Within two hours, if the permit holder agrees in writing to waive the specific references to the codes.

**Permit Applications:** This legislation adds a new paragraph at Section 502(a)(5) to require a municipality to ensure that the form used for a permit application notifies an applicant of all of the following:

- That the Dept. of Labor and Industry (DLI) investigates complaints about code administrators and can take corrective action for just cause (the notice will include a list of the infractions that constitute just cause).
- DLI has a public internet website, which includes the forms for a complaint.
- An applicant may file a complaint with the department about a violation that constitutes just cause.

**Corrective Action:** This legislation inserts a new Section 701.1 (Corrective Action). This section is closely based on current DLI regulations providing for decertification of/refusal to certify code administrators, except that this legislation adds additional grounds which constitute just cause to initiate action against a code official:

- A violation of the act related to any time frame in which a code administrator is required to take a specific action.
- Disparate treatment of similarly situated applicants or permit holders for any reason.
- Conduct unbecoming an agent of government, including behavior that would be likely to cause a reasonable person to conclude that the code administrator cannot enforce the act and the UCC in an unbiased manner.

**Applicability:** The provisions of this legislation related to notice of permit denial, required inspections and permit applications will apply to applications for construction permits submitted on or after the effective date.

**FISCAL IMPACT:** This legislation would have no adverse fiscal impact on Commonwealth or municipal funds.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** April 8, 2022

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*