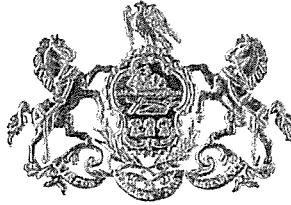


Majority Caucus Chairman

JUL 31 2012

THE STATE CAPITOL  
SENATE BOX 203028  
ROOM 9 EAST WING  
HARRISBURG, PA 17120-3028  
PHONE: (717) 787-3817  
FAX: (717) 783-1900  
EMAIL: mwaugh@pasen.gov  
WEB: www.senatorwaugh.com



Senate of Pennsylvania

MIKE WAUGH  
SENATOR


MEMORANDUM

COMMITTEES

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FARM SHOW COMMISSION  
FUTURE FARMERS OF AMERICA  
SENATE FIREFIGHTERS AND  
EMERGENCY SERVICES CAUCUS,  
MAJORITY CHAIRMAN

TO: All Senators

FROM: Senator Mike Waugh 

SUBJECT: Request to co-sponsor legislation  
**UCC Board of Appeals Amendment**

DATE: July 31, 2012

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I plan to introduce legislation to amend *Act 45* of 1999, the *Uniform Construction Code* (UCC). This bill addresses some issues regarding boards of appeal raised in the case of *Middletown Township v. County of Delaware Uniform Construction Code Board of Appeal*, 42 A.3d 1196 (Pa. Cmwlth. 2012).

At issue in *Middletown Township* was the ability of a municipality that has elected to administer and enforce the UCC to designate a multi-municipal board to hear appeals from its decisions. The Commonwealth Court held that the language of the UCC does not allow for this arrangement.

The establishment of regional UCC appeals boards is common throughout the state because it is often not feasible for individual municipalities to establish their own board to hear what could be a very limited number of appeals. The amendment I am proposing would clarify that the current practice of multi-municipal appeals boards is appropriate, which I believe is in line with the intent of the UCC and promotes intergovernmental cooperation and cost-savings. Most importantly, this arrangement continues to ensure that any aggrieved party is afforded the due process that an appeals board is intended to provide.

If you would like to co-sponsor this legislation, please contact Debbie Clark in my office at 787-3817 or by email at [dclark@pasen.gov](mailto:dclark@pasen.gov).