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MEMORANDUM

TO: All House Members

FROM: Jeff Pyle

DATE: December 7, 2015

SUBJECT: Cosponsorship of Legislation – creation of an initiative/referendum process to abrogate municipal arrangements with single third-party agency enforcement of the Uniform Construction Code (UCC)

In the near future, I plan to introduce the attached legislation which would amend the PA Construction Code Act (Act 45 of 1999) to create an initiative/referendum process that citizens could utilize to abrogate municipal arrangements which consist of a single third-party agency enforcing the Uniform Construction Code (UCC). The purpose of this legislation is to ensure property owners in such municipalities can challenge monopolistic enforcement schemes that are not providing satisfactory service or fee levels.

Over 90% of Pennsylvania's 2,562 municipalities have elected to administer and enforce the UCC locally, using their own employees, joint administration, or via certified third party agencies (private code enforcement agencies) that they have retained. It is estimated that about 60% of the "opt-in" municipalities have chosen to administer the UCC by contracting with a third party agency, with the vast majority using only one third party agency (thus, arguably, a monopoly).

I have had many constituents complain to my office about the service, fees, or rude treatment they received from certain third party agencies that have sole enforcement power for the UCC in a municipality. I argue that code enforcement officials have immense power over property owners because, if a certificate of occupancy is not issued to a project, it cannot be legally occupied (if no certificate of occupancy is issued, a project is worthless); thus, code enforcement officials have much leverage over property owners on code interpretations/fees, and such arrangements have led to abuse by some third party agencies. I believe that we need to ensure that there is some means of redress by the citizenry in such municipalities to challenge such arrangements, and require competition.

My legislation would: 1) allow the local citizenry to circulate a petition to put a referendum on the ballot to abrogate monopolistic UCC enforcement arrangements, and replace such arrangements with a code enforcement scheme where property owners can choose services from

at least three third party agencies; 2) require that a local referendum be conducted if at least 5% of registered voters in a municipality (who voted in last Gubernatorial election) sign the petition and such petition is properly filed with county board of elections; and 3) require, if referendum successful, that the municipality retain at least three third party agencies for property owners to choose from.

It is important to note that my legislation has no effect on municipalities that have their own indigenous code enforcement program (such as Philadelphia or Pittsburgh), or a joint agreement with another municipality. It is also important to note that the use of local ballot initiatives is not unusual, and there are many other forms of initiatives that citizens can utilize.

I strongly believe this legislation will give property owners an effective tool to hold third party agencies accountable.

Thank you for your attention to this correspondence. I urge you to add your name to the list of cosponsors of this legislation.