

## 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)(2) and (3) 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 (2) By the retention of one or more construction code  
2 officials or third-party agencies to act on behalf of the  
3 municipality for administration and enforcement of this  
4 act[.], except the provisions of subsection (b.1) shall apply  
5 if the municipality retains one third-party agency for  
6 exclusive administration and enforcement.

7 (3) Two or more municipalities may provide for the joint  
8 administration and enforcement of this act through an  
9 intermunicipal agreement under 53 Pa.C.S. Ch. 23 Subch. A  
10 (relating to intergovernmental cooperation)[.], except the  
11 provisions of subsection (b.1) shall apply if the agreement  
12 provides for a single third-party agency for exclusive  
13 administration and enforcement.

14 \* \* \*

15 (b.1) Exclusive administration and enforcement.--The  
16 following apply:

17 (1) If a municipality opts to retain one third-party  
18 agency for exclusive administration and enforcement of this  
19 act, the municipality shall allow an applicant to utilize an  
20 alternative third-party agency if the alternative third-party  
21 agency agrees to remit a surcharge for the alternative third-  
22 party services to the municipality. The surcharge shall be  
23 assessed, by ordinance, as a percentage not to exceed 10% of  
24 the total fee charged by the alternative third-party agency  
25 on the project. If the municipality fails to assess a  
26 surcharge as specified under this paragraph, the surcharge  
27 shall be 1% of the total fee charged by the alternative  
28 third-party agency on the project.

29 (2) The applicant shall notify the municipality and its  
30 exclusive third-party agency of its intent to utilize an

1 alternative third-party agency for a project. The applicant  
2 shall provide, in its notification, the name of the  
3 alternative third-party agency that will be utilized and  
4 appropriate contact information.

5 (3) Before commencing work on a project, the  
6 alternative third-party agency being utilized by the  
7 applicant shall notify the municipality and its exclusive  
8 third-party agency that it is performing code enforcement  
9 services on the project for the applicant. On the date of  
10 issuance of the permit, the alternative third-party agency  
11 shall provide the municipality and its exclusive third-party  
12 agency with a copy of the building permit issued for the  
13 project and the approved plans of record for the project.

14 (4) The applicant shall utilize the services of the  
15 alternative third-party agency for all code enforcement work  
16 associated with the project.

17 (5) On the date of issuance of the certificate of  
18 occupancy for the project, the alternative third-party agency  
19 shall forward the following to the municipality and the  
20 exclusive third-party agency:

21 (i) The certificate of occupancy that was issued for  
22 a project.

23 (ii) A summary of total fees charged to the  
24 applicant.

25 (iii) Payment of the surcharge assessed under  
26 paragraph (1).

27 (iv) Any additional documentation associated with a  
28 project that is requested by the municipality.

29 (6) The municipality may prohibit an alternative  
30 third-party agency from operating in its jurisdiction if the

1 alternative third-party agency fails to comply with paragraph  
2 (5).

3 (7) The municipality may notify the department if the  
4 alternative third-party agency fails to comply with paragraph  
5 (5) and the department shall conduct an investigation. The  
6 department may consider an intentional failure to comply with  
7 paragraph (5) as just cause for decertification of the  
8 alternative third-party agency under section 701(h).

9 (8) A professional services contract between a  
10 municipality and a third-party agency for the exclusive  
11 administration and enforcement of this act in effect before  
12 the effective date of this subsection shall remain in effect  
13 and the provisions of this subsection shall apply upon the  
14 expiration of the original terms of the professional services  
15 contract.

16 \* \* \*

17 Section 2. This act shall take effect in 60 days.