

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), (2) and (3) of the act of
11 November 10, 1999 (P.L.491, No.45), known as the Pennsylvania
12 Construction Code Act, are amended and the section is amended by
13 adding a subsection to read:

14 Section 501. Administration and enforcement.

15 * * *

16 (b) Municipal administration and enforcement.--This act may
17 be administered and enforced by municipalities in any of the
18 following ways:

19 (1) By the designation of an employee to serve as the
20 municipal code official to act on behalf of the municipality

1 for administration and enforcement of this act. A municipal
2 code official may utilize third-party agencies to supplement
3 the municipal code enforcement program's plan review and
4 inspection services or may utilize third-party agencies to
5 perform plan review and inspection services in categories
6 which its program does not possess the necessary personnel to
7 administer.

8 (2) By the retention of one or more [construction code
9 officials or] third-party agencies to act on behalf of the
10 municipality for administration and enforcement of this
11 act[.], except that the provisions of subsection (b.1) shall
12 apply if the municipality contracts with only one third-party
13 agency for administration and enforcement.

14 (3) Two or more municipalities may provide for the joint
15 administration and enforcement of this act through an
16 intermunicipal agreement under 53 Pa.C.S. Ch. 23 Subch. A
17 (relating to intergovernmental cooperation)[.], except that
18 the provisions of subsection (b.1) shall apply if the
19 agreement provides for only one third-party agency for
20 administration and enforcement.

21 * * *

22 (b.1) Exclusive administration and enforcement.--The
23 following apply:

24 (1) If a municipality contracts with one third-party
25 agency for administration and enforcement of this act, an
26 applicant may utilize the services of another third-party
27 agency if the alternative third-party agency agrees to remit
28 a surcharge for its services to the municipality. The
29 surcharge shall be a percentage of the total amount of fees
30 charged by the alternative third-party agency. The percentage

1 shall be established by the municipality by ordinance as a
2 percentage not to exceed 10%. If the municipality fails to
3 establish a surcharge as specified under this paragraph, the
4 surcharge shall be 1% of the total fees charged by the
5 alternative third-party agency for the alternative third-
6 party agency's services on a project.

7 (2) In accordance with the municipality's
8 overall permitting process for a project, the municipality
9 shall notify the applicant that the applicant may utilize the
10 services of an alternative third-party agency of the
11 applicant's choice for the construction requirements of the
12 application covered by this act, including all plan review
13 and inspection services.

14 (3) The applicant shall notify the municipality and its
15 contracted third-party agency of its intent to utilize an
16 alternative third-party agency for the construction
17 requirements required by this act for a project. The
18 applicant shall provide, in its notification, the name of the
19 alternative third-party agency that will be utilized and
20 appropriate contact information.

21 (4) Before performing services on a project, the
22 alternative third-party agency being utilized by the
23 applicant shall notify the municipality and its contracted
24 third-party agency that it is performing services required by
25 this act on the project for the applicant. On the date of
26 issuance of the permit required by this act, the alternative
27 third-party agency shall provide the municipality and its
28 exclusive third-party agency with a copy of the permit issued
29 for the project and the approved plans of record for the
30 project.

1 (5) The applicant shall utilize the services of the
2 alternative third-party agency for all requirements of this
3 act associated with a project.

4 (6) On the date of issuance of the final inspection
5 report for a project, the alternative third-party agency
6 shall forward the following to the municipality and the
7 municipality's third-party agency:

8 (i) The final inspection report that was issued for
9 the project.

10 (ii) A summary of total fees charged to the
11 applicant.

12 (iii) Payment of the surcharge assessed under
13 paragraph (1).

14 (iv) The fee required under section 703(a).

15 (v) Any additional documentation associated with the
16 project that is requested by the municipality.

17 (7) The municipality or its contracted third-party
18 agency, whichever is applicable, shall accept the final
19 inspection report with respect to the requirements of this
20 act. The contracted third-party agency shall be immune from
21 any civil liability associated with contents of the final
22 inspection report.

23 (8) The municipality or its contracted third-party
24 agency may withhold issuance of the certificate of occupancy
25 for a project if the alternative third-party agency fails to
26 comply with paragraph (6).

27 (9) The municipality may notify the department of a
28 possible violation of this act if an alternative third-party
29 agency fails to comply with paragraph (6). Upon receiving
30 notice by the municipality, the department shall conduct an

1 investigation. The department may consider an intentional
2 failure to comply with paragraph (6) as just cause for
3 decertification of the alternative third-party agency under
4 section 701(h).

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

12 * * *

13 Section 2. The department may issue regulations to establish
14 or clarify procedures necessary to effectuate the intent of this
15 act.

16 Section 3. This act shall take effect in 60 days.