



March 18, 2019

Mr. Jim Cox  
State Representative  
129th District  
2909 Windmill Road, Suite 7  
Sinking Spring, PA 19608

Dear Representative Cox:

Thank you for taking the time to meet with myself and the group of public officials representing a sampling of the municipalities in your district on February 27<sup>th</sup> regarding Representative Heffley's bill (HB 349).

As you heard at the meeting, the attending local municipal officials (all from your district) sincerely and respectfully request that you withdraw your support of this unnecessary legislation. Most, if not all of the municipalities that you represent do not support this bill. You cite broader consumer choice as the reason for supporting the bill, however, you are actually limiting the choice of local municipal officials who are charged with administering the Uniform Construction Code (UCC) on a daily basis.

Please consider the following points when making your decision:

- An appeal process is available locally for aggrieved individuals
- A complaint process is already in place through the Department of Labor & Industry
- An aggrieved individual always has the option to voice their concerns to their local municipal official
- The bill usurps power from the local municipality
- The bill creates an insurance problem for a third party that is the designated Building Code Official. No insurance company that we are aware of will allow one third party agency to sign off on the work of another third party agency. This necessitates the employment of an in-house Building Code Official by the municipality, thus creating another unfunded mandate.
- A municipality that wishes to offer a choice of more than one inspection agency may do so now
- Nowhere else is the state mandating duplicate services, thus this bill is targeted toward third party inspection agencies. The bill fails to mandate multiple choice for municipalities that administer the Uniform Construction Code (UCC) with in-house personnel.
- Eighteen months ago the Pennsylvania Association of Building Code Officials (PABCO) obtained information on all complaints concerning UCC administration via a Right to Know request from the Department of Labor & Industry (L & I). That information revealed that approximately 85% of the complaints received by L & I were regarding in-house code officials
- By not allowing the municipality to choose a sole third party agency that they feel administers the UCC in a proper manner, this bill creates a situation where the cheapest and easiest enforcement agency will be chosen in most cases. This will result in safety concerns state-wide and a "race to the bottom" as agencies that do an excellent job at enforcing the minimum standards, known as the building codes, will be forced to compromise their standards to garner business.

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- Labor & Industry does not have the money or the manpower to properly police all third party agencies in the state, thus creating an unlevel playing field resulting in the "race to the bottom"

Would you want your child or grandchild attending a school that was inspected by an agency that is the cheaper & easier path for a contractor who is looking to maximize profits?

As presented at our meeting, PABCO has crafted alternate language that they feel addresses problems with administration of the UCC. This compromise has been given little or no consideration. Why would this alternate language not be given consideration? Please don't play politics with public safety!

Again, please support the authority of your local municipalities by removing yourself as a co-sponsor of this bill and voting against it.

Respectfully,



Glenn R. Kraft

Owner & Concerned Citizen



March 19, 2019

The Honorable Jim Cox  
State Representative  
129th District  
2909 Windmill Road, Suite 7  
Sinking Spring, PA 19608

Dear Representative Cox:

Thank you again for taking the time to speak to Michele Bare this morning. I am writing this letter as a follow up to my March 18<sup>th</sup> letter to try to specifically address your concerns regarding consumer choice, and your specific example regarding a Pennsylvania state vehicle inspection.

I think the best way to describe the differences is to realize or understand that we are not a consumer service, we are a law enforcement agency of a public entity. As a branch of law enforcement, we are tasked with enforcing state-mandated building codes. This is evidenced by proposed House Bill 47 which intends to amend Title 18, Crimes and Offense, to include "a local code enforcement official" in protection from aggravated assault along with other officers and employees that are protected by Title 18.

I offer the following rebuttal points with regard to your comparison of our enforcement of the UCC to a vehicle inspection station and service.

- The Borough Code, First Class Township Code and Second Class Township Code provide for "General Powers" for Municipal Government. The language in all three municipal codes mimics 53 P.S. §66506, which charges Boards of Supervisors of Second Class Townships to "adopt ordinances necessary for the proper management, care and control of the Township and the maintenance of the peace, good government, health and welfare of the Township and its citizens;". Buildings inspected under the UCC will be permanently located in the location where they are constructed, thus making them a local concern. The state has responsibility for licensing and inspection of motor vehicles. This makes sense as vehicles utilize roads all over the state.
- Vehicle inspections are performed on a yearly basis, whereas building inspections are performed with the intent of certifying that a structure is complete in perpetuity via issuance of a certificate of occupancy, regardless of the number of different occupants over the years. This is mentioned to emphasize the importance of getting the building inspection done right the first time. These inspections must be performed by an agency in which the municipality has the utmost confidence.
- Vehicle inspection stations are a privatized industry whereas UCC third party inspection agencies work for public entities.
- A state certified vehicle inspection station will benefit financially by providing needed repairs identified during the vehicle inspection. On the flip side, a UCC third party inspector cannot provide repair services for a failed inspection due to this being a conflict of interest. This would certainly result in legal action against the municipality and third party agency. This is the difference between a privatized industry and a public entity.

- Third party agencies provide a service to a municipality; however, they are not providing a service to the end consumer, rather they are an enforcement officer of the law. An example would be where a local municipality does not provide its own police force. The State Police provide law enforcement service for the municipality, but enforce the laws of the Commonwealth in regard to the individual citizens. The individual does not dictate which police force or officer responds.
- The expenses associated with a vehicle inspection are charged directly to the consumer whereas the enforcement of the UCC is in part a taxpayer expense through the municipality. In most municipalities the building permit fee schedule is set by the municipality and fees are paid to that municipality.

A municipality that utilizes the services of a UCC third party inspection agency typically uses a process referred to as a "RFP" or Request for Proposal. This allows the municipality to choose the agency that best represents their interests, after receiving multiple proposals to pick from. Most municipalities that use a sole third party agency do so because they have determined that that agency is the best choice for their residents. The decision to use a sole third party agency is a decision that local officials make because it will impact, at minimum, local neighborhoods, property values and first responders. The local municipality is tasked with administering the UCC. Therefore, it should have the choice as to how the UCC is administered within its jurisdiction. It cannot be emphasized enough that a municipality currently may choose to have multiple third parties, if they wish.

Respectfully,

A handwritten signature in black ink, appearing to read "Glenn R. Kraft". The signature is fluid and cursive, with the first name being the most prominent.

Glenn R. Kraft

Owner & Concerned Citizen