

Testimony of Lori McEntarfer, BCO and Zoning Officer, The Borough of Lititz

Good Morning. My name is Lori McEntarfer, and I currently serve on staff as the Zoning Officer and Building Code Official for the Borough of Lititz. Prior to joining Lititz Borough's staff, I held the position of Zoning Officer for Rapho Township, starting prior to the adoption of the Building Code and working through the process of "opting in" when the Building Code was adopted. I spent the next ten years enforcing the code as a Building Code Official, working with more than one Third Party Advisor. I worked as a Zoning Officer and Building Code Official for both Lititz Borough and Rapho Township simultaneously for ten years and solely for the Borough of Lititz for the past six years. There are many reasons that I, as well as my local elected officials, believe that Lititz Borough would best be served by a single Third-Party Advisor. I have worked for Lititz Borough in both a part-time and full-time capacity for the past 16 years. I believe my experience with both single and multiple Third-Party Advisors has allowed me to form a strong opinion on multiple points of HB 349.

The Borough of Lititz has been enforcing a building code since 1994, pre-dating our adoption of the PA UCC. The Borough of Lititz has had a sole third-party advisor since 1994, that have been instrumental and helpful in many ways in executing the building code. Our current Third-Party Advisor is not the only sole Third-Party Advisor we have had in the Borough. When the previous Third-Party Advisor could not meet the expectations outlined by our local elected officials, they were replaced. One very important reason that my elected officials have chosen to contract with a sole Third Party Advisor is that Lititz Borough has historic structures, a large percentage of mixed-use structures where there is a business on street level and residences above, many attached structures and structures that are in close proximity to each other. The elected officials understand that it takes a knowledgeable agency with a high level of customer service to best serve the varied and complex code needs of our community and guarantee a consistent level of building safety. Consistency in the level of Code Compliance and enforcement is our key. Our local economy, as a tourist destination, depends on this. In 2013, Budget Travel voted the Borough of Lititz the Coolest Small Town in America. Between 2009-2019, the Borough of Lititz is very proud to have received the following awards:

PLANNING AWARDS –

- Envision – Small Projects & Sustainable Growth – Downtown Master Plan
- Envision – Small Projects & Sustainable Growth – Form-Based Codes
- Envision Partnership – Lititz Borough, Warwick Township, Lancaster County

- PA Planning Assn – Joint Comprehensive Plan
- Smart Growth – Joint Comprehensive Plan (2)
- Smart Growth – WESA
- Governor’s Award - WESA
- PA Historic Preservation Award

This is not a complete list. In the essence of time, I have included a complete list with my testimony.

Having read through part of the extensive list, it would not be an understatement to say that our elected officials and the Borough staff are knowledgeable and make excellent decisions that are in the best interest of our community for both current and long-term planning. Competent code enforcement IS integral to long-term planning. The Borough of Lititz has put a tremendous amount of resources into creating and maintaining our community, and we continue to do so. As both an employee of the Borough AND a resident living in the Borough, I can assure you that the community takes great pride in the accolades that we have received. This legislation is threatening the investment we have made over the past two decades. You are taking our choice away; a decision that Lititz Borough’s elected officials consciously made and have made an effort to maintain over many years, with new elected officials taking the same into consideration with the important resources our citizens have committed to our continued care.

We chose our enforcement agency with a mind to who was going to help us develop our community safely and respectfully. We needed a company that was accessible to us, that was accessible to our residents, a company that would meet and pre-plan with contractors that had design issues before the permitting process, who would coordinate with emergency services and who would provide us with extensive documentation for each permit, upon request. These services are not a requirement of the PA-UCC, yet they are provided and flawlessly executed with no extra cost to the municipality. So-called “experts” at the State who know nothing about my municipality like to profess that "all building inspectors take the same tests, so one is just as good as another." My experience dictates that this statement is not truthful, in this profession, and actually, in many others. It’s like comparing a Pinto to a Mustang, both cars. As I indicated, prior to obtaining our long-term current Third-Party Advisor, we allowed electrical inspections to be conducted by the builder or electrician's third-party agency of choice. My elected officials rescinded that decision when they saw the varying levels of enforcement, documentation or the total lack thereof on both counts. The Borough of Lititz has received several proposals from other code companies and individuals that wish to work in the Borough of Lititz. Borough Council

thoughtfully and thoroughly reviews and considers every proposal submitted. Based on the consistency, accountability, continuity, and level of knowledge, the local elected officials choose to contract with the single Third-Party Advisor. Lititz Borough's elected officials are not the same old members deciding the same old thing; they are fresh-faces, in their position due to the vote of the community, weighing decisions that continue to be in the best interest of the Borough of Lititz.

Because of my time spent with two separate and distinct municipalities, and having worked for numerous years with a sole Third Party Advisor as well as multiple Third-Party Advisors, I feel I have a unique view and understanding of some of the difficulties I have experienced with multiple Third-Party Advisors:

- Vast differences in the recordkeeping with regard to inspection reports and submitting final paperwork to issue a Certificate of Use and Occupancy, which is the final step under the Building Code, and necessary to occupy a building
- Difficulties in closing permits in relation to knowing if all inspections have been performed or approved
- Response time issues – complaints of late arrivals or no shows
- Code knowledge or lack thereof – I, as a Building Code Official, am tasked with keeping all records for permitting and construction, although I am not required to be certified for plan review or construction. I rely on my Third-Party Advisor to accurately and adequately answer my questions and those of the contractors
- Frustrated residents from not being able to reach the company that they chose at permit issuance. Most residents have no knowledge of the code enforcement industry and believe as you do, that "one agency is as good as another." So, the "Well, you picked them" attitude just annoys and frustrates them.
- Multiple fee schedules, fee hikes. A benefit of Lititz Borough's sole Third Party Advisor is that they have not raised their fees since becoming involved our municipality.

As a BCO, it is my responsibility is to certify that the code is administered lawfully. Because that is my responsibility, it is proven that overseeing multiple agencies would make my responsibility greater. It has taken most local authorities since the inception of the UCC, years of trial and error, to weed through which companies are bad actors, who will suffice, and who is exceptional and checks all the boxes. The decision MUST be left to the local authority to determine their needs for their community and act accordingly. HB 349 takes that authority away from the locally elected officials. The ability to contract with multiple Third-Party Advisors already

exists under the current Law. If the municipality decided they would be best served with additional Third-Party Advisors, they could choose to do that tomorrow. Under this legislation, you have taken away the option for the local elected officials to decide that it is the best interest of the community to enforce the Building Code with a single Third-Party Advisor. Ironically, municipalities that did not take on the responsibility of implementing ACT 45 by opting-out, have the benefit of a sole Third Party Advisor for commercial construction, which covers everything in the International Building Code. Who? The Department of Labor and Industry! To me, it seems counterintuitive that local authorities that chose to enforce the building code, in part to provide exceptional customer service to our residents, are now in a default position concerning the International Building Code. Were it believed by the legislative body that having multiple agencies was preferable, they would have let the commercial contractors in opt-out areas hire their inspector of choice, as they do in residential construction. Let the local authority have control over the International Building Code. The local authority should not have fewer continuity options than the municipalities that opted-out.

Additionally, I've noted some problematic language in HB 349 that, contrary to popular belief, will affect ALL municipalities that enforce with Third Party Advisors; single OR multiple:

- 1) Does requiring the municipality to reprint permits to state in writing that "The third-party agencies are working on behalf of the municipality" increase our liability?
- 2) Designating one Third Party Advisor to be the enforcement agent is an unfunded mandate. Services from other Third-Party Advisors, which are currently included free of charge by our sole Third Party Advisor will now be billable to the municipality. That's more cost to the taxpayers.
- 3) Mandating that the municipalities that choose to enforce with a sole Third Party Advisor offer more than one Third Party Advisor forces them to have less consistency and level of preferred experience than the municipalities that OPT OUT of implementing the Uniform Construction Code. This disparity is not rational, and I believe that HB 349 may encourage municipalities to opt out or increase the permitting fees enabling them to hire in-house code enforcement. Both developments would be unintended consequences.
- 4) In my opinion, most troubling is the language that appears on page 6, line 20: "The department may issue regulations to establish or clarify procedures necessary to effectuate the intent of this act." If the State

intends to take power from local control, this provision must be removed as, without a vote, the regulatory body can imply intent.

Let's talk redundancies:

- Building Code Board of Appeals? Already exists.
- To file a complaint at the local level? Already exists.
- To file a complaint with L&I? Already Exists.
- To enforce with multiple Third-Party Advisors? Already exists.

Thank you for inviting me to testify today. I hope that my testimony gives you some insight into the radical change this bill would cause for myself and the municipality that I proudly serve. I believe that it is a sad day when only the more affluent municipal bodies that can afford additional staff have the luxury of code continuity, allowing them the option of how they choose to enforce the PA Uniform Construction Code. My recommendation, as someone with 27 years of experience in code administration, is that this legislative body shall reconsider taking power away from the locally elected officials and vote NO on HB 349.

BOROUGH OF LITITZ
AWARDS RECEIVED BETWEEN 2009 - 2019

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ENVIRONMENTAL AWARDS -

- Envision – Small Project & Infrastructure – Floodplain Restoration (3)
- EPA Area Wide Optimization Award (AWOP) for filter plant performance at the Water Plant (4)
- EPA Safe Drinking Water Award
- EPA Wellhead Protection Plan Award (2)
- EPA Source Water Protection Award
- EPA Operation & Maintenance Award – WWTP
- Environmental Leadership Alliance Award - WWTP
- PA Water Environment Assn. – Beneficial Use of Biosolids Award at the WWTP
- Eastern PA Operators Assn. – WWTP
- Governor’s Award for Lititz Run Watershed (2)
- Chesapeake Bay Award for Lititz Run erosion work