

Sarah Miller

From: rbuddenbohn1@gmail.com
Sent: Thursday, June 29, 2017 12:59 PM
To: RWB
Subject: Please vote NO to HB1469 (Heffley) PN 2186

PABCO Members:

Please call or email your State Representative ASAP.....this bill has now been scheduled for final passage in the House today. Your Representative was sent this message this morning. Please ask them to vote NO and use the reasons below plus any you wish to add.

Thank you!

PABCO

Date: June 29, 2017

To: Members of the Pennsylvania House of Representatives

From: Pennsylvania Association of Building Code Officials (PABCO)

Re: Please vote NO to HB1469 (Heffley) PN 2186

Honorable Members of the House of Representative:

The Pennsylvania Association of Building Code Officials, is the ICC Professional Chapter for the Commonwealth of Pennsylvania, representing approximately 1100 municipal and third party agency code officials, as well as architects, engineers, contractors and other professions engaged or concerned with code administration and enforcement in Pennsylvania.

We urge you to **VOTE NO** on HB 1469 PN 2186 (Heffley with Evankovich and Harper Amendments)

A brief summary of the principal reasons you should **NOT SUPPORT** this bill:

1. The "problem" this bill seeks to "solve" is limited to very few locations in the state. ***Overhauling the complaint process for a few isolated instances and penalizing all of the municipalities and third party agencies that have successfully implemented and enforced the Uniform Construction Code is not necessary or desirable.***
2. PABCO's own membership has acknowledged that where the few problems exist, it is just as likely that municipal employees and not third party agencies are the source of the problem. ***This bill focuses on only third party agencies as "the culprit".***
3. Third party agencies are retained and/or contracted by municipalities after a public vetting process – typically a publicly advertised RFP – with the selected agency (or agencies) retained to serve as a quasi-governmental agent on behalf of the municipality under a professional services agreement. ***Actual practice already addresses many of the provisions of this bill making it unnecessary.***
4. If there are problems with a third party agency (or municipal employee), it is the responsibility of the governing body to address that situation – and they have the authority and accountability to do so. Their residents, business owners and consumers have a legal right to have their complaints heard. ***Use the legal processes already in place – don't create new ones.***

4. Allowing a permit applicant to choose an alternative third party agency where a sole-source relationship exists is simply allowing that applicant to shop for an agency that they feel will (a) offer them a better price; (b) conduct a less thorough plan review and approval; (c) conduct less thorough inspections; (d) allow their project to proceed from start to finish with the least amount of oversight. Put simply – this is a proposal to allow for “plan review and inspector shopping”. ***This will lead to corruption and a complete compromise of the life, health, safety purposes for which the UCC was adopted in the first place.***
5. Code administrators cannot impose fees for any UCC-regulated activity including enforcement activities. ***Only the governing body can adopt and apply fees through its transparent fee resolution.***
6. The contracted sole source third party agency cannot be involved in this process at all, or accept the results of plan review and inspections performed by another third party without seriously jeopardizing its required Errors and Omissions Insurance Coverage. ***The underwriting involved in those policies does not allow for a third party agency to accept any decisions or actions of another party, including another third party agency, over which it does not have direct or substantial control. This crucial element is being ignored.***

If you have any other questions or concerns, please contact our Executive Officer, Bob Buddenbohn, at 814-330-6444 or email Bob at rbuddenbohn1@gmail.com

Thank you for your kind consideration.

PABCO