

The Township
YORK COUNTY



of Manchester
PENNSYLVANIA

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March 19, 2019

GC-19-0034

Dear Elected Officials:

We are writing as Manchester Township Building Code Official and Municipal Manager to express concern with pending House Bill 349 legislation requiring municipalities using a Third Party Agency to require a minimum of two or three Third Party Agencies to administer the Pennsylvania Uniform Construction Code (UCC).

Please consider the following issues in opposition of House Bill 349:

- 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. Appears to be more cost to the taxpayers.
- 3) In our 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.
- 4) Law usurping power from local elected officials.

In summary, this bill mandates all municipalities currently using a third party agency as their Building Code Official to contract with multiple third party agencies and allow a permit applicant to make a choice as to who enforces the building codes on their project. This bill creates an administrative nightmare for the municipality and certain inconsistencies in enforcement of the building codes. Please consider the Pennsylvania Association of Building Codes Officials (PABCO) offered alternative language to this bill that would both solve the perceived issue and allow municipalities to continue to maintain their choice for building code enforcement.

Please feel free to contact us at 717-764-4646 with any questions.

Sincerely,

MANCHESTER TOWNSHIP

Stewart S. Olewiler, III
Building Code Official 001475

Timothy R. James
Manager

TJ/dkm