

Residential Construction Protection Package Bills

Testimony from Code Administrators

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PA HB 691 - UCC amendment - two year period for

<https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2023&sessIn d=0&billBody=H&billTyp=B&billNbr=0691&pn=0636>

- Consumer protection
 - The proposed remedies may be better suited under consumer protection legislation.
 - Home Improvement Contractor (HIC) legislation currently provides a path through the PA Attorney General for complaints for rehabilitated residential buildings. While the existing legislation is driven towards contractual requirements this may be a location for the proposed remedy of defects. Further noting new home contractors are not required to be HIC registered.
- Defect language
 - A clear definition of a defect is needed as impairment of use and value terminology is unclear and subjective.
 - Water infiltration issues are contained within the defect language. The current PA UCC regulations do not require an exterior wall covering water resistive barrier/drainage plane inspection for residential buildings. Without a mandate for a required exterior wall water resistive barrier inspection the construction code official must designate a specific inspection.
- Responsibility for enforcement
 - The Building Code Official (BCO) is responsible for enforcement of the PA UCC however the proposed amendment appears to provide civil remedies.

PA HB 694 -UCC amendment requiring residential building inspectors complete 5 hours of Con Ed for faulty construction practice, including the proper installation of “stucco”

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- Certified commercial building inspectors are permitted to inspect residential buildings; however the proposed legislation would not require a commercial building inspector to complete the proposed five hours of continuing education.
 - 15 credit hours for each certification category with 45 credit hours maximum, every three years, is currently required for certified construction code officials.

- The legislation keys on the installation of stucco alone; however all exterior wall envelopes require water-resistant barriers with a drainage plane, with a few exceptions given.
- While general knowledge of laws and legal liability of builders for faulty construction practice may be beneficial information for a code official, is this something that should be mandated as part of the required continuing education?
- While the inspector is charged with verifying code compliance the education of the contractors who are responsible for the construction should also be paramount. While PA does not currently require any statewide licensure for contractors or trade persons this may be a remedy to treat the root cause of faulty construction.