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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1957 Session of  
2015

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INTRODUCED BY PYLE, HEFFLEY, MILLARD, ZIMMERMAN AND OBERLANDER,  
APRIL 8, 2016

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 8, 2016

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AN ACT

1 Amending the act of November 10, 1999 (P.L.491, No.45), entitled  
2 "An act establishing a uniform construction code; imposing  
3 powers and duties on municipalities and the Department of  
4 Labor and Industry; providing for enforcement; imposing  
5 penalties; and making repeals," in adoption and enforcement  
6 by municipalities, further providing for administration and  
7 enforcement.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 501 of the act of November 10, 1999  
11 (P.L.491, No.45), known as the Pennsylvania Construction Code  
12 Act, is amended by adding subsections to read:

13 Section 501. Administration and enforcement.

14 \* \* \*

15 (b.1) Local referendum on code enforcement.--

16 (1) In municipalities that opt, pursuant to subsection

17 (b) (2), to contract with only one third-party agency to

18 administer and enforce this act, a referendum may be

19 initiated by the general public to terminate the arrangement.

20 The referendum shall require that the governing body contract

1 with at least three unrelated third-party agencies to provide  
2 plan review and inspection services for the enforcement and  
3 administration of this act.

4 (2) A referendum conducted under paragraph (1) must be  
5 initiated by petition of electors, with petitions containing  
6 signatures of at least 5% of the number of electors voting  
7 for the office of Governor in the last gubernatorial general  
8 election in the municipality, with the petition being filed  
9 with the board of elections of the county in which the  
10 municipality, or the greater portion of its territory, is  
11 located.

12 (3) A petition shall set forth:

13 (i) The name of the municipality from which the  
14 signers of the petition were obtained.

15 (ii) The name of the municipality to be affected.

16 (iii) A petition question, which shall read as  
17 follows:

18 Shall (name of affected municipality) retain a  
19 list of at least three certified third-party  
20 agencies from which residents may select to  
21 perform plan review and inspection services  
22 associated with a construction permit, as  
23 required by the Pennsylvania Construction Code  
24 Act?

25 (4) The petition shall be filed with the county board of  
26 elections not later than the 13th Tuesday prior to the next  
27 primary, municipal or general election. The petition and  
28 proceedings on the petition shall be conducted in the manner  
29 and subject to the provisions of the election laws that  
30 relate to the signing, filing and adjudication of nomination

1 petitions insofar as the provisions are applicable, except  
2 that no referendum petition shall be signed or circulated  
3 prior to the 20th Tuesday before the election, nor later than  
4 the 13th Tuesday before the election.

5 (5) When the county board of elections finds that a  
6 petition is in proper order, it shall send copies of the  
7 petition without the signatures to the governing body of the  
8 municipality affected by the proposed change.

9 (6) The petition shall be placed before the electors of  
10 the municipality. A referendum shall be held at the first  
11 primary, municipal or general election occurring at least 13  
12 weeks after the date of filing of the petition.

13 (7) If the referendum question is approved by a majority  
14 of the electors voting in the municipality, the municipality  
15 shall, within one year or when the current administration and  
16 enforcement contract expires with the third party, whichever  
17 is less, retain a list of at least three third-party agencies  
18 that the general public may utilize for purposes of  
19 administration and enforcement of this act with respect to a  
20 construction permit.

21 (8) There shall be a five-year moratorium on voting the  
22 same question if the referendum question is not approved by a  
23 majority of voters.

24 \* \* \*

25 (i) Definitions.--As used in this section, the following  
26 words and phrases shall have the meanings given to them in this  
27 subsection unless the context clearly indicates otherwise:

28 "Electors." The registered voters of a municipality.

29 Section 2. This act shall take effect in 60 days.