

Dear Members of the Pennsylvania State Senate,

On behalf of the undersigned local government associations, we write to express our collective opposition to Senate Bill 309 or similar language that would require municipal governments to contract with more than one third party agency to administer the Uniform Construction Code.

We have been made aware of potential amendment language to Senate Bill 867 requiring municipalities utilizing third-party agencies for UCC enforcement to contract with at least two certified agencies or any combination of these options. Current law provides flexibility for municipalities to determine the best way to administer and enforce the UCC, including with more than one third party if they choose. We understand that the amendment may be considered during the session week of March 16<sup>th</sup>. Our associations strongly oppose any attempt to impose further unfunded mandates related to the administration of the UCC.

Currently, municipal governments in Pennsylvania have the choice on how they enforce the UCC by using in-house inspectors, third-party agencies, or partnering with another municipality to share building code inspectors. A municipality also has the option to opt out of enforcing the UCC and allow the Department of Labor & Industry to be responsible for all commercial code enforcement in that municipality. According to the Department of Labor & Industry, over 90% of Pennsylvania's 2,562 municipalities have elected to administer and enforce the UCC locally, using their own employees or certified third-party agencies.

Requiring a municipality to contract with two certified inspectors would be an unfunded mandate for municipal governments in the name of redundancy. The retention of an additional third-party inspector would have to be done through the RFP process and the award of a professional services contract. The contract would then be up for renewal every two years. These additional requirements are unfunded mandates that will increase the costs and administration of UCC compliance and jeopardize a municipality's duty to protect the health, safety and welfare of its citizenry. In a time where some municipalities struggle to find just one agency to enforce the UCC, requiring a second agency asks municipalities to pay increased fees for service, when it is not necessary.

In addition to the increased cost, this language would also usurp local control over enforcing the building code. Municipal governments value the safety of construction projects within their municipal limits and should retain the single choice of who is tasked with enforcing the UCC in their municipality rather than requiring a second third-party agency for the sake of finding more developer friendly code officials. Currently, a local governing body has the authority to increase the number of its inspectors at its discretion.

Lastly, there is already a procedure in place if there are issues with a third-party agency. The Pennsylvania Department of Labor and Industry has the authority under current law to investigate complaints and to revoke licenses for cause, making them ineligible from being appointed by a municipality. This process allows for bad actors to be taken off of the available list of eligible agencies; who otherwise, could be hired by another municipality which may not be aware of previous complaints.

We believe this should remain a local decision. Senate Bill 309 or similar amendatory language would reduce municipal autonomy, complicate enforcement, and introduce significant administrative burden all while increasing unfunded mandates on financially strapped municipal governments.

Our organizations respectfully request a no vote on SB 309 or amendment language inserted into another bill that would make such a change to UCC enforcement.

Thank you for your consideration,

The Pennsylvania State Association of Boroughs

The Pennsylvania Municipal League

The Pennsylvania Association of Township Commissioners

The Pennsylvania Association of Township Supervisors