

**NEWLIN TOWNSHIP**  
**CHESTER COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2019-09**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEWLIN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, EXPRESSING OUR OPPOSITION TO PENNSYLVANIA HOUSE BILL 349 OF THE 2019-2020 SESSION, WHICH WOULD REQUIRE MUNICIPALITIES ENFORCING THE UNIFORM CONSTRUCTION CODE WITH THIRD-PARTY AGENCIES TO UTILIZE TWO OR MORE THIRD-PARTY AGENCIES.**

WHEREAS, Newlin Township is a municipality located in Chester County, Pennsylvania;

WHEREAS, under Section 501 (b) of the law, Newlin Township chose to “opt-in” to enforce the Uniform Construction Code (UCC), allowing the Township the choice to use either a municipal employee or a third-party agency for administration and enforcement;

WHEREAS, Newlin Township has enforced and administered the UCC through the use of a third-party agency, as authorized under state law and duly adopted ordinances;

WHEREAS, the Township’s third-party agency has administered the dictates of the UCC fairly and uniformly, and the Board of Supervisors is satisfied with the caliber of their work and the performance of their duties;

WHEREAS, the enactment of House Bill 349 would force the Township to retain two or more third-party agencies, effectively removing the Board’s authority to administer and enforce the UCC;

WHEREAS, the bill also requires a municipality to consider the fee schedule, availability, and public perception of a third-party agency, thus placing cost, availability and popularity over experience, performance and skill;

WHEREAS, the Board is concerned about liability and the protection of our taxpayers if a contractor is permitted to select a code enforcement agency that may not enforce the code strictly, consistently and fairly;

WHEREAS, the Commonwealth has minimal oversight over the performance of code enforcement officials;

WHEREAS, the UCC as currently written still allows the Township to pick more than one third-party agency if the Board so desires;

WHEREAS, the Board currently has the power to immediately find a new code enforcement official if it receives complaints or is otherwise dissatisfied with the Township's third-party agency;

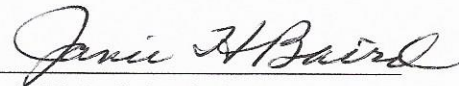
WHEREAS, the provisions of House Bill 349, directing that one of the third-party agencies be the municipality's third-party enforcement agent, is likely to lead to conflicts between administration and enforcement;

NOW THEREFORE, BE IT RESOLVED, THAT, for all of the reasons stated above, the Board of Supervisors of Newlin Township opposes HB 349, which will erode the Township's ability to administer and enforce the Uniform Construction Code in a manner that best protects the safety of the Township citizens;

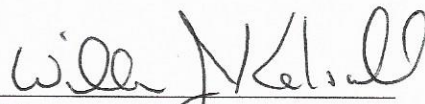
FURTHER RESOLVED, that the Board of Supervisors of Newlin Township urge the members of the Senate to vote against HB 349 and language contained in similar legislation and ask the House of Representatives to reconsider its approval should the matter again come before its members;

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the House and Senate;

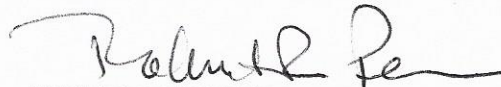
IN WITNESS THEREOF, the Board of Supervisors of Newlin Township adopts this Resolution on this 13<sup>th</sup> day of May 2019.



Janie H. Baird, Chair

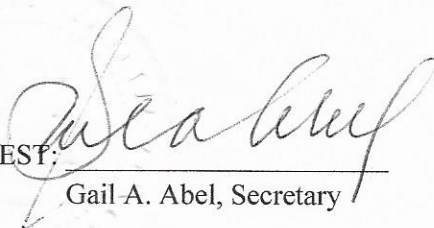


William J. Kelsall, Vice Chairman



Robert R. Pearson, Member

ATTEST:



Gail A. Abel, Secretary