BUILDING CODES

Building codes define the minimum standard of building performance and are an important tool to assure the Health, Safety and Welfare (HSW) of building occupants. Architects are professionally tested and licensed by the Commonwealth to interpret the building codes during the design process for application in many varieties of construction projects. Architects shoulder a long-term liability for each design realized.

Architects are intimately involved in the use and interpretation of the Uniform Construction Code (UCC) during the design and development process, and in most cases, prior to the involvement of other licensed professionals, code officials, and contractors. Because the Commonwealth already entrusts architects with the primary role of interpreting and applying the building codes, architects must be at the forefront of this discussion.

The Commonwealth is currently operating under the 2009 building codes. In 2015, the RAC only adopted 16 codes out of over 1,900; making it evident the process is broken. This is unacceptable because code updates impact the HSW of all Pennsylvanians.

AIA PA believes and supports:
- Building codes must be adopted after a full review every three years
- Pennsylvania should be a leader in adopting up-to-date codes
- RAC should only be reviewing code sections they want to scrutinize
- An opt-out review process by two-thirds majority
- Utilizing technical subcommittees to review code sections

Architects endeavor to provide the highest quality professional services and deliverables, and need a uniform field of reference for research and design efforts. Architects sign and seal design documents and shoulder the liability for their professional design work for a period of 13 years after completion of a project. This period of liability is much longer than the warranties that are normally applied to a contractor's work and longer than most periods of responsibility of developers, who often sell the asset shortly after development.

The Commonwealth has entrusted the responsibility to architects for the safety and efficiency of buildings over the long term. If architects cannot cite the most up-to-date building codes without the backing of Commonwealth enforcement, an architects’ exposure to HSW failures may increase.

AIA PA supports HB 409 and SB 296. While these bills do not encompass all of our values we view them as a positive step and the result of much compromise among many stakeholders. We believe that it is important to move forward and will continue to advocate for more comprehensive updates in the future.
The goal of High Performance Buildings is to optimize the performance of occupants, workers, students and teachers. Working in healthy, comfortable buildings provides an environment where people can do their best. Natural daylight, good ventilation, and a well-insulated building envelope all benefit the efficiency of the occupants and saves money.

AIA Pennsylvania supports policies, programs, and incentives that encourage energy conservation as it relates to the built environment as well as the development and harvesting of energy from local and renewable sources. Architects are encouraged to promote energy efficiency and waste reduction in the built environment to advance the goal of achieving carbon neutral buildings by the year 2030.

Architects are responsible for designing buildings that protect the health, safety and welfare of not only the public but also the environment. Consequently, we support governmental and private sector policy programs, including the development, evaluation, and use of building codes, standards and evidence-based rating systems, that promote the design, preservation, and construction of sustainable communities and high-performance buildings.

The 2015 U.S. Green Building Council Green Building Economic Impact Study, prepared by Booz Allen Hamilton (BAH) quantifies the economic value of green building and LEED construction. The trajectory of the green building sector of the U.S. construction industry is slated for expansive growth. To date, green building has created millions of jobs and contributed hundreds of billions of dollars to the U.S. and Pennsylvania economies.
AIA Pennsylvania recognizes that continuing education in architecture is crucial to advancing and improving the profession and to protecting the public’s health, safety, and welfare. Architects are professionally licensed by the Commonwealth and endeavor to safeguard the health, safety and welfare of the public by skillful use of planning and design concepts, building codes legislated for the various jurisdictions, and for the innovative use of new materials and technologies. Continuing education is critical.

The AIA makes continuing education a requirement for all members and believes it is in the best interest of the Commonwealth for the legislature to mandate continuing education for all architects in order for them to advance their skills.

In today’s rapidly changing landscape of building codes, standards, and new products and materials, architects must maintain an awareness and understanding of an ever-increasing amount of information. Clients and the public benefit from the expertise of architects for the development of solutions to the problems facing the built environment.

Currently, there are no mandatory continuing education requirements for architects in the Commonwealth. SB 432 and HB 223 amend the Architects Licensure Law by adding language requiring each licensee to provide certification of successful completion of a minimum of 24 hours of continuing education as a condition for renewal of the biennial license.
Pennsylvania’s Mechanics’ Lien law benefits contractors, subcontractors and suppliers of construction projects developed on a property by allowing them to claim a security interest in the title of that property based on the value of the work and materials provided to the owner for the project at that location. This has allowed the building trades a necessary tool to assure payment for improvements to the subject property. However, this law only covers contractors, subcontractors and suppliers; and not the Architects or Engineers (A/E) design work, which often begins well before the project breaks ground.

The current Mechanics’ Lien law only permits an A/E to utilize the Mechanics’ Lien law to get paid if the A/E supervises or supervises construction. A/E’s generally perform construction phase services, but these services are generally only about 20% of the fee. Ordinarily, about 80% of the work and fee is in the design phase.

AIA Pennsylvania would like to expand the Mechanics’ Lien Law to allow design professionals to utilize the Mechanics Lien law for design work, if the A/E are not paid for their work. The benefit to the A/E’s is they would not have to certify that they superintended or supervised the construction. Other subcontractors can currently file such a lien if a dispute with a general contractor leads to their non-payment.

While AIA Contract Documents provide model language for dispute resolution, having the added tool of the Mechanics’ Lien Law would help Architects and Engineers get paid for the many services they provide before, during and after construction. Updating the Mechanics’ Lien Law will bring Pennsylvania in line with nearly 40 states who currently have protection for design professionals.
Professional service taxes hurt state and local economies, impacting both businesses and consumers. If Pennsylvania taxes professional services, while other states do not, it encourages consumers to shop outside of state lines for a service provider, putting Pennsylvania businesses at a disadvantage.

AIA Pennsylvania strongly opposes a professional services tax. The architecture industry was one of the hardest hit industries during the recession with unemployment rates between 9% and 13%. Now that it appears the industry is finally starting to recover, these additional taxes on professional services will further harm this recovery and perhaps force firms to reduce staff once again. This tax will essentially be a reduction in architects’ fees because clients will resist the new tax.

A tax on professional services would encourage consumers to use out of state professionals due to the tax differentials across state lines. Since professional services are inherently mobile, most services can be performed from any location. These proposed taxes do not create a business-friendly environment in Pennsylvania.

Nationally, there is no trend of states that have successfully and broadly expanded a tax on professional services. Since 1987, five states have implemented and swiftly repealed a broad-based tax on professional service sales.

A professional services tax would discourage new business from expanding into Pennsylvania and would subsequently negatively impact our economic growth and development.
STOCK SCHOOL PLANS WILL NOT REDUCE COSTS

AIA Pennsylvania strongly opposes a School Design Clearinghouse and stock plans for school construction. A School Design Clearinghouse only addresses new construction and will not reduce the construction costs school districts are faced with. The Pennsylvania Department of Education cites that approximately 70% of projects are renovations or additions and stock school plans would not be applicable in those cases.

The idea of stock plans for school construction is nothing new. A total of 25 states have implemented and abandoned the use of standardized stock plans for school buildings after school districts failed to realize cost savings and educational outcomes were compromised.

Pennsylvania is home to 500 unique school districts with distinctive needs and educational goals. Establishing a School Design Clearinghouse mandates a one size fits all solution, undermines the individuality of school districts, ignores specific educational needs, and stifles community involvement in the construction process.

The myth of assumed benefits and cost savings of using stock school plans is easily dispelled. Stock school plans do not mitigate the cost of site development (soil redistribution, traffic flow, water availability, sewer & utilities), construction administration, or the cost of adapting the site to suit the user’s needs. Each school has unique features that need to be considered prior to construction planning. After the aforementioned factors are included in the overall construction costs, it is more cost effective to design a school to fit the distinctive specified site and the needs of the school district and community.

Another flaw is the liability of stock plans. In Pennsylvania it is illegal for an architect to sign or stamp construction documents that were not personally prepared or supervised. An architect hired to use existing documents would essentially need to disassemble the plans and recalculate each element to be sure they meet the building code requirements of the local jurisdiction which is unnecessarily costly.

The use of stock plans will result in poorly adapted designs resulting in increased litigation and higher insurance premiums. If the full professional services of an architect are leveraged, a school will be designed the most efficient way, provide an excellent environment for student outcomes and teacher performance, and save millions of dollars in energy costs over the life-span of the building.

Founded in 1909, AIA Pennsylvania is the state-wide component of The American Institute of Architects. AIA Pennsylvania, headquartered in Harrisburg, is governed by a Board of Directors representing eight local AIA chapters across the Commonwealth. Our Association serves over 2,900 members. Visit www.aiapa.org.
Architecture improves student success and health. Thoughtfully designed buildings and spaces enhance learning outcomes by allowing teachers and students to focus on their education.

Education funding is a welcome focus of the ongoing budget discussions, however, there is one important component of education funding that appears to be at risk of elimination: the PlanCon program for school construction reimbursement. While the current PlanCon program must be reformed, the state must also continue to provide reimbursement for school construction and renovation projects.

We understand the current PlanCon process is lengthy and burdensome and must be streamlined. We strongly believe that the state must continue to play a role in providing reimbursement for school construction and renovation. Maintaining such a program ensures that all school districts can provide appropriate school facilities and safe and secure learning environments for their students.

In an Act 1 of 2006 environment, in which school districts cannot raise property taxes above the index, it will be nearly impossible for most school districts to ever fund a needed construction or renovation project without state reimbursement. Couple that with the fact that some school districts are also facing downgraded bond ratings, due mostly to rising pension and charter school tuition costs, making borrowing an even more expensive endeavor for schools and taxpayers.

Without some program for state reimbursement, it will be educational programs on the chopping block to fund needed renovation projects—such as projects to fix leaking roofs, replace failing HVAC systems or even add space to deal with growing enrollment.

We believe that the PlanCon Advisory Committee offers the unique opportunity to craft a reformed, efficient, and streamlined process for school construction and renovation reimbursement going forward, one that we think should look very different than the current PlanCon process.

With school districts in mind, we ask that you continue to provide state funding for school construction both now and through future programs. Instead of eliminating the PlanCon program, we urge you to take this opportunity to craft a program for school construction reimbursement that will benefit the Commonwealth, school districts, the built environment and taxpayers into the future.
Student debt is one of the most critical issues facing the next generation of design professionals. The average architecture student with a five year Bachelors’ degree graduates with over $42,000 in student loan debt. Students graduating with a Masters in Architecture face over $72,000 in loan debt, ranking architecture as one of the disciplines with the highest loan balances in the country.

Due to a spiraling economy several years ago, many architecture firms were forced to lay off staff or even close. Many architecture students were unable to find jobs in their field and were obligated to find another occupation. The design and construction industry faces a severe shortage of talent, at exactly the moment the Commonwealth needs to start rebuilding and revitalizing our underserved areas and blighted communities.

For the aforementioned reasons we are supporting legislation that eases the burden by providing loan assistance to architecture students and recent graduates who contribute their design services to underserved areas.

The Neighborhood Restoration Act would create a program allowing architecture students to work in underserved areas of the Commonwealth in exchange for assistance with their student loans. As a result, communities will receive a broad range of architecture services that may not have otherwise been available, and architecture graduates will be able to get valuable experience while lessening their debt.

SB 459 will help promote sustainable economic development and jobs by ensuring aspiring architects are able to gain valuable experience while giving back to their communities designing public projects such as schools, health clinics, housing facilities and libraries. In return, the bill will alleviate some of the barriers new graduates face as they pursue their dreams in architecture. Architecture is the key to neighborhood revitalization and downtown restoration.

Founded in 1909, AIA Pennsylvania is the state-wide component of The American Institute of Architects. AIA Pennsylvania, headquartered in Harrisburg, is governed by a Board of Directors representing eight local AIA chapters across the Commonwealth. Our Association serves over 2,900 members. Visit www.aiapa.org.