

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1409 Session of 2015

INTRODUCED BY RAPP, PICKETT, KAUFFMAN, COX, TRUITT, ZIMMERMAN, MILLARD, RADER AND GABLER, JUNE 28, 2015

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 23, 2016

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(c) of the act of November 10, 1999
11 (P.L.491, No.45), known as the Pennsylvania Construction Code
12 Act, amended November 29, 2006 (P.L.1440, No.157) and October
13 24, 2012 (P.L.1433, No.179), is amended to read:

14 Section 501. Administration and enforcement.

15 * * *

16 (c) Board of appeals.--

17 (1) A municipality which has adopted an ordinance for
18 the administration and enforcement of this act or
19 municipalities which are parties to an agreement for the
20 joint administration and enforcement of this act shall

1 establish or designate a board of appeals as provided by
2 Chapter 1 of the 1999 BOCA National Building Code, Fourteenth
3 Edition, to hear appeals from decisions of the code
4 administrator. Members of the municipality's governing body
5 may not serve as members of the board of appeals. A
6 municipality may establish a board of appeals or may
7 establish or designate a joint board of appeals in accordance
8 with 53 Pa.C.S. Ch. 23 Subch. A (relating to
9 intergovernmental cooperation).

10 (2) An application for appeal shall be based on a claim
11 that the true intent of this act or regulations legally
12 adopted under this act have been incorrectly interpreted, the
13 provisions of this act do not fully apply or an equivalent
14 form of construction is to be used.

15 (3) When a municipality cannot find persons to serve on
16 a board of appeals who meet the minimum qualifications of
17 Chapter 1 of the BOCA National Building Code, the
18 municipality may fill a position on the board with a
19 qualified person who resides outside of the municipality.

20 (4) The fee for an appeal to the Board of Appeals for a
21 municipality that is administering and enforcing this act
22 shall not exceed actual costs of the public notice of the
23 hearing, appearance fee for the court reporter and
24 administrative fees as necessary.

25 (5) In the case of an appeal or request for variance or
26 extension of time involving the construction of a one-family
27 or two-family residential building, the board of appeals
28 shall convene a hearing within 30 days of the appeal. The
29 Board of Appeals shall render a written decision to the
30 parties within five business days, or within ten business

1 days in cities of the first class, of the last hearing. If
2 the board of appeals fails to act within the time period
3 under this paragraph, the appeal shall be deemed granted.

4 (6) In the case of a change of code administrator with
5 jurisdiction over ~~work on~~ a project, ~~every~~ subsequent code <--
6 ~~administrator~~ ADMINISTRATORS shall be subject to decisions <--
7 previously rendered on the project by the board of appeals.

8 * * *

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