
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 269 Session of
2017

INTRODUCED BY BAKER AND RAFFERTY, JANUARY 31, 2017

REFERRED TO LABOR AND INDUSTRY, JANUARY 31, 2017

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 preliminary provisions,
6 further providing for definitions and for Uniform
7 Construction Code Review and Advisory Council and providing
8 for review of updated sections and adoption of updated
9 sections into Uniform Construction Code; in Uniform
10 Construction Code, further providing for revised or successor
11 codes; in adoption and enforcement by municipalities, further
12 providing for administration and enforcement; in training and
13 certification of inspectors, further providing for education
14 and training programs; and, in exemptions, applicability and
15 penalties, further providing for applicability to certain
16 buildings.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The definition of "board of appeals" in section
20 103 of the act of November 10, 1999 (P.L.491, No.45), known as
21 the Pennsylvania Construction Code Act, is amended and the
22 section is amended by adding definitions to read:

23 Section 103. Definitions.

24 The following words and phrases when used in this act shall
25 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "Board of appeals." The body created by a municipality or
4 more than one municipality to hear appeals from decisions of the
5 code administrator as provided for by [Chapter 1 of the 1999
6 Building Officials and Code Administrators International, Inc.,
7 National Building Code, Fourteenth Edition] the department by
8 regulation.

9 * * *

10 "Collective codes." The term includes:

11 (1) Provisions of the ICC codes specified in 34 Pa. Code
12 § 403.21 (relating to Uniform Construction Code).

13 (2) Any other sections of the ICC codes which were
14 previously subject to review by the council whether or not
15 those sections were incorporated into the Uniform
16 Construction Code or specified in 34 Pa. Code § 403.21.

17 * * *

18 "Existing sections." All sections of the collective codes
19 that have been incorporated into the Uniform Construction Code
20 that are currently in effect at the time of review by the
21 council pursuant to section 108.

22 * * *

23 "Unopposed sections." Any and all updated sections that:

24 (1) Do not receive a public comment recommending
25 modification or rejection pursuant to section 108(a)(3)(ii).

26 (2) Are not selected for further review by a technical
27 advisory committee pursuant to section 108(a)(3)(v).

28 (3) Are not selected for further review by the council
29 pursuant to section 108(a)(3)(ix)(A).

30 "Updated sections." Any and all sections of the newest

1 editions of the ICC codes subject to review by the council under
2 section 108(a)(1) that are different from, added to or deleted
3 from, the immediately preceding editions of the ICC codes. Each
4 updated section shall be referenced by the section number
5 assigned to the section by the ICC codes.

6 * * *

7 Section 2. Section 107 of the act is amended to read:
8 Section 107. Uniform Construction Code Review and Advisory
9 Council.

10 (a) Establishment.--The Uniform Construction Code Review and
11 Advisory Council is hereby established.

12 (b) Duties.--The council shall do the following:

13 (1) Gather information from municipal officers, building
14 code officials, construction code officials, licensed design
15 professionals, builders [and], property owners, construction
16 trades and consumer representatives concerning issues with
17 the Uniform Construction Code raised by council members or
18 changes proposed by members of the General Assembly.

19 (2) Evaluate the information compiled under paragraph
20 (1) and make recommendations to the following:

21 (i) The Governor.

22 (ii) The Secretary of Labor and Industry.

23 (iii) The members of any legislative committee
24 considering amendments to this act.

25 (iv) The President pro tempore of the Senate.

26 (v) The Speaker of the House of Representatives.

27 (vi) The [Code Development Councils of the]
28 International Code Council.

29 (3) With the exception of the accessibility provisions
30 of [Chapter 11 and Appendix E of the International Building

1 Code of 2009, or its successor] the most recently published
2 editions of ICC codes, or any other accessibility
3 requirements specified in regulation, contained in or
4 referenced by the Uniform Construction Code relating to
5 persons with physical disabilities, review the [latest
6 triennial code revisions issued by the International Code
7 Council, beginning with the 2012 codes] updated sections, as
8 provided under [subsection (b.1)] section 108, or other
9 sections of the collective codes, as provided under section
10 108(a)(1)(iii).

11 [(b.1) Code review process.--

12 (1) Beginning with the 2012 ICC codes, the council shall
13 review the latest triennial code revisions upon official
14 publication of the codes.

15 (2) During the review process, the council shall hold at
16 least three public hearings. One of the public hearings shall
17 be held in Harrisburg, one shall be held in the eastern
18 region of this Commonwealth and one shall be held in the
19 western region of this Commonwealth.

20 (3) The council shall submit a report to the secretary
21 within the 12-month period following official publication of
22 the latest triennial code revisions under paragraph (1) with
23 provisions of the codes that are specified for adoption. The
24 provisions of the codes that are specified for adoption shall
25 be separately designated in the report.

26 (4) The council shall examine triennial code revisions
27 applying all of the following criteria:

28 (i) The impact that the provision may have upon the
29 health, safety and welfare of the public.

30 (ii) The economic and financial impact of the

1 provision.

2 (iii) The technical feasibility of the provision.

3 (5) Only triennial code revisions that are adopted by a
4 two-thirds vote of council membership shall be included in
5 the report required under paragraph (3).]

6 (c) Composition.--The council shall [consist of the
7 following members appointed by the Governor:

8 (1) A general contractor from an association
9 representing the residential construction industry who has
10 recognized ability and experience in the construction of new
11 residential buildings.

12 (2) A general contractor from an association
13 representing the nonresidential construction industry who has
14 recognized ability and experience in the construction of
15 nonresidential buildings.

16 (3) A Uniform Construction Code-certified residential
17 building inspector who possesses all five residential
18 certifications from an association representing building code
19 officials who has experience administering and enforcing
20 residential codes.

21 (4) A Uniform Construction Code-certified building
22 inspector who possesses all nonresidential inspection
23 certifications, but need not possess a fire inspector
24 certification, or a certified plans examiner who also holds
25 an accessibility certification from an association
26 representing building code officials who has experience
27 administering and enforcing nonresidential codes.

28 (5) A Uniform Construction Code-certified fire inspector
29 from an association representing building code officials.

30 (6) A Uniform Construction Code-certified building code

1 official from an association representing building code
2 officials with building code official certification.

3 (7) A residential contractor from an association
4 representing contractors engaged in remodeling residential
5 buildings who has recognized ability and experience in
6 remodeling residential and nonresidential buildings.

7 (8) A licensed architect from an association
8 representing architects who has recognized ability and
9 experience in the design and construction of nonresidential
10 buildings.

11 (9) A licensed architect from an association
12 representing architects who has recognized ability and
13 experience in the design and construction of residential
14 buildings.

15 (10) A licensed structural engineer from an association
16 representing professional engineers who has recognized
17 ability and experience in the design and construction of
18 buildings.

19 (11) A licensed mechanical engineer specializing in HVAC
20 systems from an association representing professional
21 engineers who has recognized ability and experience in the
22 design and construction of buildings.

23 (12) A licensed mechanical engineer specializing in
24 plumbing and fire protection from an association representing
25 professional engineers who has recognized ability and
26 experience in the design and construction of buildings.

27 (13) A licensed electrical engineer from an association
28 representing professional engineers who has recognized
29 ability and experience in the design and construction of
30 buildings.

1 (14) An elected official of a township of the second
2 class who has recognized ability and experience in
3 construction of buildings.

4 (15) An elected borough official who has recognized
5 ability and experience in construction of buildings.

6 (16) An elected official of a third class city who has
7 recognized ability and experience in the construction of
8 buildings.

9 (17) An individual from an association representing
10 manufactured housing who shall be knowledgeable, licensed or
11 certified to sell and install manufactured housing.

12 (18) An official of a city of the first class who has
13 recognized ability and experience in the administration and
14 enforcement of this act.

15 (19) An individual from an association representing only
16 modular housing manufacturers who is knowledgeable, licensed
17 or certified under the act of May 11, 1972 (P.L.286, No.70),
18 known as the Industrialized Housing Act, to manufacture and
19 sell modular homes in Pennsylvania.] be comprised of members
20 selected as follows:

21 (1) One member, appointed by the President pro tempore
22 of the Senate, who must be a general contractor from an
23 association representing the residential construction
24 industry and have a recognized ability and experience in the
25 construction of new residential dwellings.

26 (2) One member, appointed by the Minority Leader of the
27 Senate, who must be a second or third class city official and
28 have recognized ability and experience in the construction of
29 buildings.

30 (3) One member, appointed by the Speaker of the House of

1 Representatives, who must be a general contractor from an
2 association representing the nonresidential construction
3 industry and have recognized ability and experience in the
4 construction of nonresidential buildings.

5 (4) One member, appointed by the Minority Leader of the
6 House of Representatives, who must have recognized ability
7 and experience in construction trades so as to represent
8 employees in the industry.

9 (5) Seventeen members appointed by the Governor to
10 include the following:

11 (i) One member who must be a Uniform Construction
12 Code-certified residential building inspector, possess
13 all five residential certifications from an association
14 representing building code official and have experience
15 administering and enforcing residential codes.

16 (ii) One member who must be a Uniform Construction
17 Code-certified building inspector, possess all
18 nonresidential inspection certifications or a certified
19 plans examiner, hold an accessibility certification from
20 an association representing building code officials and
21 have experience administering and enforcing
22 nonresidential codes. The code-certified building
23 inspector need not possess a fire inspector
24 certification.

25 (iii) One member who must be a Uniform Construction
26 Code-certified fire inspector from an association
27 representing fire code officials.

28 (iv) One member who must be a Uniform Construction
29 Code-certified building code official from an association
30 representing building code officials with building code

1 official certification.

2 (v) One member who must be residential contractor
3 from an association representing contractors engaged in
4 remodeling residential buildings and have recognized
5 ability and experience in remodeling residential and
6 nonresidential buildings.

7 (vi) One member who must be a licensed architect
8 from an association representing architects and have
9 recognized ability and experience in the design and
10 construction of nonresidential buildings.

11 (vii) One member who must be a licensed architect
12 from an association representing architects and have
13 recognized ability and experience in the design and
14 construction of residential buildings.

15 (viii) One member who must be a licensed structural
16 engineer from an association representing professional
17 engineers and have recognized ability and experience in
18 the design and construction of buildings.

19 (ix) One member who must be a licensed mechanical
20 engineer specializing in HVAC systems from an association
21 representing professional engineers and have recognized
22 ability and experience in the design and construction of
23 buildings.

24 (x) One member who must be a licensed mechanical
25 engineer specializing in plumbing and fire protection
26 from an association representing professional engineers
27 and have recognized ability and experience in the design
28 and construction of buildings.

29 (xi) One member who must be a licensed electrical
30 engineer from an association representing professional

1 engineers and have recognized ability and experience in
2 the design and construction of buildings.

3 (xii) One member who must be a public official of a
4 borough and have recognized ability and experience in the
5 construction of buildings.

6 (xiii) One member from an association representing
7 manufactured housing who must be knowledgeable, licensed
8 or certified to sell and install manufactured housing.

9 (xiv) One member who must be a first class city
10 official and have recognized ability and experience in
11 the administration and enforcement of this act.

12 (xv) One member from an association representing
13 only modular housing manufacturers who must be
14 knowledgeable, licensed or certified under the act of May
15 11, 1972 (P.L.286, No.70), known as the Industrialized
16 Housing Act, to manufacture and sell modular homes in
17 this Commonwealth.

18 (xvi) One member who is a public official of a
19 township of the second class and has recognized ability
20 and experience in the construction of buildings.

21 (xvii) One member from an association representing
22 commercial building owners who has recognized ability and
23 experience in the construction and renovation of
24 nonresidential buildings.

25 At least one of the inspectors appointed to the council shall be
26 a municipal employee, and at least one inspector shall be a
27 third-party private sector inspector.

28 (d) Vacancies.--Vacancies on the council shall be filled in
29 the [same] manner [in which they were originally designated]
30 provided under subsection (c) within 30 business days of the

1 vacancy[. If the Governor fails to act within 30 business days,
2 the council chairperson shall appoint an individual to fill the
3 vacancy.] and any new council member appointed shall serve the
4 remainder of the term of his or her predecessor.

5 (e) Removal.--Council members who miss three or more
6 consecutive meetings or who miss three or more meetings of a
7 technical advisory committee to which they have been appointed,
8 may be removed from the council and any technical advisory
9 committees to which they have been appointed and a new council
10 member shall be appointed in accordance with this section.
11 Notwithstanding any other provision to the contrary, the council
12 chair shall appoint a council member to serve on a technical
13 advisory committee and replace a council member removed from
14 that technical advisory committee pursuant to this subsection. A
15 council member may also be removed for just cause by the
16 Governor.

17 (f) Terms.--

18 (1) A member of the council shall serve terms of [two]
19 three years and until his successor is appointed. [beginning
20 July 1, 2008, except the initial term of members appointed
21 under subsection (c) (1), (3), (4), (5), (8), (11), (13) and
22 (14) shall be for three years and until their successor is
23 appointed.]

24 (2) The current term of a council member serving on the
25 effective date of this paragraph shall be extended by one
26 additional year or to June 30, 2017, whichever is later.

27 (g) Chairperson and vice chairperson.--The members shall
28 elect, by a majority vote, a chairperson and vice chairperson of
29 the council.

30 (h) Quorum.--[Ten] Eleven members shall constitute a quorum.

1 (i) Meetings.--Meetings shall be conducted as required under
2 65 Pa.C.S. Ch. 7 (relating to open meetings) as follows:

3 (1) The council shall meet at least once every six
4 months. Meeting dates shall be set by majority vote of the
5 council members or by the call of the chair along with at
6 least seven business days' notice to all members.

7 (2) All meetings of the council shall be publicly
8 advertised and shall be open to the public. Members of the
9 general public shall be given reasonable opportunity to
10 address the council.

11 (3) The council shall publish a schedule of its meetings
12 in the Pennsylvania Bulletin and in at least one newspaper of
13 general circulation. The notice shall be published at least
14 five business days in advance of each meeting. The notice
15 shall specify the date, time and place of the meeting and
16 shall state that the meetings of the council are open to the
17 general public.

18 (4) Council members may participate in council meetings
19 in person, via telephone conference, or via video conference.
20 Council members may submit votes in person, telephonically or
21 by e-mail to the chair of the council. The department may
22 approve similar methods of communication for participation
23 and voting by council members.

24 (j) Administrative support.--The department shall provide a
25 facility for council meetings under this act, stenographic
26 services, secretarial services, legal representation and
27 required notice of the council's meetings. The department [may]
28 shall provide staff support in drafting any reports required
29 under this act.

30 (k) Technical support.--The council may solicit and retain,

1 with or without compensation, individuals who are qualified by
2 training or experience to provide expert input to the council
3 [and, at]. At the discretion of the council:

4 (1) Except as set forth in paragraph (2), such
5 individuals may be compensated for their services or
6 reimbursed for reasonable travel expenses at a reasonable
7 rate established by the secretary, or both.

8 (2) Paragraph (1) does not apply to a member of a
9 technical advisory committee appointed under subsection (m)
10 (1) (v).

11 (1) Compensation and expenses.--Members of the council shall
12 not receive a salary or per diem allowance for their service[.]
13 but shall be reimbursed in amounts and as determined by the
14 department for reasonable travel, lodging and other necessary
15 expenses incurred in performing their duties.

16 (m) Technical advisory committees.--

17 (1) The council shall establish a process by which
18 technical advisory committees will assist the council in the
19 review of the updated sections. The technical advisory
20 committee process shall comply with the following
21 requirements:

22 (i) There shall be a technical advisory committee
23 for each of the codes included in the Uniform
24 Construction Code and specified in 34 Pa. Code § 403.21
25 (relating to Uniform Construction Code), and such other
26 technical advisory committees as the council deems
27 necessary to facilitate its review. Members of industry
28 and interest groups associated with code development and
29 enforcement shall be permitted to participate in the
30 technical advisory committee.

1 (ii) Each technical advisory committee shall be
2 limited to a maximum of 12 members. The chair of the
3 council shall appoint a council member to chair each
4 technical advisory committee. Any other council member
5 may seek appointment to a technical advisory committee
6 and, if no more than four additional council members seek
7 appointment to a specified technical advisory committee,
8 those council members shall also be appointed to the
9 technical advisory committee. If more than four council
10 members seek appointment to a technical advisory
11 committee, the chair of the council shall appoint four of
12 the council members seeking appointment to serve and the
13 remaining council members seeking appointment shall serve
14 only if additional positions on the technical advisory
15 committee remain after selection of the technical
16 advisory committee members pursuant to subparagraph (v).

17 (iii) The department shall publish a notice seeking
18 participation in the technical advisory committees in the
19 Pennsylvania Bulletin and on the department's publicly
20 accessible Internet website or, in the absence of an
21 Internet website, in such other manner as the secretary
22 determines will provide substantially similar public
23 notice.

24 (iv) Interested persons shall submit to the chair of
25 the council the following information within 30 days
26 following the publication of the notice:

27 (A) name;

28 (B) the name or subject matter area of the
29 technical advisory committee to which the individual
30 seeks to be appointed;

1 (C) contact information;

2 (D) industry sector, interest group or area of
3 construction industry expertise, if applicable; and

4 (E) summary of experience and expertise.

5 (v) The chair of the council shall seek to ensure
6 diversity of interests on each technical advisory
7 committee. Technical advisory committee members shall be
8 selected by the chair of the council from among the
9 interested persons identified in subparagraph (iv) so as
10 to ensure that technical advisory committees add relevant
11 expertise as well as differing viewpoints, industries,
12 professions and other interests.

13 (vi) Meetings of the technical advisory committees
14 may be in person, via telephone conference or via video
15 conference. The department may approve similar methods of
16 communication for participation and voting by technical
17 advisory committee members.

18 (vii) Technical advisory committee members may
19 submit votes in person, telephonically or by electronic
20 mail to the chair of the technical advisory committee.
21 Decisions of a technical advisory committee shall be by
22 majority of the votes received.

23 Section 3. The act is amended by adding a section to read:

24 Section 108. Review of updated sections and adoption of updated
25 sections into Uniform Construction Code.

26 (a) Code review process.--

27 (1) (i) Except as specifically provided in this act
28 with respect:

29 (A) to the 2015 changes to the Uniform
30 Construction Code adopted by the council; and

1 (B) to the procedure outlined in subparagraph
2 (iii),
3 the council shall commence its review of the updated
4 sections 21 months following the publication of a new
5 edition of the ICC codes in accordance with paragraph
6 (3). Notwithstanding any other provision of this act to
7 the contrary, the council shall initiate a new review of
8 the updated sections contained in the 2015 edition of the
9 ICC codes within 30 days of the effective date of this
10 section, and this review shall be referred to as the 2015
11 Code Review. The decisions by the council with respect to
12 the 2015 edition of the ICC codes previously provided to
13 the department on May 29, 2015, and the regulations
14 promulgated by the department as a result, shall remain
15 in full force and effect until December 31, 2018. As of
16 December 31, 2018, the decisions of the council as a
17 result of the 2015 Code Review and the regulations
18 promulgated by the department as a result, shall
19 supersede any previous inconsistent council decisions or
20 departmental regulations.

21 (ii) The 2015 Code Review shall be conducted in
22 accordance with provisions of this act, except that
23 public comment period under paragraph (3)(i) shall be 30
24 days, and except that the council shall only be required
25 to hold one public hearing, which shall be in Harrisburg,
26 notwithstanding the requirements of paragraph (3)(viii).

27 (iii) The council shall also review, in accordance
28 with the procedures outlined in this act, any section of
29 the collective codes that do not otherwise constitute
30 updated sections but only if two-thirds of the council

1 membership so determine. The sections selected for review
2 shall be referred to as "additional sections." The
3 additional sections shall be treated for purposes of
4 review and approval or disapproval by the council as
5 updated sections. The selection of additional sections
6 shall occur during two meetings of the council, the first
7 to occur between 14 and 16 months following publication
8 of a new edition of the ICC codes and the last to occur
9 no later than 18 to 21 months following publication of a
10 new edition of the ICC codes.

11 (iv) Notwithstanding any other provision of this
12 paragraph, the selection of additional sections with
13 respect to the 2015 Code Review shall be made in a
14 meeting or meetings, the number of meetings to be
15 determined by the chair of the council, to be held 30 to
16 90 days after the effective date of this section.

17 (2) Each updated section subject to review under
18 paragraph (3) (v) shall be examined applying all of the
19 following criteria:

20 (i) The impact that the section may have upon the
21 health, safety and welfare of the public.

22 (ii) The economic and financial impact of the
23 section, including impact on the end consumer.

24 (iii) The technical feasibility of the section.

25 (3) The council shall review the updated sections as
26 follows:

27 (i) A 120-day period to receive comments from
28 council members and the general public regarding the
29 updated sections shall commence 30 days following the
30 start of the council's review under paragraph (1). The

1 public comment period shall be announced in the
2 Pennsylvania Bulletin and on the department's publicly
3 accessible Internet website or, in the absence of an
4 Internet website, in such other manner as the secretary
5 determines will provide substantially similar public
6 notice.

7 (ii) All public comments shall be submitted on a
8 form created by the council. Each comment shall relate to
9 a single updated section. The comment shall, at a
10 minimum, specify the updated section to which the comment
11 relates, state whether the updated section should be
12 adopted, rejected or modified, and specify the rationale
13 for the recommended action based on the criteria set
14 forth in paragraph (2). Any modification must further the
15 purpose and effect of the standards under review.

16 (iii) All public comments submitted in accordance
17 with subparagraph (ii) shall be provided to all council
18 members, posted on the department's publicly accessible
19 Internet website or, in the absence of an Internet
20 website, in such other manner as the secretary determines
21 will provide substantially similar public notice. All
22 public comments submitted in accordance with subparagraph
23 (ii) shall be reviewed individually by a technical
24 advisory committee.

25 (iv) After the expiration of the public comment
26 period, the chair shall assign each updated section,
27 regardless of whether a public comment has been received,
28 to the technical advisory committee for the code that
29 contains the updated section.

30 (v) The technical advisory committee shall review

1 all of the updated sections it has been assigned as
2 provided in this section. The technical advisory
3 committee may also review any related updated section,
4 any existing section or any related collective code
5 section as needed to ensure consistency and effectiveness
6 of the Uniform Construction Code. Even if an updated
7 section has not received a public comment in accordance
8 with subparagraph (ii), a technical advisory committee
9 member may select one or more of the updated sections
10 assigned to the technical advisory committee for
11 individual consideration by the council under
12 subparagraph (ix) (B).

13 (vi) For each updated section that:

14 (A) receives a comment recommending modification
15 or rejection in accordance with subparagraph (ii); or

16 (B) a member of the technical advisory committee
17 to which it has been assigned has separately selected
18 for individual review by the council;

19 the technical advisory committee shall submit to the
20 chair of the council a recommendation that the section
21 and any related section identified in subparagraph (v) be
22 adopted, rejected or modified. The technical advisory
23 committee shall submit the rationale for its
24 recommendations. Notwithstanding any other provision of
25 this subparagraph, updated sections that do not receive a
26 comment recommending modification or rejection in
27 accordance with subparagraph (ii) and that a member of
28 the technical advisory committee has not separately
29 selected for individual review by the council shall be
30 noted in the report as unopposed.

1 (vii) The technical advisory committee's
2 recommendations shall be posted on the department's
3 publicly accessible Internet website or, in the absence
4 of an Internet website, in such other manner as the
5 secretary determines will provide substantially similar
6 public notice. The technical advisory committee's
7 recommendations shall be posted at least 10 business days
8 prior to holding the first hearing pursuant to this
9 section.

10 (viii) After submission of all recommendations of
11 the technical advisory committees, the council shall hold
12 at least three public hearings. One of the public
13 hearings shall be held in Harrisburg, one shall be held
14 in the eastern region of this Commonwealth and one shall
15 be held in the western region of this Commonwealth.

16 (ix) Upon completion of the hearings, the council
17 shall hold one or more official meetings of the council
18 to decide whether to adopt, reject or modify the updated
19 sections and any related section identified in
20 subparagraph (v). The following shall apply:

21 (A) The council shall consider and vote on the
22 unopposed sections as a group. Prior to a vote on the
23 unopposed sections as a group, the council shall
24 first consider any motion made by a council member to
25 exclude a section from the unopposed group. If the
26 motion is supported by a two-thirds majority of the
27 council membership, that section shall be removed
28 from the unopposed group. There shall be no limit to
29 the number of motions that the council shall consider
30 before consideration of the unopposed sections as a

1 group. Unopposed sections that remain as part of the
2 group, after consideration of motions to exclude
3 sections, shall be deemed adopted unless rejected by
4 a two-thirds majority vote of the council. All
5 unopposed sections that are rejected as a group or
6 successfully excluded from the group shall be subject
7 to the procedure specified in clause (B). For each
8 unopposed section that the council subjects to the
9 procedure specified in clause (B), the council shall
10 provide, in writing, the specific rationale for its
11 decision.

12 (B) Except for the unopposed sections, a two-
13 thirds majority of the council members is required
14 for adoption or modification of the updated sections.
15 The council may vote on the updated sections
16 individually or in groups. If the council's decision
17 on an updated section differs from the recommendation
18 of the technical advisory committee, the council
19 shall provide, in writing, the specific rationale for
20 its decision.

21 (b) Submission of report.--With the exception of the
22 council's review of the 2015 ICC codes, the council shall submit
23 a report to the secretary within the 24-month period following
24 the commencement of the review process by the council with
25 sections of the updated codes and additional codes that are
26 specified for adoption or modification. The sections of the
27 codes that are specified for adoption or modification shall be
28 separately designated in the report. For the council's review of
29 the 2015 ICC codes only, the council shall submit a report to
30 the secretary on or before June 1, 2018.

1 Section 4. Sections 304, 501(c), 703 and 902(c) of the act
2 are amended to read:

3 Section 304. Revised or successor codes.

4 (a) Duties of department.--

5 (1) (i) Subject to sections 105(c) and (d), 301(a)(3),
6 (4), (5), (6) and (7), (c) and (d) and 302, within
7 [three] nine months of the receipt of the report under
8 section [107(b.1)] 108(b), the department shall
9 promulgate final-omitted regulations under the act of
10 June 25, 1982 (P.L.633, No.181), known as the Regulatory
11 Review Act, to adopt the [triennial code revisions made]
12 council's decisions contained in the report without
13 change.

14 (ii) Except as provided in subparagraph (iii),
15 regulations adopted under this act shall become effective
16 33 months after the commencement of council review as
17 provided for in section 108(a)(1)(i).

18 (iii) Regulations promulgated by the department as a
19 result of the 2015 Code Review shall be effective
20 December 31, 2018.

21 (2) Regulations promulgated under this subsection are
22 exempt from:

23 (i) section 205 of the act of July 31, 1968
24 (P.L.769, No.240), referred to as the Commonwealth
25 Documents Law; and

26 (ii) sections 204(b) and 301(10) of the act of
27 October 15, 1980 (P.L.950, No.164), known as the
28 Commonwealth Attorneys Act.

29 (3) [Notwithstanding paragraphs (1) and (2), the] The
30 department shall promulgate regulations updating

1 accessibility standards under Chapter 3 by adopting [Chapter
2 11 and Appendix E of the International Building Code of 2012,
3 or its successor,] by December 31 of the year of issuance of
4 [the new code.] the accessibility provisions of the most
5 recently published edition of the ICC codes and any other
6 accessibility requirements which shall be specified in the
7 regulations, or contained in or referenced by the Uniform
8 Construction Code relating to persons with disabilities.

9 (4) The department may contract with the ICC to
10 establish and publish code manuals that contain the standards
11 of the Uniform Construction Code. The department shall
12 require in any contract under this paragraph that the
13 documentation be made available on the department's publicly
14 accessible Internet website.

15 (a.1) Continuity.--If [a triennial revision] an updated
16 section is not adopted or modified under section [107(b.1) (5)]
17 108, the relevant provisions of the [prior version of the codes]
18 existing sections shall remain in effect.

19 (c) Prior permits and construction.--

20 (1) A construction permit issued under valid
21 construction regulations prior to the effective date of
22 regulations for a subsequent Uniform Construction Code or
23 International Fuel Gas Code issued under this act shall
24 remain valid, and the construction of any building or
25 structure may be completed pursuant to and in accordance with
26 the permit.

27 (2) If the permit has not been actively prosecuted
28 within two years of the effective date of the regulation or
29 the period specified by a municipal ordinance, whichever is
30 less, the former permitholder shall be required to acquire a

1 new permit.

2 (3) Where construction of a building or structure
3 commenced before the effective date of the regulations for a
4 subsequent Uniform Construction Code or International Fuel
5 Gas Code issued under this act and a permit was not required
6 at that time, construction may be completed without a permit.

7 Section 501. Administration and enforcement.

8 * * *

9 (c) Board of appeals.--

10 (1) A municipality which has adopted an ordinance for
11 the administration and enforcement of this act or
12 municipalities which are parties to an agreement for the
13 joint administration and enforcement of this act shall
14 establish or designate a board of appeals as provided by
15 [Chapter 1 of the 1999 BOCA National Building Code,
16 Fourteenth Edition,] the regulation of the department to hear
17 appeals from decisions of the code administrator. Members of
18 the municipality's governing body may not serve as members of
19 the board of appeals. A municipality may establish a board of
20 appeals or may establish or designate a joint board of
21 appeals in accordance with 53 Pa.C.S. Ch. 23 Subch. A
22 (relating to intergovernmental cooperation).

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

28 (3) When a municipality cannot find persons to serve on
29 a board of appeals who meet the minimum qualifications [of
30 Chapter 1 of the BOCA National Building Code] established by

1 the department, the municipality may fill a position on the
2 board with a qualified person who resides outside of the
3 municipality.

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

9 (5) In the case of an appeal or request for variance or
10 extension of time involving the construction of a one-family
11 or two-family residential building, the board of appeals
12 shall convene a hearing within 30 days of the appeal. The
13 Board of Appeals shall render a written decision to the
14 parties within five business days, or within ten business
15 days in cities of the first class, of the last hearing. If
16 the board of appeals fails to act within the time period
17 under this paragraph, the appeal shall be deemed granted.

18 * * *

19 Section 703. Education and training programs.

20 (a) Fee.--Municipalities administering and enforcing this
21 act under section 501(a) and third-party agencies providing
22 services under section 501(e) shall assess a fee of [~~\$4~~] \$5 on
23 each construction or building permit issued under the authority
24 of this act. The fee shall be in addition to any other fee
25 imposed for the permit.

26 (b) [~~Training accounts~~] Accounts.--There [~~is~~] are hereby
27 established within the State Treasury [~~two~~] three restricted
28 accounts which shall be known as the Municipal Code Official
29 Training Account, the Review and Advisory Council Administration
30 Account and the Construction Contractor Training Account.

1 (c) Deposit.--[Moneys]

2 (1) The fee collected as authorized under subsection (a)
3 shall be transmitted quarterly to the State Treasury and
4 shall be equally divided and deposited in the accounts
5 established in subsection (b)[.] as follows:

6 (i) Forty percent of the fee shall be deposited in
7 the Municipal Code Official Training Account.

8 (ii) Forty percent of the fee shall be deposited in
9 the Construction Contractor Training Account.

10 (iii) Twenty percent of the fee shall be deposited
11 in the Review and Advisory Council Administration
12 Account.

13 (2) [Moneys so] Money deposited [are] under paragraph
14 (1)(i) and (ii) is hereby [equally] appropriated on approval
15 of the Governor to the Department of Community and Economic
16 Development for the purpose of education and training
17 programs [provided by the Pennsylvania Construction Codes
18 Academy] for municipal code officials and individuals
19 employed by third-party agencies under contract to a
20 municipality and to a Pennsylvania-based housing research
21 center located at a land grant university for the
22 construction industry. To assure the programs meet the needs
23 of the construction industry, the education, training and
24 other activities provided by such a housing research center
25 shall be approved by its industry advisory committee.

26 (3) All money deposited under paragraph (1)(iii) shall
27 be transmitted quarterly to the Department of Labor and
28 Industry for expenses of the council as authorized in section
29 107(l), for technical assistance as provided for in section
30 107(k), for administrative assistance as provided for in

1 section 107(j), for fees associated with contracting with the
2 ICC to establish and publish code manuals which contain the
3 standards of the Uniform Construction Code as provided for in
4 section 304(a)(4) and as otherwise determined necessary by
5 the council as money is available.

6 Section 902. Applicability to certain buildings.

7 * * *

8 (c) Uncertified buildings over which the department does not
9 have jurisdiction.--

10 (1) A construction code official shall issue a
11 certificate of occupancy to an uncertified building if it
12 meets the requirements of subsection (b), the latest adopted
13 version of the International Existing Building Code or
14 Chapter 34 of the International Building Code[,]; and the
15 construction code official shall utilize the code [for the
16 municipality which] that, in his professional judgment, he
17 deems to best apply.

18 (2) A construction code official may deny the issuance
19 of a certificate of occupancy if the official deems that a
20 building is unsafe because of inadequate means of egress,
21 inadequate lighting and ventilation, fire hazards or other
22 dangers to human life or to public welfare.

23 [(3) A municipality subject to this subsection may
24 utilize the standards of subsection (b) for the issuance of
25 certificates of occupancy to uncertified buildings by
26 adopting an ordinance adopting the standards of issuance
27 pursuant to the procedures delineated in section 503.]

28 * * *

29 Section 5. This act shall take effect as follows:

30 (1) The amendment of section 902(c) of the act shall

1 take effect in 60 days.

2 (2) The remainder of this act shall take effect
3 immediately.