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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 725 Session of  
2011

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INTRODUCED BY OBERLANDER, MILLER, EVERETT, BOYD, AUMENT, BAKER, BARRAR, BEAR, BENNINGHOFF, BLOOM, BROOKS, R. BROWN, CARROLL, CAUSER, CHRISTIANA, CLYMER, COX, CREIGHTON, CUTLER, DENLINGER, DUNBAR, ELLIS, EVANKOVICH, FLECK, GABLER, GEIST, GEORGE, GIBBONS, GILLEN, GODSHALL, GROVE, HAHN, HALUSKA, HARHAI, HARHART, HARRIS, HEFFLEY, HELM, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, M.K. KELLER, KILLION, KNOWLES, KORTZ, KRIEGER, LONGIETTI, MAJOR, MALONEY, MASSER, METCALFE, METZGAR, MILLARD, MOUL, MUSTIO, PEIFER, PETRARCA, PICKETT, PYLE, RAPP, REED, REESE, REICHLEY, ROAE, ROSS, SACCONI, SAYLOR, SCAVELLO, CULVER, S. H. SMITH, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, TOEPEL, TURZAI AND VULAKOVICH, FEBRUARY 16, 2011

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 16, 2011

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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," further providing for Uniform  
6 Construction Code Review and Advisory Council, for revised or  
7 successor codes and for exemptions.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Sections 107 and 304 of the act of November 10,  
11 1999 (P.L.491, No.45), known as the Pennsylvania Construction  
12 Code Act, amended or added October 9, 2008 (P.L.1386, No.106),  
13 are amended to read:

14 Section 107. Uniform Construction Code Review and Advisory  
15 Council.

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

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

4 (1) Gather information from municipal officers, building  
5 code officials, construction code officials, licensed design  
6 professionals, builders and property owners concerning issues  
7 with the Uniform Construction Code raised by council members  
8 or changes proposed by members of the General Assembly.

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

11 (i) The Governor.

12 (ii) The Secretary of Labor and Industry.

13 (iii) The members of any legislative committee  
14 considering amendments to this act.

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

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

17 (vi) The Code Development Councils of the  
18 International Code Council.

19 (3) With the exception of the provisions of Chapter 11  
20 and Appendix E of the International Building Code of [2006]  
21 2009, or its successor codes, or any other accessibility  
22 requirements contained in or referenced by the Uniform  
23 Construction Code relating to persons with physical  
24 disabilities, review new and amended provisions contained in  
25 triennial revisions of the codes issued by the International  
26 Code Council to any of its codes. The council shall [inform  
27 the department of any code provisions that should be excluded  
28 from the Uniform Construction Code by May 1 of the year of  
29 issuance of the latest triennial code issued by the  
30 International Code Council.]:

1           (i) Review the new and amended provisions contained  
2 in the latest triennial revisions of the ICC codes, with  
3 the review commencing within 90 days of official  
4 publication date of the codes. The review process shall  
5 be no longer than 15 months from the official publication  
6 date of the latest triennial revision, and the council  
7 shall begin the review process with the 2012 ICC codes;  
8 provided, that the review process for the 2012 codes  
9 shall be no longer than 15 months from the effective date  
10 of this subsection, or the official publication date of  
11 the 2012 ICC codes, whichever is later.

12           (ii) Conduct the review process by holding at least  
13 six public hearings with one being held in Harrisburg,  
14 one in a county of the first class, one in a county of  
15 the second class, one in a county of the third class, one  
16 in a county of the fifth class and one in a county of the  
17 seventh class.

18           (iii) Submit a report to the secretary within the  
19 15-month period required under subparagraph (i) with  
20 recommendations for adoption or modification of the new  
21 or amended provisions of the codes. The new or amended  
22 provisions of the codes that are specified for adoption  
23 or modification shall be separately designated in the  
24 report, provided that modifications shall not exceed the  
25 minimum requirements in the new or amended codes.

26           (iv) Only adopt recommendations in the report  
27 required under subparagraph (iii) that are approved by a  
28 two-thirds vote of council membership.

29           (v) Ensure that the report explains the reasons for  
30 each recommendation by applying the following criteria:

1           (A) the impact that the provision may have upon  
2           the health, safety and welfare of the public;

3           (B) the economic reasonableness and financial  
4           impact of the provision;

5           (C) the technical feasibility of the provision;  
6           and

7           (D) the financial impact that the provision may  
8           have on the public's ability to purchase affordable  
9           housing.

10          (4) If no report is submitted by the council within the  
11          15-month period specified in paragraph (3), no new code shall  
12          be adopted.

13          (c) Composition.--The council shall consist of the following  
14 members appointed by the Governor:

15           (1) A general contractor from an association  
16 representing the residential construction industry who has  
17 recognized ability and experience in the construction of new  
18 residential buildings.

19           (2) A general contractor from an association  
20 representing the nonresidential construction industry who has  
21 recognized ability and experience in the construction of  
22 nonresidential buildings.

23           (3) A Uniform Construction Code-certified residential  
24 building inspector who possesses all five residential  
25 certifications from an association representing building code  
26 officials who has experience administering and enforcing  
27 residential codes.

28           (4) A Uniform Construction Code-certified building  
29 inspector who possesses all nonresidential inspection  
30 certifications, but need not possess a fire inspector

1 certification, or a certified plans examiner who also holds  
2 an accessibility certification from an association  
3 representing building code officials who has experience  
4 administering and enforcing nonresidential codes.

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

7 (6) A Uniform Construction Code-certified building code  
8 official from an association representing building code  
9 officials with building code official certification.

10 (7) A residential contractor from an association  
11 representing contractors engaged in remodeling residential  
12 buildings who has recognized ability and experience in  
13 remodeling residential and nonresidential buildings.

14 (8) A licensed architect from an association  
15 representing architects who has recognized ability and  
16 experience in the design and construction of nonresidential  
17 buildings.

18 (9) A licensed architect from an association  
19 representing architects who has recognized ability and  
20 experience in the design and construction of residential  
21 buildings.

22 (10) A licensed structural engineer from an association  
23 representing professional engineers who has recognized  
24 ability and experience in the design and construction of  
25 buildings.

26 (11) A licensed mechanical engineer specializing in HVAC  
27 systems from an association representing professional  
28 engineers who has recognized ability and experience in the  
29 design and construction of buildings.

30 (12) A licensed mechanical engineer specializing in

1 plumbing and fire protection from an association representing  
2 professional engineers who has recognized ability and  
3 experience in the design and construction of buildings.

4 (13) A licensed electrical engineer from an association  
5 representing professional engineers who has recognized  
6 ability and experience in the design and construction of  
7 buildings.

8 (14) An elected official of a township of the second  
9 class who has recognized ability and experience in  
10 construction of buildings.

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

13 (16) An elected official of a third class city who has  
14 recognized ability and experience in the construction of  
15 buildings.

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

19 (18) An official of a city of the first class who has  
20 recognized ability and experience in the administration and  
21 enforcement of this act.

22 (19) An individual from an association representing only  
23 modular housing manufacturers who is knowledgeable, licensed  
24 or certified under the act of May 11, 1972 (P.L.286, No.70),  
25 known as the Industrialized Housing Act, to manufacture and  
26 sell modular homes in Pennsylvania.

27 (20) An individual from an association representing low-  
28 income housing who has recognized ability and experience in  
29 construction of buildings.

30 (21) An individual from an association representing

1 realtors who has recognized ability and experience in  
2 construction of buildings.

3 (22) An individual from an association representing  
4 commercial building owners who has recognized ability and  
5 experience in construction of buildings.

6 (23) An individual from an association representing  
7 residential building owners who has recognized ability and  
8 experience in construction of buildings.

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

12 (d) Vacancies.--Vacancies on the council shall be filled in  
13 the same manner in which they were originally designated within  
14 30 business days of the vacancy. If the Governor fails to act  
15 within 30 business days, the council chairperson shall appoint  
16 an individual to fill the vacancy.

17 (e) Removal.--A member may be removed for just cause by the  
18 Governor.

19 (f) Terms.--A member of the council shall serve terms of two  
20 years and until his successor is appointed beginning July 1,  
21 2008, except the initial term of members appointed under  
22 subsection (c)(1), (3), (4), (5), (8), (11), (13) and (14) shall  
23 be for three years and until their successor is appointed,  
24 provided further that the initial term of members appointed  
25 under subsection (c)(20), (21), (22) and (23) shall end June 30,  
26 2013.

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 and consensus.--[Ten] Twelve members shall

1 constitute a quorum, and a consensus among at least [ten] twelve  
2 members must be reached before any determination can be made by  
3 the council.

4 (i) Meetings.--Meetings shall be conducted as required under  
5 65 Pa.C.S. Ch. 7 (relating to open meetings) as follows:

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

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

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

21 (j) Administrative support.--The secretary shall provide a  
22 facility for council meetings under this act, stenographic  
23 services, necessary staff support and required notice of the  
24 council's meetings.

25 (k) Technical support.--The council may solicit and retain,  
26 without compensation, individuals who are qualified by training  
27 or experience to provide expert input to the council and, at the  
28 discretion of the council, such individuals may be reimbursed  
29 for reasonable travel expenses at a rate established by the  
30 secretary.

1 (1) Compensation and expenses.--Members of the council shall  
2 not receive a salary [or per diem allowance for their service.]  
3 but shall be reimbursed for travel, lodging and meals as  
4 established by the secretary.

5 (m) Fee and establishment of Uniform Construction Code  
6 Review and Advisory Council Support Account.--

7 (1) Municipalities administering and enforcing this act  
8 under section 501(a) and third-party agencies providing  
9 services under section 501(e) shall assess a fee of \$2 on  
10 each construction or building permit issued under the  
11 authority of this act. The fee shall be in addition to any  
12 other fee imposed for the permit.

13 (2) Support account.--There is established within the  
14 State Treasury a restricted account which shall be known as  
15 the Uniform Construction Code Review and Advisory Council  
16 Support Account.

17 (3) Deposit.--Moneys collected as authorized under  
18 paragraph (1) shall be transmitted quarterly to the State  
19 Treasury and shall be deposited in the account established in  
20 paragraph (2).

21 (4) Utilization.--Moneys deposited in the account  
22 established under paragraph (2) shall be utilized by the  
23 secretary for the purposes delineated in subsections (j), (k)  
24 and (l).

25 Section 304. Revised or successor codes.

26 [(a) Building code.--

27 (1) Subject to sections 105(c) and (d), 301(a)(3), (4),  
28 (5), (6) and (7), (c) and (d) and 302, by December 31 of the  
29 year of the issuance of a new triennial ICC International  
30 Building Code, or its successor building code, the department

1 shall promulgate regulations adopting the new code as the  
2 Uniform Construction Code unless the council informs the  
3 department that it should exclude any provisions of the  
4 triennial code from the Uniform Construction Code. If the  
5 council provides this notification, the department shall  
6 submit regulations adopting the triennial code with  
7 provisions omitted by the council under this section within  
8 90 days following council notification.

9 (2) Subject to sections 105(c) and (d), 301(a)(3), (4),  
10 (5), (6) and (7), (c) and (d) and 302, by December 31 of the  
11 year of issuance of a new triennial ICC International  
12 Residential Code, or its successor building code, the  
13 department shall promulgate regulations providing that all  
14 detached one-family and two-family dwellings and one-family  
15 townhouses that are not more than three stories in height and  
16 their accessory structures may be designed in accordance with  
17 that code or the Uniform Construction Code at the option of  
18 the building permit applicant. The department shall  
19 promulgate regulations adopting the new code as the Uniform  
20 Construction Code unless the council informs the department  
21 that it should exclude any provisions of the triennial code  
22 from the Uniform Construction Code. If the council provides  
23 this notification, the department shall submit regulations  
24 adopting the triennial code with provisions omitted by the  
25 council under this section within 90 days following council  
26 notification.]

27 (a) Duties of department.--

28 (1) Subject to sections 105(c) and (d), 301(a)(3), (4),  
29 (5), (6), (7), (8), (9) and (10), (c) and (d) and 302, the  
30 department may propose regulations for the adoption of any,

1 or all, of the recommendations made in the report required  
2 under section 107(b)(3)(iii), provided that the department  
3 shall not propose other changes nor shall the department  
4 modify any of the council recommendations.

5 (2) The department shall promulgate regulations to  
6 implement any of the report's recommendations within 90 days  
7 of receiving the report or the recommendations shall be  
8 deemed to be rejected. The regulations shall be subject to  
9 normal rulemaking process.

10 (3) Notwithstanding the provisions of paragraphs (1) and  
11 (2), the department shall promulgate regulations updating  
12 Uniform Construction Code accessibility standards by adopting  
13 Chapter 11 and Appendix E of the International Building Code  
14 of 2012, or its successor, by December 31 of the year of  
15 issuance of the new code.

16 [(b) International Fuel Gas Code.--By December 31 of the  
17 year of the issuance of a new International Fuel Gas Code, or  
18 its successor code, the department shall promulgate regulations  
19 adopting the new code.]

20 (c) Prior permits and construction.--

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

28 (2) If the permit has not been actively prosecuted  
29 within two years of the effective date of the regulation or  
30 the period specified by a municipal ordinance, whichever is

1 less, the former permitholder shall be required to acquire a  
2 new permit.

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

8 [(d) Code revisions.--

9 (1) The council may determine that any new or amended  
10 provision contained in a triennial revision by the ICC to any  
11 of the codes which have been adopted by regulation of the  
12 department as part of the Uniform Construction Code is not,  
13 in the opinion of the council, consistent with the intent and  
14 purpose of this act or is otherwise inappropriate for  
15 inclusion in the Uniform Construction Code. In making a  
16 determination on the new or amended triennial revisions, the  
17 council may consider the provisions of section 102, as well  
18 as other relevant factors, including, but not limited to:

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

21 (ii) The economic reasonableness and financial  
22 impact of the provisions.

23 (iii) The technical feasibility of the provisions.

24 (2) When adopting the latest triennial versions of the  
25 ICC codes, the department shall exclude a specific new or  
26 amended code provision rejected by the council under  
27 paragraph (1) and shall provide that the relevant provisions  
28 of the prior versions of the code shall remain in effect.]

29 Section 2. Section 901(a) of the act, amended July 7, 2006  
30 (P.L.1052, No.108), is amended and the section is amended by

1 adding a subsection to read:

2 Section 901. Exemptions.

3 (a) Manufactured housing.--This act shall not apply to  
4 manufactured housing which bears a label, as required by and  
5 referred to in the act of November 17, 1982 (P.L.676, No.192),  
6 known as the Manufactured Housing Construction and Safety  
7 Standards Authorization Act, which certifies that it conforms to  
8 Federal construction and safety standards adopted under the  
9 Housing and Community Development Act of 1974 (Public Law  
10 93-383, 88 Stat. 633), nor shall it apply to industrialized  
11 housing, as defined in the act of May 11, 1972 (P.L.286, No.70),  
12 known as the Industrialized Housing Act, with the exception that  
13 any model code enacted pursuant to the Industrialized Housing  
14 Act shall not include code provisions specifically omitted from  
15 adoption pursuant to this act.

16 \* \* \*

17 (f) Modifications to 2009 International Residential Code.--

18 (1) Residential sprinklers.--

19 (i) Section R313.2 of the 2009 International  
20 Residential Code, or its successor provisions, are  
21 excluded from the Uniform Construction Code.

22 (ii) A builder of a one-family or two-family  
23 dwelling subject to the International Residential Code  
24 shall, at or before the time of entering into the  
25 purchase contract, do all of the following:

26 (A) Offer to a buyer the option to install or  
27 equip, at the buyer's expense, an automatic fire  
28 sprinkler system in the building or dwelling unit  
29 designed and installed in accordance with the  
30 provisions of section R313.2.1 of the 2009

1 International Residential Code, or its successor  
2 provision.

3 (B) Provide the buyer with information that  
4 explains the initial and ongoing cost of installing  
5 and equipping an automatic fire sprinkler system in  
6 the building or dwelling unit.

7 (2) Log walls.--Log walls with a minimum average wall  
8 thickness of five inches or greater which comply with the  
9 International Code Council Standard on the Design and  
10 Construction of Log Structures, ICC 400-2007, or other  
11 successor standard which the department may specify by  
12 regulation, shall be permitted in residential buildings if:

13 (i) the area weighted average U-factor for  
14 fenestration products in the log walls is a maximum of  
15 0.31; and

16 (ii) (A) the building heating equipment meets or  
17 exceeds the following Department of Energy ratings:

18 (I) Gas furnace - 90 annual fuel utilization  
19 efficiency (AFUE).

20 (II) Oil furnace - 85 annual fuel  
21 utilization efficiency (AFUE).

22 (III) Boilers - 85 annual fuel utilization  
23 efficiency (AFUE).

24 (IV) Air source heat pumps - 8.2 heating  
25 seasonal performance factor (HSPF) split systems.

26 (V) For water-to-air geothermal heat pumps:

27 (a) Closed loop water-to-air, an energy  
28 efficiency rating of 14.1 and coefficient of  
29 performance of 3.3.

30 (b) Open loop water-to-air, an energy

1 efficiency rating of 16.2 and coefficient of  
2 performance of 3.6.

3 (VI) For water-to-water geothermal heat  
4 pumps:

5 (a) Closed loop water-to-water, an  
6 energy efficiency rating of 15.1 and  
7 coefficient of performance of 3.0.

8 (b) Open loop water-to-water, an energy  
9 efficiency rating of 19.1 and coefficient of  
10 performance of 3.4.

11 (VII) For direct geothermal exchange, an  
12 energy efficiency rating of 15.0 and coefficient  
13 of performance of 3.5;

14 or

15 (B) the building heating equipment is qualified  
16 under the Energy Star program jointly operated by the  
17 Department of Energy and the United States  
18 Environmental Protection Agency as provided for in 10  
19 CFR Pt. 430 (relating to energy conservation program  
20 for consumer products); and

21 (C) all energy efficiency requirements of this  
22 act applicable to components other than log walls are  
23 met.

24 (3) Wall bracing requirements.--Section R602.10 through  
25 section R602.12.1.6 of the 2009 International Residential  
26 Code, or its successor provisions, are excluded from the  
27 Uniform Construction Code. The wall bracing requirements of  
28 section R602.10 through section R602.11.3 of the  
29 International Residential Code of 2006 shall be part of the  
30 Uniform Construction Code; provided that the change

1 promulgated in the 2007 International Residential Code  
2 Supplement to section R602.10.5 of the 2006 International  
3 Residential Code shall apply.

4 (4) Range hood exhaust requirements.--Section M1503.4 of  
5 the 2009 International Residential Code, or its successor  
6 provision, is excluded from the Uniform Construction Code.

7 (5) Floor fire protection.--Section R501.3 of the 2012  
8 International Residential Code shall be part of the Uniform  
9 Construction Code.

10 (6) Dryer duct length limitations.--The maximum dryer  
11 duct length established in section M1502.4.4.1 of the 2009  
12 International Residential Code, and its successor provision,  
13 shall, for the purposes of the Uniform Construction Code, be  
14 changed from 25 feet to 35 feet.

15 (7) Attic access insulation requirements.--Section  
16 N1102.2.3 of the 2009 International Residential Code, and its  
17 successor provision, is excluded from the Uniform  
18 Construction Code, and attic access insulation requirements  
19 shall be in accordance with Pennsylvania's Alternative  
20 Residential Energy Provisions as established by the  
21 Pennsylvania Housing Research/Resource Center.

22 (8) Deck ledger attachment.--Section R502.2.3 of the  
23 2009 International Residential Code, or its successor  
24 provision, is excluded from the Uniform Construction Code.

25 (9) Applicability.--An applicant for a construction  
26 permit that has been approved under section 502 prior to the  
27 effective date of this subsection may opt to utilize one or  
28 more of the provisions of this subsection on construction  
29 authorized under the permit; provided that an applicant that  
30 opts to not install residential sprinklers pursuant to

1 paragraph (1) shall be subject to the requirements of  
2 paragraph (5).

3 Section 3. This act shall take effect as follows:

4 (1) The amendment of section 107 of the act shall take  
5 effect in 30 days.

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