

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 266 Session of 2017

INTRODUCED BY HARPER, RADER, B. MILLER, MILNE, TOOIL, MURT AND MILLARD, JANUARY 31, 2017

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 22, 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, in adoption and
7 enforcement by municipalities, further providing for
8 administration and enforcement.

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

11 Section 1. The definition of "board of appeals" in section
12 103 of the act of November 10, 1999 (P.L.491, No.45), known as
13 the Pennsylvania Construction Code Act, is amended to read:

14 Section 103. Definitions.

15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 * * *

19 "Board of appeals." The body created by a municipality or
20 more than one municipality to hear appeals from decisions of the

1 code administrator as provided for by [Chapter 1 of the 1999
2 Building Officials and Code Administrators International, Inc.,
3 National Building Code, Fourteenth Edition] ~~the department~~ <--
4 ~~through regulation~~ SECTION 501(C). <--

5 * * *

6 Section 2. Section 501(c) of the act is amended to read:
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 department through regulation~~ THIS <--
17 SUBSECTION to hear appeals from decisions of the code
18 administrator. [Members of the municipality's governing body <--
19 may not serve as members of the board of appeals.] A <--
20 municipality may establish a board of appeals or may
21 establish or designate a joint board of appeals in accordance
22 with 53 Pa.C.S. Ch. 23 Subch. A (relating to
23 intergovernmental cooperation). THE BOARD OF APPEALS SHALL BE <--
24 COMPOSED IN ACCORDANCE WITH THE FOLLOWING:

25 (I) A MEMBER OF THE BOARD OF APPEALS SHALL BE
26 QUALIFIED BY TRAINING AND EXPERIENCE TO PASS ON MATTERS
27 PERTAINING TO BUILDING CONSTRUCTION. TRAINING AND
28 EXPERIENCE MAY CONSIST OF LICENSURE AS AN ARCHITECT OR
29 ENGINEER, EXPERIENCE IN THE CONSTRUCTION INDUSTRY OR
30 TRAINING OR EXPERIENCE AS AN INSPECTOR OR PLAN REVIEWER.

1 (II) A MEMBER OF THE BOARD OF APPEALS HOLDS OFFICE
2 AT THE PLEASURE OF THE MUNICIPALITY'S GOVERNING BODY.

3 (III) MEMBERS OF A MUNICIPALITY'S GOVERNING BODY AND
4 CODE ADMINISTRATORS MAY NOT SERVE ON THE BOARD OF
5 APPEALS.

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

11 (3) When a municipality cannot find persons to serve on
12 a board of appeals who meet the minimum qualifications [of
13 Chapter 1 of the BOCA National Building Code] established by
14 the department, the municipality may fill a position on the
15 board with a qualified person who resides outside of the
16 municipality.

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

22 (5) In the case of an appeal or request for variance or
23 extension of time involving the construction of a one-family
24 or two-family residential building, the board of appeals
25 shall convene a hearing within 30 days of the appeal. The
26 Board of Appeals shall render a written decision to the
27 parties within five business days, or within ten business
28 days in cities of the first class, of the last hearing. If
29 the board of appeals fails to act within the time period
30 under this paragraph, the appeal shall be deemed granted.

1 * * *

2 Section 3. This act shall take effect in 60 days.