
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2138 Session of
2021

INTRODUCED BY ISAACSON, NEILSON, FREEMAN, HOHENSTEIN, DELLOSO,
T. DAVIS AND SANCHEZ, DECEMBER 7, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, DECEMBER 7, 2021

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," providing for deconstruction
6 standards; and imposing penalties.

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

9 Section 1. The act of November 10, 1999 (P.L.491, No.45),
10 known as the Pennsylvania Construction Code Act, is amended by
11 adding a chapter to read:

12 CHAPTER 8

13 DECONSTRUCTION STANDARDS

14 Section 801. Definitions.

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

18 "Certified deconstruction contractor." As follows:

19 (1) A contractor that:

20 (i) has successfully completed a deconstruction

1 certification program conducted by the department; and
2 (ii) appears on a list of certified deconstruction
3 contractors posted on the publicly accessible Internet
4 website of the department.

5 (2) A firm or other entity shall be considered a
6 certified deconstruction contractor if at least one
7 individual currently employed by the firm or other entity is
8 certified.

9 "Deconstruction." The systematic dismantling of a structure,
10 or portion of a structure, to maximize the salvage of materials
11 for reuse, in preference over salvaging materials for recycling,
12 energy recovery or sending the materials to a landfill.

13 "Primary dwelling structure." As follows:

14 (1) A residential building containing at least one but
15 not more than four dwelling units based on current permitted
16 occupancy at the time of the demolition permit application.

17 (2) The term does not include an accessory building such
18 as a garage or shed.

19 "Recycling." As follows:

20 (1) The processing of waste materials into new products
21 or material feed stock for products.

22 (2) Materials that can be recycled include, but are not
23 limited to, concrete, metal piping and asphalt roofing
24 shingles.

25 "Responsible party." Any of the following:

26 (1) An owner or person in control of a primary dwelling
27 structure.

28 (2) An authorized agent of the owner or person described
29 in paragraph (1).

30 "Reuse." As follows:

1 (1) The use of a product or material that was previously
2 installed for the same or similar function to extend its life
3 cycle.

4 (2) Materials salvageable for reuse include, but are not
5 limited to, cabinets, doors, windows, hardware, fixtures,
6 flooring, siding and framing lumber.

7 Section 802. Deconstruction assessment.

8 Each primary dwelling structure in this Commonwealth that was
9 erected in 1929 or earlier, as indicated by municipal building
10 records or, if no municipal building records exist, according to
11 records of the county recorder of deeds in the county where the
12 primary dwelling structure is located, and that meets the
13 criteria established in this chapter shall undergo a
14 deconstruction assessment prior to the demolition, renovation or
15 other construction regarding the primary dwelling structure.

16 Section 803. Deconstruction requirements.

17 A primary dwelling structure shall be deconstructed in
18 accordance with the provisions of this section and associated
19 rules and regulations. The following apply:

20 (1) Salvaged material may be sold, donated or reused on-
21 site or off-site.

22 (2) Each deconstruction project must achieve a
23 documented 85% landfill diversion rate by weight and produce
24 one salvaged item for every 500 square meters of design
25 unless otherwise approved by the municipal code official in
26 writing for the particular structure, based on economic or
27 practical infeasibility as determined by the municipal code
28 official after consideration and inspection.

29 (3) Deconstruction under this chapter shall be performed
30 only by a certified deconstruction professional certified and

1 designated by the department under section 804.

2 Section 804. Powers and duties of department.

3 (a) Mandatory actions.--The department shall:

4 (1) Administer the provisions of this chapter.

5 (2) Adopt rules, procedures and forms to implement the
6 provisions of this chapter.

7 (3) Post the rules, procedures and forms to implement
8 this chapter on the publicly accessible Internet website of
9 the department.

10 (4) With respect to deconstruction certification
11 training:

12 (i) Develop and conduct a deconstruction
13 certification training program, which must include
14 educational standards and requirements, to teach
15 deconstruction method and practice principles generally
16 recognized in the deconstruction industry.

17 (ii) Develop forms to be used by a contractor to
18 apply for the deconstruction certification training
19 program.

20 (iii) After review of a contractor's qualifications
21 and proof of successful completion of the deconstruction
22 certification training program:

23 (A) Designate the contractor as a certified
24 deconstruction contractor.

25 (B) Post the name of the contractor on the list
26 of certified deconstruction contractors in this
27 Commonwealth on the publicly accessible Internet
28 website of the department.

29 (5) Maintain and update the list, or a link to the list,
30 of certified deconstruction contractors in this Commonwealth

1 on the publicly accessible Internet website of the
2 department.

3 (b) Discretionary actions.--The department may permit labor
4 unions, working in conjunction with the department, to develop
5 and conduct deconstruction training programs that meet the
6 standards established by the department in accordance with
7 subsection (a) (4) (i). A contractor that successfully completes a
8 department-approved labor union training program shall receive
9 certification from the department, in which case subsection (a)
10 (4) (iii) (A) shall apply.

11 Section 805. Demolition permit application.

12 An application for a demolition permit under this chapter for
13 a primary dwelling structure shall not be considered complete
14 unless it is accompanied by a completed predeconstruction form
15 provided by the municipal code official, including a list of
16 targeted salvageable materials and final destinations, or by a
17 municipal code official-approved exemption issued under section
18 810.

19 Section 806. Assessments to determine deconstruction or
20 demolition.

21 A municipal code official for the municipality in which the
22 subject primary dwelling structure is located shall perform an
23 assessment of primary dwelling structure and determine if the
24 primary dwelling structure shall undergo deconstruction rather
25 than demolition. The assessment:

26 (1) Shall apply to all demolition, renovation or other
27 construction projects.

28 (2) May include input from the municipal government in
29 which the primary dwelling structure is located and any
30 relevant historical commission or organization in the

1 municipality or county in which the primary dwelling
2 structure is located.

3 Section 807. Participation of certified deconstruction
4 contractors.

5 Regarding the need for a certified deconstruction contractor
6 during deconstruction:

7 (1) Deconstruction may only be performed by a certified
8 deconstruction contractor.

9 (2) At least one certified employee of the contractor
10 shall be present on the job site when activities related to
11 deconstruction are underway.

12 Section 808. Heavy machinery.

13 (a) Permissible use.--Heavy machinery may be used in
14 deconstruction to assist in the salvage of materials for reuse
15 or to remove material not required to be salvaged for reuse.

16 (b) Prohibited use.--Heavy machinery may not be used in
17 deconstruction to remove or dismantle components of buildings in
18 ways that render building components unsuitable for salvage.

19 (c) Definition.--For purposes of this section, the term
20 "heavy machinery" includes, but is not limited to, track hoes,
21 excavators, skid steer loaders and forklifts.

22 Section 809. Documentation.

23 (a) Receipts.--A deconstruction permit holder shall maintain
24 receipts for donation, sale, recycling and disposal of all
25 materials for a deconstruction project.

26 (b) Photographs.--Materials that are intended for reuse on
27 site, or that are disposed of during a deconstruction project
28 and for which no receipt for disposal is obtainable, shall be
29 documented with photographs.

30 (c) Inspection.--A municipal code official for a

1 municipality may at any time request that a deconstruction
2 permit holder working in the municipality produce the receipts
3 or photographs specified in this section.

4 Section 810. Exemptions.

5 (a) Exempted circumstances.--The following are exempt from
6 the requirements of this chapter:

7 (1) The moving of a building.

8 (2) A primary building structure that the municipal code
9 official has determined unsuitable for deconstruction if
10 either of the following are true:

11 (i) The structure is structurally unsafe or is
12 otherwise hazardous to the health, safety or welfare of
13 the public and too unsafe or hazardous for
14 deconstruction.

15 (ii) Most or a substantial portion of the material
16 in the structure is not suitable for reuse.

17 (b) Request for exemption.--A municipal code official shall
18 make the final determination of exemption based on evidence
19 submitted by the applicant and an inspection to confirm
20 conditions and unsuitability. A demolition permit may not be
21 issued until the final determination is made on the exemption
22 request.

23 Section 811. Enforcement and penalties.

24 (a) Amount of civil penalties.--A person that violates this
25 chapter shall be subject to the following penalties, which shall
26 be enforced by and payable to the municipality in which the
27 violation occurred:

28 (1) For a first violation, a civil penalty of up to
29 \$1,000.

30 (2) For a second violation, a civil penalty of up to

1 \$2,000.

2 (3) For a third or subsequent violation, a civil penalty
3 of up to \$3,000.

4 (b) Frequency of civil penalties.--Civil penalties under
5 subsection (a) may be imposed on a per month, per day or per
6 incident basis as determined by the municipality.

7 (c) Heavy machinery penalties.--Improper use of heavy
8 machinery in violation of this chapter shall be subject to a
9 penalty of up to \$20,000 and shall be enforced and payable to
10 the municipality in which the violation occurred.

11 (d) Additional enforcement actions for certified
12 deconstruction contractors.--The department may impose the
13 following additional penalties on a certified deconstruction
14 contractor:

15 (1) For a first violation of this chapter, the removal
16 from the list of certified deconstruction contractors for up
17 to six months.

18 (2) For a second violation of this chapter, the removal
19 from the list of certified deconstruction contractors for up
20 to 12 months.

21 (3) For a third or subsequent violation of this chapter,
22 the removal from the list of certified deconstruction
23 contractors for an indefinite period. The contractor may not
24 apply for reinstatement to the list of certified
25 deconstruction contractors for a period of at least 18
26 months.

27 (4) If a deconstruction contractor falsely advertises or
28 otherwise falsely portrays the deconstruction contractor as a
29 certified deconstruction contractor, a fine of up to \$10,000
30 per occurrence.

1 Section 812. Stop work orders.

2 When necessary to obtain compliance with this chapter, a
3 municipal code official may issue a stop work order requiring
4 that all work, except work directly related to elimination of
5 the violation, be immediately and completely stopped. The
6 following apply:

7 (1) If the municipal code official issues a stop work
8 order, activity subject to the order may not be resumed until
9 the municipal code official gives specific approval in
10 writing.

11 (2) As follows:

12 (i) Subject to subparagraph (ii), the stop work
13 order shall be in writing and posted at a conspicuous
14 location at the worksite.

15 (ii) When an emergency condition exists, the stop
16 work order may be issued orally, followed by a written
17 stop work order as soon as practicable.

18 (3) A person may not remove, obscure, mutilate or
19 otherwise damage a stop work order.

20 Section 813. Inspections.

21 (a) Authorization.--A municipal code official may conduct
22 inspections whenever:

23 (1) it is necessary to determine compliance with this
24 chapter or enforce any provision of this chapter; or

25 (2) the municipal code official has reasonable cause to
26 believe there exists a violation of this chapter.

27 (b) Credentials.--If a responsible party is at the worksite
28 when an inspection is occurring, the municipal code official
29 conducting the inspection shall present proper credentials to
30 the responsible party and request entry.

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