

AMENDMENTS TO HOUSE BILL NO. 782

Sponsor: REPRESENTATIVE HARPER

Printer's No. 3530

1 Amend Bill, page 1, line 12, by inserting after "REPEALS,"
2 in preliminary provisions, further providing for definitions;
3 and,

4 Amend Bill, page 5, lines 26 through 30, by striking out all
5 of said lines and inserting

6 Section 1. The definition of "board of appeals" in section
7 103 of the act of November 10, 1999 (P.L.491, No.45), known as
8 the Pennsylvania Construction Code Act, is amended to read:
9 Section 103. Definitions.

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

13 * * *

14 "Board of appeals." The body created by a municipality or
15 more than one municipality to hear appeals from decisions of the
16 code administrator as provided for by [Chapter 1 of the 1999
17 Building Officials and Code Administrators International, Inc.,
18 National Building Code, Fourteenth Edition] the department
19 through regulation.

20 * * *

21 Section 2. Section 501(b)(1), (2) and (3) and (c) of the
22 act, amended November 29, 2006 (P.L.1440, No.157) and October
23 24, 2012 (P.L.1433, No.179), are amended and the section is
24 amended by adding a subsection to read:

25 Amend Bill, page 9, by inserting between lines 18 and 19

26 (c) Board of appeals.--

27 (1) A municipality which has adopted an ordinance for
28 the administration and enforcement of this act or
29 municipalities which are parties to an agreement for the
30 joint administration and enforcement of this act shall
31 establish or designate a board of appeals as provided by
32 [Chapter 1 of the 1999 BOCA National Building Code,
33 Fourteenth Edition,] the department through regulation to
34 hear appeals from decisions of the code administrator.

35 Members of the municipality's governing body may not serve as

1 members of the board of appeals. A municipality may establish
2 a board of appeals or may establish or designate a joint
3 board of appeals in accordance with 53 Pa.C.S. Ch. 23 Subch.
4 A (relating to intergovernmental cooperation).

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

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

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

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

30 Amend Bill, page 9, line 20, by striking out "2" and
31 inserting

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33 Amend Bill, page 9, line 23, by striking out "3" and
34 inserting

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