

## AMENDMENTS TO HOUSE BILL NO. 1945

Sponsor: REPRESENTATIVE HARPER

Printer's No. 3066

1 Amend Bill, page 1, line 5, by inserting after "repeals,"  
2 in preliminary provisions, further providing for definitions;  
3 in adoption and enforcement by municipalities, further  
4 providing for administration and enforcement; and,

5 Amend Bill, page 1, lines 9 through 11, by striking out all  
6 of said lines and inserting

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

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

14 \* \* \*

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

21 \* \* \*

22 Section 2. Section 501(c) of the act, amended November 29,  
23 2006 (P.L.1440, No.157) and October 24, 2012 (P.L.1433, No.179),  
24 is amended to read:

25 Section 501. Administration and enforcement.

26 \* \* \*

27 (c) Board of appeals.--

28 (1) A municipality which has adopted an ordinance for  
29 the administration and enforcement of this act or  
30 municipalities which are parties to an agreement for the  
31 joint administration and enforcement of this act shall  
32 establish or designate a board of appeals as provided by  
33 [Chapter 1 of the 1999 BOCA National Building Code,  
34 Fourteenth Edition,] the department through regulation to  
35 hear appeals from decisions of the code administrator.  
36 Members of the municipality's governing body may not serve as  
37 members of the board of appeals. A municipality may establish

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

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

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

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

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

29 \* \* \*

30 Section 3. Section 701 of the act is amended by adding a  
31 subsection to read:

32 Amend Bill, page 2, line 20, by striking out "2" and  
33 inserting

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