

## AMENDMENTS TO HOUSE BILL NO. 409

Sponsor: SENATOR WARD

Printer's No. 1235

1 Amend Bill, page 1, line 12, by inserting after "enforcement"  
2 and for changes in Uniform Construction Code

3 Amend Bill, page 1, lines 19 through 21, by striking out all  
4 of said lines and inserting

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

9 Amend Bill, page 2, by inserting between lines 2 and 3

10 "Board of appeals." The body created by a municipality or  
11 more than one municipality to hear appeals from decisions of the  
12 code administrator as provided for by [Chapter 1 of the 1999  
13 Building Officials and Code Administrators International, Inc.,  
14 National Building Code, Fourteenth Edition] regulations  
15 promulgated by the department.

16 \* \* \*

17 Amend Bill, page 10, line 8, by striking out "only"

18 Amend Bill, page 10, line 24, by striking out "THEIR" and  
19 inserting

20 the member's

21 Amend Bill, page 10, line 28, by inserting a bracket before  
22 "30"

23 Amend Bill, page 10, line 28, by inserting after "30"

24 ] 90

25 Amend Bill, page 10, line 30, by inserting a bracket before  
26 "30"

1 Amend Bill, page 10, line 30, by inserting after "30"

2 ] 90

3 Amend Bill, page 11, line 13, by striking out "SHALL BE  
4 REMOVED"

5 Amend Bill, page 11, line 14, by inserting after  
6 "APPOINTMENT"

7 shall be removed

8 Amend Bill, page 13, line 28, by striking out the bracket  
9 before "council"

10 Amend Bill, page 13, line 28, by striking out "] department"

11 Amend Bill, page 14, line 1, by inserting after "a "

12 reasonable

13 Amend Bill, page 14, lines 22 through 26, by striking out  
14 "Participation in the" in line 22 and all of lines 23 through 26  
15 and inserting

16 Members of industry and interest groups associated  
17 with code development and enforcement shall be permitted  
18 to participate in the technical advisory committee.

19 Amend Bill, page 14, lines 28 and 29, by striking out all of  
20 line 28 and "advisory members and shall be" in line 29

21 Amend Bill, page 16, line 24, by striking out "Decisions" and  
22 inserting

23 Recommendations

24 Amend Bill, page 16, line 26, by inserting after "committee"

25 and shall be nonbinding

26 Amend Bill, page 18, lines 1 and 2, by striking out "as  
27 scheduled by the council within the" and inserting

28 which shall be held within

29 Amend Bill, page 18, line 3, by inserting after "period"

30 and shall be held in Harrisburg

1 Amend Bill, page 18, line 23, by inserting after "sections."

2 The selection of additional sections shall occur  
3 prior to commencement of the review process.

4 Amend Bill, page 19, line 21, by striking out "Any" and  
5 inserting

6 A proposed

7 Amend Bill, page 19, line 23, by striking out "currently"

8 Amend Bill, page 19, line 23, by striking out "such" and  
9 inserting

10 the proposed

11 Amend Bill, page 22, line 10, by inserting after "a"

12 two-thirds

13 Amend Bill, page 22, line 16, by striking out "may" and  
14 inserting

15 shall

16 Amend Bill, page 22, line 17, by striking out the period  
17 after "council" and inserting

18 members. If the unopposed sections fail to be  
19 adopted by a majority vote, the council shall conduct  
20 a subsequent vote to reject the unopposed sections by  
21 a two-thirds majority vote of the council members. If  
22 the council fails to reject the unopposed sections by  
23 a two-thirds majority vote, the unopposed sections  
24 shall be adopted.

25 Amend Bill, page 23, line 2, by inserting after "decision."

26 A modification shall meet or exceed the  
27 standards of the section in effect or being reviewed  
28 and shall be within the standards under review.

29 Amend Bill, page 23, line 13, by striking out ", 703 and  
30 902(c)" and inserting

31 and 501(c) (1) and (3)

32 Amend Bill, page 23, lines 24 through 29, by striking out  
33 "Regulations adopted under this act" in line 24 and all of lines  
34 25 through 29 and inserting

1           The regulations shall take effect as follows:  
2           (i) Except as provided in subparagraph (ii),  
3           regulations adopted under this act shall become effective  
4           33 months after the commencement of council review as  
5           provided for in section 108(a)(1)(i).  
6           (ii) Regulations promulgated by the department as a  
7           result of the 2015 Code Review shall take effect October  
8           1, 2018.

9 Amend Bill, page 24, line 28, by inserting after "permits"  
10 , contracts

11 Amend Bill, page 25, by inserting between lines 15 and 16

12           (4) Where a design or construction contract was signed  
13           before the effective date of regulations for a subsequent  
14           Uniform Construction Code or International Fuel Gas Code  
15           issued under this act, the permit may be issued under the  
16           Uniform Construction Code or International Fuel Gas Code in  
17           effect at the time the design or construction contract was  
18           signed, if the permit is applied for within six months of the  
19           effective date of the regulation or the period specified by a  
20           municipal ordinance, whichever is less.

21 Section 501. Administration and enforcement.

22 \* \* \*

23 (c) Board of appeals.--

24 (1) A municipality which has adopted an ordinance for  
25 the administration and enforcement of this act or  
26 municipalities which are parties to an agreement for the  
27 joint administration and enforcement of this act shall  
28 establish or designate a board of appeals as provided by  
29 [Chapter 1 of the 1999 BOCA National Building Code,  
30 Fourteenth Edition,] regulations promulgated by the  
31 department to hear appeals from decisions of the code  
32 administrator. Members of the municipality's governing body  
33 may not serve as members of the board of appeals. A  
34 municipality may establish a board of appeals or may  
35 establish or designate a joint board of appeals in accordance  
36 with 53 Pa.C.S. Ch. 23 Subch. A (relating to  
37 intergovernmental cooperation).

38 \* \* \*

39 (3) When a municipality cannot find persons to serve on  
40 a board of appeals who meet the minimum qualifications [of  
41 Chapter 1 of the BOCA National Building Code] established by  
42 the department, the municipality may fill a position on the  
43 board with a qualified person who resides outside of the  
44 municipality.

45 \* \* \*

46 Section 5. Section 503(b) is amended and the section is  
47 amended by adding a subsection to read:

48 Section 503. Changes in Uniform Construction Code.

1 \* \* \*

2 (b) Minimum requirement.--Subject to the provisions of this  
3 act, no municipality may propose or enact any ordinance which is  
4 less than the minimum requirement of the Uniform Construction  
5 Code[.], except as provided in subsection (b.1).

6 (b.1) Cities of the first class.--

7 (1) A city of the first class may enact an ordinance  
8 that adopts provisions of the 2018 ICC triennial codes for  
9 the purpose of regulating the constructions, alteration,  
10 repair and use of buildings that do not meet the definition  
11 of residential building under section 103.

12 (2) The scope of the provisions that may be adopted  
13 under paragraph (1) shall be limited to the scope of what the  
14 council is authorized to review and adopt under section  
15 108(a)(1).

16 (3) The adoption of an ordinance under this subsection  
17 shall be in accordance with subsections (d), (e), (f), (g)  
18 and (h).

19 (4) If an ordinance is adopted under this subsection,  
20 the provisions adopted in the ordinance shall remain in  
21 effect until the effective date of the regulations  
22 promulgated under section 304(a)(1) implementing the findings  
23 of the 2021 triennial code review.

24 (5) All statutory exclusions and exemptions shall remain  
25 in effect.

26 \* \* \*

27 Section 6. Sections 703 and 902(c) of the act are amended to  
28 read:

29 Amend Bill, page 25, line 19, by inserting a bracket before  
30 "\$4"

31 Amend Bill, page 25, line 19, by inserting after "\$4"

32 ] \$4.50

33 Amend Bill, page 26, line 1, by inserting a bracket before  
34 "equally"

35 Amend Bill, page 26, line 1, by inserting a bracket after  
36 "equally"

37 Amend Bill, page 26, lines 3 through 11, by striking out all  
38 of said lines and inserting

39 (i) Forty-three and one-half percent of the fee  
40 shall be deposited in the Municipal Code Official  
41 Training Account for the purpose of education and  
42 training programs for municipal code officials and

1 individuals employed by third-party agencies under  
2 contract with a municipality.

3 (ii) Forty-three and one-half percent of the fee  
4 shall be deposited in the Construction Contractor  
5 Training Account for a Pennsylvania-based housing  
6 research center located at a land grant university for  
7 the construction industry. To assure the programs meet  
8 the needs of the construction industry, the education,  
9 training and other activities provided by the housing  
10 research center must be approved by its industry advisory  
11 committee.

12 (iii) Thirteen percent of the fee shall be deposited  
13 in the Review and Advisory Council Administration Account  
14 for expenses of the council as authorized under section  
15 107(l), for technical assistance as provided for under  
16 section 107(k), for administrative assistance as provided  
17 under section 107(j), for fees associated with the ICC to  
18 establish and publish code manuals which contain the  
19 standards of the Uniform Construction Code as provided  
20 under section 304(a)(4) and as otherwise determined  
21 necessary by the department as funds are available.

22 Amend Bill, page 26, line 15, by inserting a bracket before  
23 "for"

24 Amend Bill, page 26, line 16, by striking out the bracket  
25 before "provided"

26 Amend Bill, page 26, line 17, by striking out the bracket  
27 after "Academy"

28 Amend Bill, page 26, lines 24 through 30; page 27, lines 1  
29 through 7; by striking out "NO" in line 24, all of lines 25  
30 through 30 on page 26 and all of lines 1 through 7 on page 27  
31 and inserting

32 ]. The Department of Community and Economic Development  
33 may utilize up to 3% of the funds allocated to the account  
34 under paragraph (1)(i) and up to 3% of the funds allocated to  
35 the account under paragraph (1)(ii) for administrative and  
36 program expenses. Notwithstanding any other provision of this  
37 paragraph to the contrary, the Department of Community and  
38 Economic Development may continue to abide by the provisions  
39 of an agreement permitting the retention or collection of a  
40 greater percentage for administrative and program expenses,  
41 but only for a period of one year from the effective date of  
42 this paragraph.

1           (3) All money deposited under paragraph (1)(iii) shall  
2 be transmitted quarterly to the department. The department  
3 shall not be required to utilize other sources of funding to  
4 carry out activities under this act if the funds provided  
5 under this section are insufficient.

6 (d) Reports.--

7           (1) No later than November 1 of each calendar year, the  
8 Department of Community and Economic Development shall  
9 provide a report to the chairperson and minority chairperson  
10 of the Labor and Industry Committee of the Senate and the  
11 chairperson and minority chairperson of the Labor and  
12 Industry Committee of the House of Representatives. The  
13 report shall detail expenditures for the most recent fiscal  
14 year. The report shall include:

15           (i) The number of construction and building permits  
16 issued and the total fees collected.

17           (ii) A separate accounting of revenue and  
18 expenditures for each account under subsection (c)(1)(i)  
19 and (ii). The separate accounting shall include, to the  
20 extent available, revenue and expenditures by a  
21 contractor, vendor or other party engaged to perform the  
22 services under subsection (c)(1)(i) and (ii). All  
23 contracts entered into after the effective date of this  
24 paragraph by the Department of Community and Economic  
25 Development with a contractor, vendor or other party  
26 shall require the contractor, vendor or other party to  
27 provide the information required under this paragraph.

28           (iii) The amount utilized by the Department of  
29 Community and Economic Development for personnel,  
30 including the position title, hours charged, amount paid  
31 and description of the duties and responsibilities, of  
32 each individual paid in whole or in part from the  
33 account.

34           (iv) The amount utilized by the Department of  
35 Community and Economic Development for operational costs  
36 and a description of each expenditure.

37           (v) The amount utilized by the Department of  
38 Community and Economic Development for other program  
39 purposes and a description of each expenditure.

40           (2) No later than November 1 of each calendar year, the  
41 department shall provide a report to the chairperson and  
42 minority chairperson of the Labor and Industry Committee of  
43 the Senate and the chairperson and minority chairperson of  
44 the Labor and Industry Committee of the House of  
45 Representatives. The report shall detail expenditures for the  
46 most recent fiscal year. The report shall include:

47           (i) A separate accounting of revenue and  
48 expenditures for the account under subsection (c)(1)  
49 (iii). The separate accounting provided under this  
50 paragraph shall include, to the extent available, revenue  
51 and expenditures by a contractor, vendor or other party

1 engaged to perform the services under subsection (c)(1)  
2 (iii). All contracts entered into after the effective  
3 date of this paragraph by the department with a  
4 contractor, vendor or other party shall require the  
5 contractor, vendor or other party to provide the  
6 information required under this paragraph.

7 (ii) The amount utilized by the Uniform Construction  
8 Code Review and Advisory Council for reimbursement of  
9 travel expenses.

10 (iii) The amount utilized by the Uniform  
11 Construction Code Review and Advisory Council for other  
12 purposes and a description of each expenditure.

13 (iv) The amount utilized by the department for  
14 personnel, including the position title, hours charged,  
15 amount and description of the duties and responsibilities  
16 of each individual paid in whole or in part from the  
17 account.

18 (v) The amount utilized by the department for  
19 operational costs and a description of each expenditure.

20 (vi) The amount utilized by the department for other  
21 program purposes and a description of each expenditure.

22 Amend Bill, page 27, line 14, by striking out the comma after  
23 "(b)" and inserting

24 or

25 Amend Bill, page 27, line 15, by inserting a bracket before  
26 "version"

27 Amend Bill, page 27, line 16, by striking out the bracket  
28 before the comma after "Code"

29 Amend Bill, page 27, line 16, by striking out "];"

30 Amend Bill, page 27, line 16, by inserting after "the" where  
31 it occurs the second time

32 ]. The

33 Amend Bill, page 28, lines 2 through 5, by striking out all  
34 of said lines and inserting

35 (1) The amendment of section 703 of the act shall take  
36 effect July 1, 2017, or immediately, whichever is later.

37 (2) The amendment of section 902(c) of the act shall  
38 take effect in 60 days.

39 (3) The remainder of this act shall take effect  
40 immediately.