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," further providing for Uniform
6 Construction Code Review and Advisory Council, for revised or
7 successor codes and for exemptions.
8
9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:
11
12 Section 1. Sections 107 and 304 of the act of November 10,
13 1999 (P.L.491, No.45), known as the Pennsylvania Construction
14 Code Act, amended or added October 9, 2008 (P.L.1386, No.106),
15 are amended to read:
16
17 Section 107. Uniform Construction Code Review and Advisory
18 Council.
(a) Establishment.--The Uniform Construction Code Review and Advisory Council is hereby established.

(b) Duties.--The council shall do the following:

(1) Gather information from municipal officers, building code officials, construction code officials, licensed design professionals, builders and property owners concerning issues with the Uniform Construction Code raised by council members or changes proposed by members of the General Assembly.

(2) Evaluate the information compiled under paragraph (1) and make recommendations to the following:

(i) The Governor.

(ii) The Secretary of Labor and Industry.

(iii) The members of any legislative committee considering amendments to this act.

(iv) The President pro tempore of the Senate.

(v) The Speaker of the House of Representatives.


(3) With the exception of the provisions of Chapter 11 and Appendix E of the International Building Code of [2006] 2009, or its successor codes, or any other accessibility requirements contained in or referenced by the Uniform Construction Code relating to persons with physical disabilities, review new and amended provisions contained in triennial revisions of the codes issued by the International Code Council to any of its codes. The council shall [inform the department of any code provisions that should be excluded from the Uniform Construction Code by May 1 of the year of issuance of the latest triennial code issued by the International Code Council.]
(i) Review the new and amended provisions contained in the latest triennial revisions of the ICC codes, with the review commencing within 90 days of official publication date of the codes. The review process shall be no longer than 15 months from the official publication date of the latest triennial revision, and the council shall begin the review process with the 2012 ICC codes; provided, that the review process for the 2012 codes shall be no longer than 15 months from the effective date of this subsection, or the official publication date of the 2012 ICC codes, whichever is later.

(ii) Conduct the review process by holding at least six public hearings with one being held in Harrisburg, one in a county of the first class, one in a county of the second class, one in a county of the third class, one in a county of the fifth class and one in a county of the seventh class.

(iii) Submit a report to the secretary within the 15-month period required under subparagraph (i) with recommendations for adoption or modification of the new or amended provisions of the codes. The new or amended provisions of the codes that are specified for adoption or modification shall be separately designated in the report, provided that modifications shall not exceed the minimum requirements in the new or amended codes.

(iv) Only adopt recommendations in the report required under subparagraph (iii) that are approved by a two-thirds vote of council membership.

(v) Ensure that the report explains the reasons for each recommendation by applying the following criteria:
(A) the impact that the provision may have upon
the health, safety and welfare of the public;
(B) the economic reasonableness and financial
impact of the provision;
(C) the technical feasibility of the provision;
and
(D) the financial impact that the provision may
have on the public's ability to purchase affordable
housing.

(4) If no report is submitted by the council within the
15-month period specified in paragraph (3), no new code shall
be adopted.

(c) Composition.--The council shall consist of the following
members appointed by the Governor:

(1) A general contractor from an association
representing the residential construction industry who has
recognized ability and experience in the construction of new
residential buildings.

(2) A general contractor from an association
representing the nonresidential construction industry who has
recognized ability and experience in the construction of
nonresidential buildings.

(3) A Uniform Construction Code-certified residential
building inspector who possesses all five residential
certifications from an association representing building code
officials who has experience administering and enforcing
residential codes.

(4) A Uniform Construction Code-certified building
inspector who possesses all nonresidential inspection
certifications, but need not possess a fire inspector
certification, or a certified plans examiner who also holds an accessibility certification from an association representing building code officials who has experience administering and enforcing nonresidential codes.

(5) A Uniform Construction Code-certified fire inspector from an association representing building code officials.

(6) A Uniform Construction Code-certified building code official from an association representing building code officials with building code official certification.

(7) A residential contractor from an association representing contractors engaged in remodeling residential buildings who has recognized ability and experience in remodeling residential and nonresidential buildings.

(8) A licensed architect from an association representing architects who has recognized ability and experience in the design and construction of nonresidential buildings.

(9) A licensed architect from an association representing architects who has recognized ability and experience in the design and construction of residential buildings.

(10) A licensed structural engineer from an association representing professional engineers who has recognized ability and experience in the design and construction of buildings.

(11) A licensed mechanical engineer specializing in HVAC systems from an association representing professional engineers who has recognized ability and experience in the design and construction of buildings.

(12) A licensed mechanical engineer specializing in
plumbing and fire protection from an association representing
professional engineers who has recognized ability and
experience in the design and construction of buildings.

(13) A licensed electrical engineer from an association
representing professional engineers who has recognized
ability and experience in the design and construction of
buildings.

(14) An elected official of a township of the second
class who has recognized ability and experience in
construction of buildings.

(15) An elected borough official who has recognized
ability and experience in construction of buildings.

(16) An elected official of a third class city who has
recognized ability and experience in the construction of
buildings.

(17) An individual from an association representing
manufactured housing who shall be knowledgeable, licensed or
certified to sell and install manufactured housing.

(18) An official of a city of the first class who has
recognized ability and experience in the administration and
enforcement of this act.

(19) An individual from an association representing only
modular housing manufacturers who is knowledgeable, licensed
or certified under the act of May 11, 1972 (P.L.286, No.70),
known as the Industrialized Housing Act, to manufacture and
sell modular homes in Pennsylvania.

(20) An individual from an association representing low-
income housing who has recognized ability and experience in
construction of buildings.

(21) An individual from an association representing
realtors who has recognized ability and experience in
construction of buildings.

(22) An individual from an association representing
commercial building owners who has recognized ability and
experience in construction of buildings.

(23) An individual from an association representing
residential building owners who has recognized ability and
experience in construction of buildings.

At least one of the inspectors appointed to the council shall be
a municipal employee, and at least one inspector shall be a
third-party private sector inspector.

(d) Vacancies.--Vacancies on the council shall be filled in
the same manner in which they were originally designated within
30 business days of the vacancy. If the Governor fails to act
within 30 business days, the council chairperson shall appoint
an individual to fill the vacancy.

(e) Removal.--A member may be removed for just cause by the
Governor.

(f) Terms.--A member of the council shall serve terms of two
years and until his successor is appointed beginning July 1,
2008, except the initial term of members appointed under
subsection (c)(1), (3), (4), (5), (8), (11), (13) and (14) shall
be for three years and until their successor is appointed.

provided further that the initial term of members appointed
under subsection (c)(20), (21), (22) and (23) shall end June 30,
2013.

(g) Chairperson and vice chairperson.--The members shall
elect, by a majority vote, a chairperson and vice chairperson of
the council.

(h) Quorum and consensus.--[Ten] Twelve members shall

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constitute a quorum, and a consensus among at least [ten] twelve members must be reached before any determination can be made by the council.

(i) Meetings.--Meetings shall be conducted as required under 65 Pa.C.S. Ch. 7 (relating to open meetings) as follows:

1. The council shall meet at least once every six months. Meeting dates shall be set by majority vote of the council members or by the call of the chair along with at least seven business days' notice to all members.

2. All meetings of the council shall be publicly advertised and shall be open to the public. Members of the general public shall be given reasonable opportunity to address the council.

3. The council shall publish a schedule of its meetings in the Pennsylvania Bulletin and in at least one newspaper of general circulation. The notice shall be published at least five business days in advance of each meeting. The notice shall specify the date, time and place of the meeting and shall state that the meetings of the council are open to the general public.

(j) Administrative support.--The secretary shall provide a facility for council meetings under this act, stenographic services, necessary staff support and required notice of the council's meetings.

(k) Technical support.--The council may solicit and retain, without compensation, individuals who are qualified by training or experience to provide expert input to the council and, at the discretion of the council, such individuals may be reimbursed for reasonable travel expenses at a rate established by the secretary.
(l) Compensation and expenses.--Members of the council shall not receive a salary [or per diem allowance for their service.] but shall be reimbursed for travel, lodging and meals as established by the secretary.

(m) Fee and establishment of Uniform Construction Code Review and Advisory Council Support Account.--

(1) Municipalities administering and enforcing this act under section 501(a) and third-party agencies providing services under section 501(e) shall assess a fee of $2 on each construction or building permit issued under the authority of this act. The fee shall be in addition to any other fee imposed for the permit.

(2) Support account.--There is established within the State Treasury a restricted account which shall be known as the Uniform Construction Code Review and Advisory Council Support Account.

(3) Deposit.--Moneys collected as authorized under paragraph (1) shall be transmitted quarterly to the State Treasury and shall be deposited in the account established in paragraph (2).

(4) Utilization.--Moneys deposited in the account established under paragraph (2) shall be utilized by the secretary for the purposes delineated in subsections (j), (k) and (l).

Section 304. Revised or successor codes.

[(a) Building code.--

(1) Subject to sections 105(c) and (d), 301(a)(3), (4), (5), (6) and (7), (c) and (d) and 302, by December 31 of the year of the issuance of a new triennial ICC International Building Code, or its successor building code, the department
shall promulgate regulations adopting the new code as the Uniform Construction Code unless the council informs the department that it should exclude any provisions of the triennial code from the Uniform Construction Code. If the council provides this notification, the department shall submit regulations adopting the triennial code with provisions omitted by the council under this section within 90 days following council notification.

(2) Subject to sections 105(c) and (d), 301(a)(3), (4), (5), (6) and (7), (c) and (d) and 302, by December 31 of the year of issuance of a new triennial ICC International Residential Code, or its successor building code, the department shall promulgate regulations providing that all detached one-family and two-family dwellings and one-family townhouses that are not more than three stories in height and their accessory structures may be designed in accordance with that code or the Uniform Construction Code at the option of the building permit applicant. The department shall promulgate regulations adopting the new code as the Uniform Construction Code unless the council informs the department that it should exclude any provisions of the triennial code from the Uniform Construction Code. If the council provides this notification, the department shall submit regulations adopting the triennial code with provisions omitted by the council under this section within 90 days following council notification.

(a) Duties of department.--

(1) Subject to sections 105(c) and (d), 301(a)(3), (4), (5), (6), (7), (8), (9) and (10), (c) and (d) and 302, the department may propose regulations for the adoption of any,
or all, of the recommendations made in the report required
under section 107(b)(3)(iii), provided that the department
shall not propose other changes nor shall the department
modify any of the council recommendations.

(2) The department shall promulgate regulations to
implement any of the report's recommendations within 90 days
of receiving the report or the recommendations shall be
deemed to be rejected. The regulations shall be subject to
normal rulemaking process.

(3) Notwithstanding the provisions of paragraphs (1) and
(2), the department shall promulgate regulations updating
Uniform Construction Code accessibility standards by adopting
Chapter 11 and Appendix E of the International Building Code
of 2012, or its successor, by December 31 of the year of
issuance of the new code.

[(b) International Fuel Gas Code.--By December 31 of the
year of the issuance of a new International Fuel Gas Code, or
its successor code, the department shall promulgate regulations
adopting the new code.]

(c) Prior permits and construction.--

(1) A construction permit issued under valid
construction regulations prior to the effective date of
regulations for a subsequent Uniform Construction Code or
International Fuel Gas Code issued under this act shall
remain valid, and the construction of any building or
structure may be completed pursuant to and in accordance with
the permit.

(2) If the permit has not been actively prosecuted
within two years of the effective date of the regulation or
the period specified by a municipal ordinance, whichever is
less, the former permitholder shall be required to acquire a new permit.

(3) Where construction of a building or structure commenced before the effective date of the regulations for a subsequent Uniform Construction Code or International Fuel Gas Code issued under this act and a permit was not required at that time, construction may be completed without a permit.

[(d) Code revisions.--

(1) The council may determine that any new or amended provision contained in a triennial revision by the ICC to any of the codes which have been adopted by regulation of the department as part of the Uniform Construction Code is not, in the opinion of the council, consistent with the intent and purpose of this act or is otherwise inappropriate for inclusion in the Uniform Construction Code. In making a determination on the new or amended triennial revisions, the council may consider the provisions of section 102, as well as other relevant factors, including, but not limited to:

(i) The impact that the provisions may have upon the health, safety and welfare of the public.

(ii) The economic reasonableness and financial impact of the provisions.

(iii) The technical feasibility of the provisions.

(2) When adopting the latest triennial versions of the ICC codes, the department shall exclude a specific new or amended code provision rejected by the council under paragraph (1) and shall provide that the relevant provisions of the prior versions of the code shall remain in effect.]
adding a subsection to read:

Section 901. Exemptions.

(a) Manufactured housing.--This act shall not apply to manufactured housing which bears a label, as required by and referred to in the act of November 17, 1982 (P.L.676, No.192), known as the Manufactured Housing Construction and Safety Standards Authorization Act, which certifies that it conforms to Federal construction and safety standards adopted under the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633), nor shall it apply to industrialized housing, as defined in the act of May 11, 1972 (P.L.286, No.70), known as the Industrialized Housing Act, with the exception that any model code enacted pursuant to the Industrialized Housing Act shall not include code provisions specifically omitted from adoption pursuant to this act.

* * *

(f) Modifications to 2009 International Residential Code.--

(1) Residential sprinklers.--

(i) Section R313.2 of the 2009 International Residential Code, or its successor provisions, are excluded from the Uniform Construction Code.

(ii) A builder of a one-family or two-family dwelling subject to the International Residential Code shall, at or before the time of entering into the purchase contract, do all of the following:

(A) Offer to a buyer the option to install or equip, at the buyer's expense, an automatic fire sprinkler system in the building or dwelling unit designed and installed in accordance with the provisions of section R313.2.1 of the 2009
International Residential Code, or its successor provision.

(B) Provide the buyer with information that explains the initial and ongoing cost of installing and equipping an automatic fire sprinkler system in the building or dwelling unit.

(2) Log walls.—Log walls with a minimum average wall thickness of five inches or greater which comply with the International Code Council Standard on the Design and Construction of Log Structures, ICC 400-2007, or other successor standard which the department may specify by regulation, shall be permitted in residential buildings if:

(i) the area weighted average U-factor for fenestration products in the log walls is a maximum of 0.31; and

(ii) (A) the building heating equipment meets or exceeds the following Department of Energy ratings:

(I) Gas furnace - 90 annual fuel utilization efficiency (AFUE).

(II) Oil furnace - 85 annual fuel utilization efficiency (AFUE).

(III) Boilers - 85 annual fuel utilization efficiency (AFUE).

(IV) Air source heat pumps - 8.2 heating seasonal performance factor (HSPF) split systems.

(V) For water-to-air geothermal heat pumps:

(a) Closed loop water-to-air, an energy efficiency rating of 14.1 and coefficient of performance of 3.3.

(b) Open loop water-to-air, an energy
efficiency rating of 16.2 and coefficient of performance of 3.6.

(VI) For water-to-water geothermal heat pumps:

(a) Closed loop water-to-water, an energy efficiency rating of 15.1 and coefficient of performance of 3.0.

(b) Open loop water-to-water, an energy efficiency rating of 19.1 and coefficient of performance of 3.4.

(VII) For direct geothermal exchange, an energy efficiency rating of 15.0 and coefficient of performance of 3.5;

or

(B) the building heating equipment is qualified under the Energy Star program jointly operated by the Department of Energy and the United States Environmental Protection Agency as provided for in 10 CFR Pt. 430 (relating to energy conservation program for consumer products); and

(C) all energy efficiency requirements of this act applicable to components other than log walls are met.

(3) Wall bracing requirements.—Section R602.10 through section R602.12.1.6 of the 2009 International Residential Code, or its successor provisions, are excluded from the Uniform Construction Code. The wall bracing requirements of section R602.10 through section R602.11.3 of the International Residential Code of 2006 shall be part of the Uniform Construction Code; provided that the change
(4) Range hood exhaust requirements.--Section M1503.4 of the 2009 International Residential Code, or its successor provision, is excluded from the Uniform Construction Code.

(5) Floor fire protection.--Section R501.3 of the 2012 International Residential Code shall be part of the Uniform Construction Code.

(6) Dryer duct length limitations.--The maximum dryer duct length established in section M1502.4.4.1 of the 2009 International Residential Code, and its successor provision, shall, for the purposes of the Uniform Construction Code, be changed from 25 feet to 35 feet.

(7) Attic access insulation requirements.--Section N1102.2.3 of the 2009 International Residential Code, and its successor provision, is excluded from the Uniform Construction Code, and attic access insulation requirements shall be in accordance with Pennsylvania's Alternative Residential Energy Provisions as established by the Pennsylvania Housing Research/Resource Center.

(8) Deck ledger attachment.--Section R502.2.3 of the 2009 International Residential Code, or its successor provision, is excluded from the Uniform Construction Code.

(9) Applicability.--An applicant for a construction permit that has been approved under section 502 prior to the effective date of this subsection may opt to utilize one or more of the provisions of this subsection on construction authorized under the permit; provided that an applicant that opts to not install residential sprinklers pursuant to
paragraph (1) shall be subject to the requirements of paragraph (5).

Section 3. This act shall take effect as follows:

(1) The amendment of section 107 of the act shall take effect in 30 days.

(2) The remainder of this act shall take effect immediately.