

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1196 Session of
2009

INTRODUCED BY BOYD, BENNINGHOFF, PHILLIPS, BAKER, BEAR,
CALTAGIRONE, CARROLL, CUTLER, EVERETT, FABRIZIO, GEORGE,
GERGELY, GIBBONS, GOODMAN, GRUCELA, HALUSKA, HORNAMAN,
HUTCHINSON, KORTZ, MILLARD, MOUL, MUSTIO, PICKETT, RAPP,
READSHAW, REICHLEY, ROCK, ROHRER, SIPTROTH, DALEY,
OBERLANDER, GINGRICH AND CAUSER, APRIL 3, 2009

SENATOR GORDNER, LABOR AND INDUSTRY, IN SENATE, AS AMENDED,
APRIL 13, 2010

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
6 definitions and for administration and enforcement; and
7 providing for applicability.

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

10 Section 1. The definition of "board of appeals" in section
11 103 of the act of November 10, 1999 (P.L.491, No.45), known as
12 the Pennsylvania Construction Code Act, is amended to read:

13 Section 103. Definitions.

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

17 * * *

1 "Board of appeals." The body created by a municipality or
2 more than one municipality to consider variance requests, to
3 consider extensions of time and to hear appeals from decisions
4 of the code administrator [as provided for by Chapter 1 of the
5 1999 Building Officials and Code Administrators International,
6 Inc., National Building Code, Fourteenth Edition].

7 * * *

8 Section 2. Section 501(c)(1) and (2) of the act, amended
9 November 29, 2006 (P.L.1440, No.157), are amended ~~and the~~
10 ~~subsection is amended by adding a paragraph~~ to read:

11 Section 501. Administration and enforcement.

12 * * *

13 (c) Board of appeals.--

14 (1) A municipality which has adopted an ordinance for
15 the administration and enforcement of this act or
16 municipalities which are parties to an agreement for the
17 joint administration and enforcement of this act shall
18 establish a board of appeals [as provided by Chapter 1 of the
19 1999 BOCA National Building Code, Fourteenth Edition, to hear
20 appeals from decisions of the code administrator]. Members of
21 the municipality's governing body may not serve as members of
22 the board of appeals.

23 (2) [An application for appeal shall be based on a claim
24 that the true intent of this act or regulations legally
25 adopted under this act have been incorrectly interpreted, the
26 provisions of this act do not fully apply or an equivalent
27 form of construction is to be used.] A board of appeals shall
28 consider variance requests, requests for extensions of time
29 and appeals of decisions of code administrators based on any
30 of the following criteria:

~~(i) The decision contravenes the true intent of the act.~~

~~(ii) (I) The Uniform Construction Code was incorrectly interpreted by the code administrator.~~

~~(iii) (II) The Uniform Construction Code does not apply to the subject of the decision.~~

~~(iv) The requirements of the Uniform Construction Code impose an impracticable or unreasonable burden for which an exemption that poses no safety hazard should be granted from the Uniform Construction Code. This subparagraph does not authorize the board of appeals to grant an exemption from automatic fire sprinkler system requirements of the Uniform Construction Code.~~

~~(v) (III) An equivalent form of construction can be used for the subject of the decision.~~

~~(vi) The Uniform Construction Code imposes a requirement which violates the basic tenets of a recognized religious sect for which an exemption that poses no public safety hazard should be granted from the Uniform Construction Code.~~

~~(vii) Compensatory features that will provide an equivalent degree of protection to the Uniform Construction Code.~~

~~(viii) The availability of professional or technical personnel needed to come into compliance.~~

~~(ix) The availability of materials and equipment needed to come into compliance.~~

~~(x) The efforts being made to come into compliance as quickly as possible.~~

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~~(6) A decision of a code administrator must contain written notification that the decision can be appealed to the municipality's board of appeals. The written notification must state the basis for an appeal under paragraph (2) and the time frames under paragraph (5), and must provide specific information on where and how to file the appeal in that municipality.~~

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SECTION 3. SECTION 901(A) OF THE ACT, AMENDED JULY 7, 2006 (P.L.1052, NO.108), IS AMENDED AND THE SECTION IS AMENDED BY 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 ALSO HAVE BEEN ADOPTED PURSUANT TO THIS ACT AND THAT ANY MODEL CODE ENACTED PURSUANT TO THE INDUSTRIALIZED HOUSING ACT SHALL NOT INCLUDE CODE PROVISIONS SPECIFICALLY OMITTED FROM ADOPTION PURSUANT TO THIS ACT.

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(F) 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:

(1) THE AREA WEIGHTED AVERAGE U-FACTOR FOR FENESTRATION
PRODUCTS IN THE LOG WALLS IS A MAXIMUM OF 0.31; AND

(2) (I) THE BUILDING HEATING EQUIPMENT MEETS OR EXCEEDS
THE FOLLOWING DEPARTMENT OF ENERGY RATINGS:

(A) GAS FURNACE - 90 ANNUAL FUEL UTILIZATION
EFFICIENCY (AFUE) .

(B) OIL FURNACE - 85 ANNUAL FUEL UTILIZATION
EFFICIENCY (AFUE) .

(C) BOILERS - 85 ANNUAL FUEL UTILIZATION
EFFICIENCY (AFUE) .

(D) AIR SOURCE HEAT PUMPS - 8.2 HEATING SEASONAL
PERFORMANCE FACTOR (HSPF) SPLIT SYSTEMS.

(E) FOR WATER-TO-AIR GEOTHERMAL HEAT PUMPS:

(I) CLOSED LOOP WATER-TO-AIR, AN ENERGY
EFFICIENCY RATING OF 14.1 AND COEFFICIENT OF
PERFORMANCE OF 3.3.

(II) OPEN LOOP WATER-TO-AIR, AN ENERGY
EFFICIENCY RATING OF 16.2 AND COEFFICIENT OF
PERFORMANCE OF 3.6.

(F) FOR WATER-TO-WATER GEOTHERMAL HEAT PUMPS:

(I) CLOSED LOOP WATER-TO-WATER, AN ENERGY
EFFICIENCY RATING OF 15.1 AND COEFFICIENT OF
PERFORMANCE OF 3.0.

(II) OPEN LOOP WATER-TO-WATER, AN ENERGY
EFFICIENCY RATING OF 19.1 AND COEFFICIENT OF
PERFORMANCE OF 3.4.

1 (G) FOR DIRECT GEOTHERMAL EXCHANGE, AN ENERGY
2 EFFICIENCY RATING OF 15.0 AND COEFFICIENT OF
3 PERFORMANCE OF 3.5;

4 OR

5 (II) THE BUILDING HEATING EQUIPMENT IS QUALIFIED
6 UNDER THE ENERGY STAR PROGRAM JOINTLY OPERATED BY THE
7 DEPARTMENT OF ENERGY AND THE UNITED STATES ENVIRONMENTAL
8 PROTECTION AGENCY AS PROVIDED FOR IN 10 CFR PT. 430
9 (RELATING TO ENERGY CONSERVATION PROGRAM FOR CONSUMER
10 PRODUCTS); AND

11 (III) ALL ENERGY EFFICIENCY REQUIREMENTS OF THIS ACT
12 APPLICABLE TO COMPONENTS OTHER THAN LOG WALLS ARE MET.

13 Section ~~3~~ 4. The amendment of section 501(c)(1) and (2) of ←
14 the act shall apply to appeals filed on or after the effective
15 date of this section.

16 SECTION 5. THE ADDITION OF SECTION 901(F) OF THE ACT SHALL ←
17 EXPIRE DECEMBER 31, 2012.

18 Section ~~4~~ 6. This act shall take effect in 60 days. ←