

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 964 Session of 2011

INTRODUCED BY BENNINGHOFF, BARRAR, BOYD, CAUSER, DENLINGER,  
EVERETT, FLECK, GABLER, GINGRICH, GROVE, MAJOR, MOUL,  
PICKETT, PYLE, ROCK, SONNEY, STEVENSON AND SWANGER,  
MARCH 7, 2011

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 7, 2011

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 municipal administration and enforcement.

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

9 Section 1. Section 501(c) of the act of November 10, 1999  
10 (P.L.491, No.45), known as the Pennsylvania Construction Code  
11 Act, amended November 29, 2006 (P.L.1440, No.157), is amended to  
12 read:

13 Section 501. Administration and enforcement.

14 \* \* \*

15 (c) Board of appeals.--

16 (1) A municipality which has adopted an ordinance for  
17 the administration and enforcement of this act or  
18 municipalities which are parties to an agreement for the  
19 joint administration and enforcement of this act shall

1 establish a board of appeals as provided by Chapter 1 of the  
2 1999 BOCA National Building Code, Fourteenth Edition, to hear  
3 appeals from decisions of the code administrator. Members of  
4 the municipality's governing body may not serve as members of  
5 the board of appeals.

6 (2) An application for appeal shall be based on [a] one  
7 of the following:

8 (i) A claim that the true intent of this act or  
9 regulations legally adopted under this act have been  
10 incorrectly interpreted, the provisions of this act do  
11 not fully apply or an equivalent form of construction is  
12 to be used.

13 (ii) Exemption from insulation requirements in a  
14 residential building. The board of appeals has sole  
15 discretion on an appeal under this subparagraph.

16 (3) When a municipality cannot find persons to serve on  
17 a board of appeals who meet the minimum qualifications of  
18 Chapter 1 of the BOCA National Building Code, the  
19 municipality may fill a position on the board with a  
20 qualified person who resides outside of the municipality.

21 (4) The fee for an appeal to the [Board] board of  
22 [Appeals] appeals for a municipality that is administering  
23 and enforcing this act shall not exceed actual costs of the  
24 public notice of the hearing, appearance fee for the court  
25 reporter and administrative fees as necessary.

26 (5) In the case of an appeal or request for variance or  
27 extension of time involving the construction of a one-family  
28 or two-family residential building, the board of appeals  
29 shall convene a hearing within 30 days of the appeal. The  
30 [Board] board of [Appeals] appeals shall render a written

1 decision to the parties within five business days, or within  
2 ten business days in cities of the first class, of the last  
3 hearing. If the board of appeals fails to act within the time  
4 period under this paragraph, the appeal shall be deemed  
5 granted.

6 \* \* \*

7 Section 2. This act shall take effect in 60 days.