AMENDMENTS TO HOUSE BILL NO. 409

Sponsor: SENATOR WARD

Printer's No. 1235

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

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

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

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

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

* * *

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

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

the member's

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

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

] 90

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

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

] 90

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

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

shall be removed

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

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

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

reasonable

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

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

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

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

Recommendations

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

and shall be nonbinding

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

which shall be held within

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

and shall be held in Harrisburg

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

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

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

A proposed

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

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

the proposed

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

two-thirds

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

shall

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

members. If the unopposed sections fail to be adopted by a majority vote, the council shall conduct a subsequent vote to reject the unopposed sections by a two-thirds majority vote of the council members. If the council fails to reject the unopposed sections by a two-thirds majority vote, the unopposed sections shall be adopted.

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

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

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

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

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

The regulations shall take effect as follows:

(i) Except as provided in subparagraph (ii), regulations adopted under this act shall become effective 33 months after the commencement of council review as provided for in section 108(a)(1)(i).

(ii) Regulations promulgated by the department as a result of the 2015 Code Review shall take effect October 1, 2018.

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

, contracts

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

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

Section 501. Administration and enforcement.

* * *

(c) Board of appeals.--

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

* * *

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

* * *

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

Section 503. Changes in Uniform Construction Code.

* * *

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

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

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

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

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

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

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

* * *

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

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

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

] $4.50

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Reports.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or

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

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

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

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

]. The

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

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

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

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