

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1945 Session of 2015

INTRODUCED BY DELOZIER, KOTIK, HELM, MURT, V. BROWN, GERGELY, PHILLIPS-HILL, MAHER, NEILSON, ZIMMERMAN, RAPP, A. HARRIS AND SCHEMEL, APRIL 4, 2016

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 19, 2016

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," IN PRELIMINARY PROVISIONS, <--
6 FURTHER PROVIDING FOR DEFINITIONS; IN ADOPTION AND
7 ENFORCEMENT BY MUNICIPALITIES, FURTHER PROVIDING FOR
8 ADMINISTRATION AND ENFORCEMENT; AND, in training and
9 certification of inspectors, further providing for training
10 of inspectors.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. Section 701 of the act of November 10, 1999~~ <--
14 ~~(P.L.491, No.45), known as the Pennsylvania Construction Code~~
15 ~~Act, is amended by adding a subsection to read:~~

16 SECTION 1. THE DEFINITION OF "BOARD OF APPEALS" IN SECTION <--
17 103 OF THE ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS
18 THE PENNSYLVANIA CONSTRUCTION CODE ACT, IS AMENDED TO READ:
19 SECTION 103. DEFINITIONS.

20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
21 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 \* \* \*

3 "BOARD OF APPEALS." THE BODY CREATED BY A MUNICIPALITY OR  
4 MORE THAN ONE MUNICIPALITY TO HEAR APPEALS FROM DECISIONS OF THE  
5 CODE ADMINISTRATOR AS PROVIDED FOR BY [CHAPTER 1 OF THE 1999  
6 BUILDING OFFICIALS AND CODE ADMINISTRATORS INTERNATIONAL, INC.,  
7 NATIONAL BUILDING CODE, FOURTEENTH EDITION] THE DEPARTMENT  
8 THROUGH REGULATION.

9 \* \* \*

10 SECTION 2. SECTION 501(C) OF THE ACT, AMENDED NOVEMBER 29,  
11 2006 (P.L.1440, NO.157) AND OCTOBER 24, 2012 (P.L.1433, NO.179),  
12 IS AMENDED TO 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  
20 ESTABLISH OR DESIGNATE A BOARD OF APPEALS AS PROVIDED BY  
21 [CHAPTER 1 OF THE 1999 BOCA NATIONAL BUILDING CODE,  
22 FOURTEENTH EDITION,] THE DEPARTMENT THROUGH REGULATION TO  
23 HEAR APPEALS FROM DECISIONS OF THE CODE ADMINISTRATOR.  
24 MEMBERS OF THE MUNICIPALITY'S GOVERNING BODY MAY NOT SERVE AS  
25 MEMBERS OF THE BOARD OF APPEALS. A MUNICIPALITY MAY ESTABLISH  
26 A BOARD OF APPEALS OR MAY ESTABLISH OR DESIGNATE A JOINT  
27 BOARD OF APPEALS IN ACCORDANCE WITH 53 PA.C.S. CH. 23 SUBCH.  
28 A (RELATING TO INTERGOVERNMENTAL COOPERATION).

29 (2) AN APPLICATION FOR APPEAL SHALL BE BASED ON A CLAIM  
30 THAT THE TRUE INTENT OF THIS ACT OR REGULATIONS LEGALLY

1 ADOPTED UNDER THIS ACT HAVE BEEN INCORRECTLY INTERPRETED, THE  
2 PROVISIONS OF THIS ACT DO NOT FULLY APPLY OR AN EQUIVALENT  
3 FORM OF CONSTRUCTION IS TO BE USED.

4 (3) WHEN A MUNICIPALITY CANNOT FIND PERSONS TO SERVE ON  
5 A BOARD OF APPEALS WHO MEET THE MINIMUM QUALIFICATIONS [OF  
6 CHAPTER 1 OF THE BOCA NATIONAL BUILDING CODE] ESTABLISHED BY  
7 THE DEPARTMENT, THE MUNICIPALITY MAY FILL A POSITION ON THE  
8 BOARD WITH A QUALIFIED PERSON WHO RESIDES OUTSIDE OF THE  
9 MUNICIPALITY.

10 (4) THE FEE FOR AN APPEAL TO THE BOARD OF APPEALS FOR A  
11 MUNICIPALITY THAT IS ADMINISTERING AND ENFORCING THIS ACT  
12 SHALL NOT EXCEED ACTUAL COSTS OF THE PUBLIC NOTICE OF THE  
13 HEARING, APPEARANCE FEE FOR THE COURT REPORTER AND  
14 ADMINISTRATIVE FEES AS NECESSARY.

15 (5) IN THE CASE OF AN APPEAL OR REQUEST FOR VARIANCE OR  
16 EXTENSION OF TIME INVOLVING THE CONSTRUCTION OF A ONE-FAMILY  
17 OR TWO-FAMILY RESIDENTIAL BUILDING, THE BOARD OF APPEALS  
18 SHALL CONVENE A HEARING WITHIN 30 DAYS OF THE APPEAL. THE  
19 BOARD OF APPEALS SHALL RENDER A WRITTEN DECISION TO THE  
20 PARTIES WITHIN FIVE BUSINESS DAYS, OR WITHIN TEN BUSINESS  
21 DAYS IN CITIES OF THE FIRST CLASS, OF THE LAST HEARING. IF  
22 THE BOARD OF APPEALS FAILS TO ACT WITHIN THE TIME PERIOD  
23 UNDER THIS PARAGRAPH, THE APPEAL SHALL BE DEEMED GRANTED.

24 \* \* \*

25 SECTION 3. SECTION 701 OF THE ACT IS AMENDED BY ADDING A  
26 SUBSECTION TO READ:

27 Section 701. Training of inspectors.

28 \* \* \*

29 (1) Trainee classification.--

30 (1) The department may by regulation establish a

1 separate trainee classification for each certification  
2 category.

3 (2) The trainee classification shall be considered  
4 optional for all individuals seeking certification under this  
5 act.

6 (3) An applicant for trainee classification shall secure  
7 the sponsorship of an individual certified in each category  
8 for which the trainee seeks certification. Each sponsor shall  
9 be verified by an affidavit form provided by the department.

10 (4) A trainee classification is nonrenewable and shall  
11 be limited to a:

12 (i) two-year time period for residential and  
13 accessibility certification categories; and

14 (ii) three-year time period for all other  
15 certification categories.

16 (5) Individuals with trainee classifications may ~~perform~~ <--  
17 ~~all~~ LEARN the duties of a certified individual while under <--  
18 the supervision of a sponsor described in paragraph (3).

19 (6) The department may establish fees and applications  
20 and registration procedures to establish the trainee  
21 classification system. Individuals with trainee  
22 classifications shall be listed on the department's publicly  
23 accessible Internet website.

24 Section 2 4. This act shall take effect in 60 days. <--