
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 266 Session of
2017

INTRODUCED BY HARPER, RADER, B. MILLER, MILNE, TOOHL, MURT AND
MILLARD, JANUARY 31, 2017

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 31, 2017

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; and, in adoption and
7 enforcement by municipalities, further providing for
8 administration and enforcement.

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

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

14 Section 103. Definitions.

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

18 * * *

19 "Board of appeals." The body created by a municipality or
20 more than one municipality to hear appeals from decisions of the
21 code administrator as provided for by [Chapter 1 of the 1999

1 Building Officials and Code Administrators International, Inc.,
2 National Building Code, Fourteenth Edition] the department
3 through regulation.

4 * * *

5 Section 2. Section 501(c) of the act is amended to read:

6 Section 501. Administration and enforcement.

7 * * *

8 (c) Board of appeals.--

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

22 (2) An application for appeal shall be based on a claim
23 that the true intent of this act or regulations legally
24 adopted under this act have been incorrectly interpreted, the
25 provisions of this act do not fully apply or an equivalent
26 form of construction is to be used.

27 (3) When a municipality cannot find persons to serve on
28 a board of appeals who meet the minimum qualifications [of
29 Chapter 1 of the BOCA National Building Code] established by
30 the department, the municipality may fill a position on the

1 board with a qualified person who resides outside of the
2 municipality.

3 (4) The fee for an appeal to the Board of Appeals for a
4 municipality that is administering and enforcing this act
5 shall not exceed actual costs of the public notice of the
6 hearing, appearance fee for the court reporter and
7 administrative fees as necessary.

8 (5) In the case of an appeal or request for variance or
9 extension of time involving the construction of a one-family
10 or two-family residential building, the board of appeals
11 shall convene a hearing within 30 days of the appeal. The
12 Board of Appeals shall render a written decision to the
13 parties within five business days, or within ten business
14 days in cities of the first class, of the last hearing. If
15 the board of appeals fails to act within the time period
16 under this paragraph, the appeal shall be deemed granted.

17 * * *

18 Section 3. This act shall take effect in 60 days.