

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 266 Session of 2017

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 4, 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

1 code administrator as provided for by [Chapter 1 of the 1999  
2 Building Officials and Code Administrators International, Inc.,  
3 National Building Code, Fourteenth Edition] section 501(c).

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,] this subsection to hear appeals from  
16 decisions of the code administrator. [Members of the  
17 municipality's governing body may not serve as members of the  
18 board of appeals.] A municipality may establish a board of  
19 appeals or may establish or designate a joint board of  
20 appeals in accordance with 53 Pa.C.S. Ch. 23 Subch. A  
21 (relating to intergovernmental cooperation). The board of  
22 appeals shall be composed in accordance with the following:

23 (i) A member of the board of appeals shall be  
24 qualified by training and experience to pass on matters  
25 pertaining to building construction. Training and  
26 experience may consist of licensure as an architect or  
27 engineer, experience in the construction industry or  
28 training or experience as an inspector or plan reviewer.

29 (ii) A member of the board of appeals holds office  
30 at the pleasure of the municipality's governing body.

1           (iii) Members of a municipality's governing body and  
2           code administrators may not serve on the board of  
3           appeals.

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

9           (3) When a municipality cannot find persons to serve on  
10          a board of appeals who meet the minimum qualifications [of  
11          Chapter 1 of the BOCA National Building Code] established by <--  
12          ~~the department~~ UNDER THIS SUBSECTION, the municipality may <--  
13          fill a position on the board with a qualified person who  
14          resides outside of the municipality.

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

20          (5) In the case of an appeal or request for variance or  
21          extension of time involving the construction of a one-family  
22          or two-family residential building, the board of appeals  
23          shall convene a hearing within 30 days of the appeal. The  
24          Board of Appeals shall render a written decision to the  
25          parties within five business days, or within ten business  
26          days in cities of the first class, of the last hearing. If  
27          the board of appeals fails to act within the time period  
28          under this paragraph, the appeal shall be deemed granted.

29          \* \* \*

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