

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 269 Session of 2017

INTRODUCED BY BAKER AND RAFFERTY, JANUARY 31, 2017

AS AMENDED ON THIRD CONSIDERATION, MAY 23, 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 for Uniform
7 Construction Code Review and Advisory Council and providing
8 for review of updated sections and adoption of updated
9 sections into Uniform Construction Code; in Uniform
10 Construction Code, further providing for revised or successor
11 codes; in adoption and enforcement by municipalities, further
12 providing for administration and enforcement; in training and
13 certification of inspectors, further providing for education
14 and training programs; and, in exemptions, applicability and
15 penalties, further providing for applicability to certain
16 buildings.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The definition of "board of appeals" in section
20 103 of the act of November 10, 1999 (P.L.491, No.45), known as
21 the Pennsylvania Construction Code Act, is amended and the
22 section is amended by adding definitions to read:

23 Section 103. Definitions.

24 The following words and phrases when used in this act shall
25 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 by
8 regulation.

9 * * *

10 "Collective codes." The term includes:

11 (1) Provisions of the ICC codes specified in 34 Pa. Code
12 § 403.21 (relating to Uniform Construction Code).

13 (2) Any other sections of the ICC codes which were
14 previously subject to review by the council whether or not
15 those sections were incorporated into the Uniform
16 Construction Code or specified in 34 Pa. Code § 403.21.

17 * * *

18 "Existing sections." All sections of the collective codes
19 that have been incorporated into the Uniform Construction Code
20 that are currently in effect at the time of review by the
21 council pursuant to section 108.

22 * * *

23 "Unopposed sections." Any and all updated sections that:

24 (1) Do not receive a public comment recommending
25 modification or rejection pursuant to section 108(a)(3)(ii).

26 (2) Are not selected for further review by a technical
27 advisory committee pursuant to section 108(a)(3)(v).

28 (3) Are not selected for further review by the council
29 pursuant to section 108(a)(3)(ix)(A).

30 "Updated sections." Any and all sections of the newest

1 editions of the ICC codes subject to review by the council under
2 section 108(a)(1) that are different from, added to or deleted
3 from, the immediately preceding editions of the ICC codes. Each
4 updated section shall be referenced by the section number
5 assigned to the section by the ICC codes.

6 * * *

7 Section 2. Section 107 of the act is amended to read:
8 Section 107. Uniform Construction Code Review and Advisory
9 Council.

10 (a) Establishment.--The Uniform Construction Code Review and
11 Advisory Council is hereby established.

12 (b) Duties.--The council shall do the following:

13 (1) Gather information from municipal officers, building
14 code officials, construction code officials, licensed design
15 professionals, builders [and], property owners, construction
16 trades and consumer representatives concerning issues with
17 the Uniform Construction Code raised by council members or
18 changes proposed by members of the General Assembly.

19 (2) Evaluate the information compiled under paragraph
20 (1) and make recommendations to the following:

21 (i) The Governor.

22 (ii) The Secretary of Labor and Industry.

23 (iii) The members of any legislative committee
24 considering amendments to this act.

25 (iv) The President pro tempore of the Senate.

26 (v) The Speaker of the House of Representatives.

27 (vi) The [Code Development Councils of the]
28 International Code Council.

29 (3) With the exception of the accessibility provisions
30 of [Chapter 11 and Appendix E of the International Building

1 Code of 2009, or its successor] the most recently published
2 editions of ICC codes, or any other accessibility
3 requirements specified in regulation, contained in or
4 referenced by the Uniform Construction Code relating to
5 persons with physical disabilities, review the [latest
6 triennial code revisions issued by the International Code
7 Council, beginning with the 2012 codes] updated sections, as
8 provided under [subsection (b.1)] section 108, or other
9 sections of the collective codes, as provided under section
10 108(a)(1)(iii).

11 [(b.1) Code review process.--

12 (1) Beginning with the 2012 ICC codes, the council shall
13 review the latest triennial code revisions upon official
14 publication of the codes.

15 (2) During the review process, the council shall hold at
16 least three public hearings. One of the public hearings shall
17 be held in Harrisburg, one shall be held in the eastern
18 region of this Commonwealth and one shall be held in the
19 western region of this Commonwealth.

20 (3) The council shall submit a report to the secretary
21 within the 12-month period following official publication of
22 the latest triennial code revisions under paragraph (1) with
23 provisions of the codes that are specified for adoption. The
24 provisions of the codes that are specified for adoption shall
25 be separately designated in the report.

26 (4) The council shall examine triennial code revisions
27 applying all of the following criteria:

28 (i) The impact that the provision may have upon the
29 health, safety and welfare of the public.

30 (ii) The economic and financial impact of the

1 provision.

2 (iii) The technical feasibility of the provision.

3 (5) Only triennial code revisions that are adopted by a
4 two-thirds vote of council membership shall be included in
5 the report required under paragraph (3).]

6 (c) Composition.--The council shall [consist of the
7 following members appointed by the Governor:

8 (1) A general contractor from an association
9 representing the residential construction industry who has
10 recognized ability and experience in the construction of new
11 residential buildings.

12 (2) A general contractor from an association
13 representing the nonresidential construction industry who has
14 recognized ability and experience in the construction of
15 nonresidential buildings.

16 (3) A Uniform Construction Code-certified residential
17 building inspector who possesses all five residential
18 certifications from an association representing building code
19 officials who has experience administering and enforcing
20 residential codes.

21 (4) A Uniform Construction Code-certified building
22 inspector who possesses all nonresidential inspection
23 certifications, but need not possess a fire inspector
24 certification, or a certified plans examiner who also holds
25 an accessibility certification from an association
26 representing building code officials who has experience
27 administering and enforcing nonresidential codes.

28 (5) A Uniform Construction Code-certified fire inspector
29 from an association representing building code officials.

30 (6) A Uniform Construction Code-certified building code

1 official from an association representing building code
2 officials with building code official certification.

3 (7) A residential contractor from an association
4 representing contractors engaged in remodeling residential
5 buildings who has recognized ability and experience in
6 remodeling residential and nonresidential buildings.

7 (8) A licensed architect from an association
8 representing architects who has recognized ability and
9 experience in the design and construction of nonresidential
10 buildings.

11 (9) A licensed architect from an association
12 representing architects who has recognized ability and
13 experience in the design and construction of residential
14 buildings.

15 (10) A licensed structural engineer from an association
16 representing professional engineers who has recognized
17 ability and experience in the design and construction of
18 buildings.

19 (11) A licensed mechanical engineer specializing in HVAC
20 systems from an association representing professional
21 engineers who has recognized ability and experience in the
22 design and construction of buildings.

23 (12) A licensed mechanical engineer specializing in
24 plumbing and fire protection from an association representing
25 professional engineers who has recognized ability and
26 experience in the design and construction of buildings.

27 (13) A licensed electrical engineer from an association
28 representing professional engineers who has recognized
29 ability and experience in the design and construction of
30 buildings.

1 (14) An elected official of a township of the second
2 class who has recognized ability and experience in
3 construction of buildings.

4 (15) An elected borough official who has recognized
5 ability and experience in construction of buildings.

6 (16) An elected official of a third class city who has
7 recognized ability and experience in the construction of
8 buildings.

9 (17) An individual from an association representing
10 manufactured housing who shall be knowledgeable, licensed or
11 certified to sell and install manufactured housing.

12 (18) An official of a city of the first class who has
13 recognized ability and experience in the administration and
14 enforcement of this act.

15 (19) An individual from an association representing only
16 modular housing manufacturers who is knowledgeable, licensed
17 or certified under the act of May 11, 1972 (P.L.286, No.70),
18 known as the Industrialized Housing Act, to manufacture and
19 sell modular homes in Pennsylvania.] be comprised of members
20 who are legal residents of this Commonwealth and are selected
21 as follows:

22 (1) One member, appointed by the President pro tempore
23 of the Senate, who must be a general contractor from an
24 association representing the residential construction
25 industry and have a recognized ability and experience in the
26 construction of new residential dwellings.

27 (2) One member, appointed by the Minority Leader of the
28 Senate, who must be a second or third class city official and
29 have recognized ability and experience in the construction of
30 buildings.

1 (3) One member, appointed by the Speaker of the House of
2 Representatives, who must be a general contractor from an
3 association representing the nonresidential construction
4 industry and have recognized ability and experience in the
5 construction of nonresidential buildings.

6 (4) One member, appointed by the Minority Leader of the
7 House of Representatives, who must have recognized ability
8 and experience in construction trades so as to represent
9 employees in the industry.

10 (5) Seventeen members appointed by the Governor to
11 include the following:

12 (i) One member who must be a Uniform Construction
13 Code-certified residential building inspector, possess
14 all five residential certifications from an association
15 representing building code officials and have experience
16 administering and enforcing residential codes.

17 (ii) One member who must be a Uniform Construction
18 Code-certified building inspector, who possesses all
19 nonresidential inspection certifications but does not
20 need to possess a fire inspector certification, or a
21 certified plans examiner, who holds an accessibility
22 certification from an association representing building
23 code officials and has experience administering and
24 enforcing nonresidential codes.

25 (iii) One member who must be a Uniform Construction
26 Code-certified fire inspector from an association
27 representing fire code officials.

28 (iv) One member who must be a Uniform Construction
29 Code-certified building code official from an association
30 representing building code officials with building code

1 official certification.

2 (v) One member who must be a residential contractor
3 from an association representing contractors engaged in
4 remodeling residential buildings and have recognized
5 ability and experience in remodeling residential and
6 nonresidential buildings.

7 (vi) One member who must be a licensed architect
8 from an association representing architects and have
9 recognized ability and experience in the design and
10 construction of nonresidential buildings.

11 (vii) One member who must be a licensed architect
12 from an association representing architects and have
13 recognized ability and experience in the design and
14 construction of residential buildings.

15 (viii) One member who must be a licensed structural
16 engineer from an association representing professional
17 engineers and have recognized ability and experience in
18 the design and construction of buildings.

19 (ix) One member who must be a licensed mechanical
20 engineer specializing in HVAC systems from an association
21 representing professional engineers and have recognized
22 ability and experience in the design and construction of
23 buildings.

24 (x) One member who must be a licensed mechanical
25 engineer specializing in plumbing and fire protection
26 from an association representing professional engineers
27 and have recognized ability and experience in the design
28 and construction of buildings.

29 (xi) One member who must be a licensed electrical
30 engineer from an association representing professional

1 engineers and have recognized ability and experience in
2 the design and construction of buildings.

3 (xii) One member who must be a public official of a
4 borough and have recognized ability and experience in the
5 construction of buildings.

6 (xiii) One member from an association representing
7 manufactured housing who must be knowledgeable, licensed
8 or certified to sell and install manufactured housing.

9 (xiv) One member who must be a first class city
10 official and have recognized ability and experience in
11 the administration and enforcement of this act.

12 (xv) One member from an association representing
13 modular housing manufacturers who must be knowledgeable,
14 licensed or certified under the act of May 11, 1972
15 (P.L.286, No.70), known as the Industrialized Housing
16 Act, to manufacture and sell modular homes in this
17 Commonwealth.

18 (xvi) One member who is a public official of a
19 township of the second class and has recognized ability
20 and experience in the construction of buildings.

21 (xvii) One member from an association representing
22 commercial building owners who has recognized ability and
23 experience in the construction and renovation of
24 nonresidential buildings.

25 At least one of the inspectors appointed to the council shall be
26 a municipal employee, and at least one inspector shall be a
27 third-party private sector inspector. A member shall present
28 documentation to the secretary that the member meets the
29 qualifications of the member's appointment, and the secretary
30 shall maintain the documentation for public inspection.

1 (d) Vacancies.--Vacancies on the council shall be filled in
2 the [same] manner [in which they were originally designated]
3 provided under subsection (c) within 30 business days of the
4 vacancy. [If the Governor fails to act within 30 business days,
5 the council chairperson shall appoint an individual to fill the
6 vacancy.] If the appointing authority fails to act within 30
7 business days, the council chairperson shall appoint an
8 individual to fill the vacancy.

9 (e) Removal.--Council members who miss three or more
10 consecutive meetings or who miss three or more meetings of a
11 technical advisory committee to which they have been appointed,
12 may be removed from the council and any technical advisory
13 committees to which they have been appointed and a new council
14 member shall be appointed in accordance with this section.
15 Notwithstanding any other provision to the contrary, the council
16 chair shall appoint a council member to serve on a technical
17 advisory committee and replace a council member removed from
18 that technical advisory committee pursuant to this subsection. A
19 council member may also be removed for just cause by the
20 Governor. A council member who does not meet the qualifications
21 of his appointment shall be removed.

22 (f) Terms.--

23 (1) [A] Except as otherwise provided under this
24 subsection, a member of the council shall serve terms of
25 [two] three years and until his successor is appointed.
26 [beginning July 1, 2008, except the initial term of members
27 appointed under subsection (c)(1), (3), (4), (5), (8), (11),
28 (13) and (14) shall be for three years and until their
29 successor is appointed.]

30 (2) The term of a member appointed under subsection (c)

1 (1), (2), (3), (4) or (5)(xvii) shall commence immediately
2 upon appointment and shall expire June 30, 2020, and until a
3 successor is appointed.

4 (3) A member appointed to the council before the
5 effective date of this section shall serve on the council
6 according to the following:

7 (i) If the member meets the qualifications as
8 specified under subsection (c)(5)(x) or (xiv), the member
9 shall fill the appointment under subsection (c)(5)(x) or
10 (xiv) until June 30, 2017, and until a successor is
11 appointed.

12 (ii) If the member meets the qualifications as
13 specified under subsection (c)(5)(i), (ii), (iv), (vi),
14 (viii), (ix) or (xv), the member shall fill the
15 appointment under subsection (c)(5)(i), (ii), (iv), (vi),
16 (viii), (ix) or (xv) until June 30, 2018, and until a
17 successor is appointed.

18 (iii) If the member meets the qualifications as
19 specified under subsection (c)(5)(iii), (v), (vii), (xi),
20 (xii), (xiii) or (xvi), the member shall fill the
21 appointment under subsection (c)(5)(iii), (v), (vii),
22 (xi), (xii), (xiii) or (xvi) until June 30, 2019, and
23 until a successor is appointed.

24 (4) If a member serving the council under paragraph (3)
25 (i), (ii) or (iii) resigns or is removed in accordance with
26 subsection (e), the member's successor shall serve for the
27 remainder of the member's term and until a successor is
28 appointed.

29 (g) Chairperson and vice chairperson.--The members shall
30 elect, by a majority vote, a chairperson and vice chairperson of

1 the council.

2 (h) Quorum.--[Ten] Eleven members shall constitute a quorum.

3 (i) Meetings.--Meetings shall be conducted as required under
4 65 Pa.C.S. Ch. 7 (relating to open meetings) as follows:

5 (1) The council shall meet at least once every six
6 months. Meeting dates shall be set by majority vote of the
7 council members or by the call of the chair along with at
8 least seven business days' notice to all members.

9 (2) All meetings of the council shall be publicly
10 advertised and shall be open to the public. Members of the
11 general public shall be given reasonable opportunity to
12 address the council.

13 (3) The council shall publish a schedule of its meetings
14 in the Pennsylvania Bulletin and in at least one newspaper of
15 general circulation. The notice shall be published at least
16 five business days in advance of each meeting. The notice
17 shall specify the date, time and place of the meeting and
18 shall state that the meetings of the council are open to the
19 general public.

20 (4) Council members may participate in council meetings
21 in person, via telephone conference, or via video conference.
22 Council members may submit votes in person, telephonically or
23 by e-mail to the chair of the council. The department may
24 approve similar methods of communication for participation
25 and voting by council members.

26 (j) Administrative support.--The department shall provide a
27 facility for council meetings under this act, stenographic
28 services, secretarial services, legal representation and
29 required notice of the council's meetings. The department [may]
30 shall provide staff support in drafting any reports required

1 under this act.

2 (k) Technical support.--The council may solicit and retain,
3 with or without compensation, individuals who are qualified by
4 training or experience to provide expert input to the council
5 [and, at]. At the discretion of the council:

6 (1) Except as set forth in paragraph (2), such
7 individuals may be compensated for their services or
8 reimbursed for reasonable travel expenses at a reasonable
9 rate established by the secretary, or both.

10 (2) Paragraph (1) does not apply to a member of a
11 technical advisory committee appointed under subsection (m)
12 (1) (v).

13 (l) Compensation and expenses.--Members of the council shall
14 not receive a salary or per diem allowance for their service[.]
15 but shall be reimbursed in amounts and as determined by the
16 department for reasonable travel, lodging and other necessary
17 expenses incurred in performing their duties.

18 (m) Technical advisory committees.--

19 (1) The council shall establish a process by which
20 technical advisory committees will assist the council in the
21 review of the updated sections. The technical advisory
22 committee process shall comply with the following
23 requirements:

24 (i) There shall be a technical advisory committee
25 for each of the codes included in the Uniform
26 Construction Code and specified in 34 Pa. Code § 403.21
27 (relating to Uniform Construction Code), and such other
28 technical advisory committees as the council deems
29 necessary to facilitate its review. Members of industry
30 and interest groups associated with code development and

1 enforcement shall be permitted to participate in the
2 technical advisory committee.

3 (ii) Each technical advisory committee shall be
4 limited to a maximum of 12 members. The chair of the
5 council shall appoint a council member to chair each
6 technical advisory committee. Any other council member
7 may seek appointment to a technical advisory committee
8 and, if no more than four additional council members seek
9 appointment to a specified technical advisory committee,
10 those council members shall also be appointed to the
11 technical advisory committee. If more than four council
12 members seek appointment to a technical advisory
13 committee, the chair of the council shall appoint four of
14 the council members seeking appointment to serve and the
15 remaining council members seeking appointment shall serve
16 only if additional positions on the technical advisory
17 committee remain after selection of the technical
18 advisory committee members pursuant to subparagraph (v).

19 (iii) The department shall publish a notice seeking
20 participation in the technical advisory committees in the
21 Pennsylvania Bulletin and on the department's publicly
22 accessible Internet website or, in the absence of an
23 Internet website, in such other manner as the secretary
24 determines will provide substantially similar public
25 notice.

26 (iv) Interested persons shall submit to the chair of
27 the council the following information within 30 days
28 following the publication of the notice:

29 (A) name;

30 (B) the name or subject matter area of the

1 technical advisory committee to which the individual
2 seeks to be appointed;

3 (C) contact information;

4 (D) industry sector, interest group or area of
5 construction industry expertise, if applicable; and

6 (E) summary of experience and expertise.

7 (v) The chair of the council shall seek to ensure
8 diversity of interests on each technical advisory
9 committee. Technical advisory committee members shall be
10 selected by the chair of the council from among the
11 interested persons identified in subparagraph (iv) to
12 ensure that the technical advisory committee as a whole
13 has, at minimum, representation from affected contractor
14 associations, affected building trade organizations, the
15 code enforcement community, the design professional
16 community and other relevant industries.

17 (vi) Meetings of the technical advisory committees
18 may be in person, via telephone conference or via video
19 conference. The department may approve similar methods of
20 communication for participation and voting by technical
21 advisory committee members.

22 (vii) Technical advisory committee members may
23 submit votes in person, telephonically or by electronic
24 mail to the chair of the technical advisory committee.
25 Recommendations of a technical advisory committee shall
26 be by majority of the votes received and shall be non-
27 binding.

28 Section 3. The act is amended by adding a section to read:

29 Section 108. Review of updated sections and adoption of updated
30 sections into Uniform Construction Code.

1 (a) Code review process.--

2 (1) (i) Except as specifically provided in this act
3 with respect:

4 (A) to the 2015 changes to the Uniform
5 Construction Code adopted by the council; and

6 (B) to the procedure outlined in subparagraph
7 (iii),

8 the council shall commence its review of the updated
9 sections 21 months following the publication of a new
10 edition of the ICC codes in accordance with paragraph
11 (3). Notwithstanding any other provision of this act to
12 the contrary, the council shall initiate a new review of
13 the updated sections contained in the 2015 edition of the
14 ICC codes within 30 days of the effective date of this
15 section, and this review shall be referred to as the 2015
16 Code Review. The decisions by the council with respect to
17 the 2015 edition of the ICC codes previously provided to
18 the department on May 29, 2015, and the regulations
19 promulgated by the department as a result, shall remain
20 in full force and effect until September 30, 2018. As of
21 October 1, 2018, the decisions of the council as a result
22 of the 2015 Code Review and the regulations promulgated
23 by the department as a result, shall supersede any
24 previous inconsistent council decisions or departmental
25 regulations.

26 (ii) The 2015 Code Review shall be conducted in
27 accordance with provisions of this act, except that:

28 (A) the public comment period under paragraph

29 (3) (i) shall be 30 days;

30 (B) notwithstanding the requirements under

1 paragraph (3)(viii), the council shall only be
2 required to hold one public hearing, which shall be
3 held within 30 days after the end of the public
4 comment period and shall be in Harrisburg;

5 (C) the council shall not be required to
6 establish a technical advisory committee as required
7 under section 107(m) and may establish a committee
8 based on past practices of the council provided that
9 the committee shall follow the process as specified
10 under this act to the furthest extent practicable;
11 and

12 (D) the council may rely on technical analysis
13 of the 2015 edition of the triennial codes performed
14 by the council during the council's previous review.

15 (iii) The council shall also review, in accordance
16 with the procedures outlined in this act, any section of
17 the collective codes that do not otherwise constitute
18 updated sections but only if two-thirds of the council
19 membership so determine. The sections selected for review
20 shall be referred to as "additional sections." The
21 additional sections shall be treated for purposes of
22 review and approval or disapproval by the council as
23 updated sections. The selection of additional sections
24 shall occur prior to commencement of the review process.

25 (2) Each updated section subject to review under
26 paragraph (3)(v) shall be examined applying all of the
27 following criteria:

28 (i) The impact that the section may have upon the
29 health, safety and welfare of the public.

30 (ii) The economic and financial impact of the

1 section, including impact on the end consumer.

2 (iii) The technical feasibility of the section.

3 (3) The council shall review the updated sections as
4 follows:

5 (i) A 120-day period to receive comments from
6 council members and the general public regarding the
7 updated sections shall commence 30 days following the
8 start of the council's review under paragraph (1). The
9 public comment period shall be announced in the
10 Pennsylvania Bulletin and on the department's publicly
11 accessible Internet website or, in the absence of an
12 Internet website, in such other manner as the secretary
13 determines will provide substantially similar public
14 notice.

15 (ii) All public comments shall be submitted on a
16 form created by the council. Each comment shall relate to
17 a single updated section. The comment shall, at a
18 minimum, specify the updated section to which the comment
19 relates, state whether the updated section should be
20 adopted, rejected or modified, and specify the rationale
21 for the recommended action based on the criteria set
22 forth in paragraph (2). A proposed modification shall
23 meet or exceed the standards of the section in effect or
24 being reviewed and the proposed modification shall be
25 within the standards under review.

26 (iii) All public comments submitted in accordance
27 with subparagraph (ii) shall be provided to all council
28 members, posted on the department's publicly accessible
29 Internet website or, in the absence of an Internet
30 website, in such other manner as the secretary determines

1 will provide substantially similar public notice. All
2 public comments submitted in accordance with subparagraph
3 (ii) shall be reviewed individually by a technical
4 advisory committee.

5 (iv) After the expiration of the public comment
6 period, the chair shall assign each updated section,
7 regardless of whether a public comment has been received,
8 to the technical advisory committee for the code that
9 contains the updated section.

10 (v) The technical advisory committee shall review
11 all of the updated sections it has been assigned as
12 provided in this section. The technical advisory
13 committee may also review any related updated section,
14 any existing section or any related collective code
15 section as needed to ensure consistency and effectiveness
16 of the Uniform Construction Code. Even if an updated
17 section has not received a public comment in accordance
18 with subparagraph (ii), a technical advisory committee
19 member may select one or more of the updated sections
20 assigned to the technical advisory committee for
21 individual consideration by the council under
22 subparagraph (ix) (B).

23 (vi) For each updated section that:

24 (A) receives a comment recommending modification
25 or rejection in accordance with subparagraph (ii); or

26 (B) a member of the technical advisory committee
27 to which it has been assigned has separately selected
28 for individual review by the council;

29 the technical advisory committee shall submit to the
30 chair of the council a recommendation that the section

1 and any related section identified in subparagraph (v) be
2 adopted, rejected or modified. The technical advisory
3 committee shall submit the rationale for its
4 recommendations. Notwithstanding any other provision of
5 this subparagraph, updated sections that do not receive a
6 comment recommending modification or rejection in
7 accordance with subparagraph (ii) and that a member of
8 the technical advisory committee has not separately
9 selected for individual review by the council shall be
10 noted in the report as unopposed.

11 (vii) The technical advisory committee's
12 recommendations shall be posted on the department's
13 publicly accessible Internet website or, in the absence
14 of an Internet website, in such other manner as the
15 secretary determines will provide substantially similar
16 public notice. The technical advisory committee's
17 recommendations shall be posted at least 10 business days
18 prior to holding the first hearing pursuant to this
19 section.

20 (viii) After submission of all recommendations of
21 the technical advisory committees, the council shall hold
22 at least three public hearings. One of the public
23 hearings shall be held in Harrisburg, one shall be held
24 in the eastern region of this Commonwealth and one shall
25 be held in the western region of this Commonwealth.

26 (ix) Upon completion of the hearings, the council
27 shall hold one or more official meetings of the council
28 to decide whether to adopt, reject or modify the updated
29 sections and any related section identified in
30 subparagraph (v). The following shall apply:

1 (A) The council shall consider and vote on the
2 unopposed sections as a group. Prior to a vote on the
3 unopposed sections as a group, the council shall
4 first consider any motion made by a council member to
5 exclude a section from the unopposed group. A motion
6 to exclude shall only be in order if it is supported
7 by written explanation, made available to the
8 council, describing new information not considered by
9 the technical advisory committees and the underlying
10 rationale for the motion. If the motion is supported
11 by a two-thirds majority of the council membership,
12 that section shall be removed from the unopposed
13 group. Unopposed sections that remain as part of the
14 group, after consideration of motions to exclude
15 sections, shall be adopted by a majority vote of the
16 council members. If unopposed sections fail to be
17 adopted by a majority vote, the council shall conduct
18 a subsequent vote to reject unopposed sections by a
19 two-thirds majority vote of the council members. If
20 the council fails to reject unopposed sections by a
21 two-thirds majority vote, the unopposed sections
22 shall be adopted. All unopposed sections that are
23 rejected as a group or successfully excluded from the
24 group shall be subject to the procedure specified in
25 clause (B).

26 (B) Except for the unopposed sections, a two-
27 thirds majority of the council members is required
28 for adoption or modification of the updated sections.
29 The council may vote on the updated sections
30 individually or in groups. A modification shall meet

1 or exceed the standards of the section in effect or
2 being reviewed, and the modification shall be within
3 the standards under review.

4 (b) Submission of report.--With the exception of the
5 council's review of the 2015 ICC codes, the council shall submit
6 a report to the secretary within the 24-month period following
7 the commencement of the review process by the council with
8 sections of the updated codes and additional codes that are
9 specified for adoption or modification. The sections of the
10 codes that are specified for adoption or modification shall be
11 separately designated in the report. For the council's review of
12 the 2015 ICC codes only, the council shall submit a report to
13 the secretary on or before May 1, 2018.

14 Section 4. Sections 304, 501(c), 703 and 902(c) of the act
15 are amended to read:

16 Section 304. Revised or successor codes.

17 (a) Duties of department.--

18 (1) (i) Subject to sections 105(c) and (d), 301(a)(3),
19 (4), (5), (6) and (7), (c) and (d) and 302, within
20 [three] nine months of the receipt of the report under
21 section [107(b.1)] 108(b), the department shall
22 promulgate final-omitted regulations under the act of
23 June 25, 1982 (P.L.633, No.181), known as the Regulatory
24 Review Act, to adopt the [triennial code revisions made]
25 council's decisions contained in the report without
26 change.

27 (ii) Except as provided in subparagraph (iii),
28 regulations adopted under this act shall become effective
29 33 months after the commencement of council review as
30 provided for in section 108(a)(1)(i).

1 (iii) Regulations promulgated by the department as a
2 result of the 2015 Code Review shall be effective October
3 1, 2018.

4 (2) Regulations promulgated under this subsection are
5 exempt from:

6 (i) section 205 of the act of July 31, 1968
7 (P.L.769, No.240), referred to as the Commonwealth
8 Documents Law; and

9 (ii) sections 204(b) and 301(10) of the act of
10 October 15, 1980 (P.L.950, No.164), known as the
11 Commonwealth Attorneys Act.

12 (3) [Notwithstanding paragraphs (1) and (2), the] The
13 department shall promulgate regulations updating
14 accessibility standards under Chapter 3 by adopting [Chapter
15 11 and Appendix E of the International Building Code of 2012,
16 or its successor,] by December 31 of the year of issuance of
17 [the new code.] the accessibility provisions of the most
18 recently published edition of the ICC codes and any other
19 accessibility requirements which shall be specified in the
20 regulations, or contained in or referenced by the Uniform
21 Construction Code relating to persons with disabilities.

22 (4) The department may contract with the ICC to
23 establish and publish code manuals that contain the standards
24 of the Uniform Construction Code. The department shall
25 require in any contract under this paragraph that the
26 documentation be made available on the department's publicly
27 accessible Internet website.

28 (a.1) Continuity.--If [a triennial revision] an updated
29 section is not adopted or modified under section [107(b.1) (5)]
30 108, the relevant provisions of the [prior version of the codes]

1 existing sections shall remain in effect.

2 (c) Prior permits and construction.--

3 (1) A construction permit issued under valid
4 construction regulations prior to the effective date of
5 regulations for a subsequent Uniform Construction Code or
6 International Fuel Gas Code issued under this act shall
7 remain valid, and the construction of any building or
8 structure may be completed pursuant to and in accordance with
9 the permit.

10 (2) If the permit has not been actively prosecuted
11 within two years of the effective date of the regulation or
12 the period specified by a municipal ordinance, whichever is
13 less, the former permitholder shall be required to acquire a
14 new permit.

15 (3) Where construction of a building or structure
16 commenced before the effective date of the regulations for a
17 subsequent Uniform Construction Code or International Fuel
18 Gas Code issued under this act and a permit was not required
19 at that time, construction may be completed without a permit.

20 Section 501. Administration and enforcement.

21 * * *

22 (c) Board of appeals.--

23 (1) A municipality which has adopted an ordinance for
24 the administration and enforcement of this act or
25 municipalities which are parties to an agreement for the
26 joint administration and enforcement of this act shall
27 establish or designate a board of appeals as provided by
28 [Chapter 1 of the 1999 BOCA National Building Code,
29 Fourteenth Edition,] the regulation of the department to hear
30 appeals from decisions of the code administrator. Members of

1 the municipality's governing body may not serve as members of
2 the board of appeals. A municipality may establish a board of
3 appeals or may establish or designate a joint board of
4 appeals in accordance with 53 Pa.C.S. Ch. 23 Subch. A
5 (relating to intergovernmental cooperation).

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

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

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

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

1 * * *

2 Section 703. Education and training programs.

3 (a) Fee.--Municipalities administering and enforcing this
4 act under section 501(a) and third-party agencies providing
5 services under section 501(e) shall assess a fee of \$4] \$4.50 on
6 each construction or building permit issued under the authority
7 of this act. The fee shall be in addition to any other fee
8 imposed for the permit.

9 (b) [Training accounts] Accounts.--There [is] are hereby
10 established within the State Treasury [two] three restricted
11 accounts which shall be known as the Municipal Code Official
12 Training Account, the Review and Advisory Council Administration
13 Account and the Construction Contractor Training Account. The <--
14 department shall separately account for revenue and spending for
15 each account.

16 (c) Deposit.--[Moneys]

17 (1) The fee collected as authorized under subsection (a)
18 shall be transmitted quarterly to the State Treasury and
19 shall be equally divided and deposited in the accounts
20 established in subsection (b)[.] as follows:

21 (i) Forty two and one half FORTY-FOUR percent of the <--
22 fee shall be deposited in the Municipal Code Official
23 Training Account for the purpose of education and
24 training programs for municipal code officials and
25 individuals employed by third-party agencies under
26 contract to a municipality.

27 (ii) Fifteen percent of the fee shall be deposited <--
28 in the Review and Advisory Council Administration Account
29 for the following purposes:

30 (A) expenses of the council as authorized under

1 ~~section 107(l);~~

2 ~~(B) technical assistance as provided under~~
3 ~~section 107(k);~~

4 ~~(C) administrative assistance as provided under~~
5 ~~section 107(j);~~

6 ~~(D) fees associated with contracting with the~~
7 ~~ICC to establish and publish code manuals that~~
8 ~~contain the standards of the Uniform Construction~~
9 ~~Code as provided under section 304(a)(4); and~~

10 ~~(E) as otherwise determined necessary by the~~
11 ~~department as money is available.~~

12 ~~(iii) Forty two and one half percent of the fee~~
13 ~~shall be deposited in the Construction Contractor~~
14 ~~Training Account for a Pennsylvania based housing~~
15 ~~research center located at a land grant university for~~
16 ~~the construction industry. To assure the programs meet~~
17 ~~the needs of the construction industry, the education,~~
18 ~~training and other activities provided by such a housing~~
19 ~~research center shall be approved by its industry~~
20 ~~advisory committee.~~

21 ~~(II) FORTY-FOUR PERCENT OF THE FEE SHALL BE~~ <--
22 ~~DEPOSITED IN THE CONSTRUCTION CONTRACTOR TRAINING ACCOUNT~~
23 ~~FOR A PENNSYLVANIA-BASED HOUSING RESEARCH CENTER LOCATED~~
24 ~~AT A LAND GRANT UNIVERSITY FOR THE CONSTRUCTION INDUSTRY.~~
25 ~~TO ASSURE THE PROGRAMS MEET THE NEEDS OF THE CONSTRUCTION~~
26 ~~INDUSTRY, THE EDUCATION, TRAINING AND OTHER ACTIVITIES~~
27 ~~PROVIDED BY THE HOUSING RESEARCH CENTER MUST BE APPROVED~~
28 ~~BY ITS INDUSTRY ADVISORY COMMITTEE.~~

29 ~~(III) TWELVE PERCENT OF THE FEE SHALL BE DEPOSITED~~
30 ~~IN THE REVIEW AND ADVISORY COUNCIL ADMINISTRATION ACCOUNT~~

1 FOR EXPENSES OF THE COUNCIL AS AUTHORIZED IN SECTION
2 107(L), FOR TECHNICAL ASSISTANCE AS PROVIDED FOR IN
3 SECTION 107(K), FOR ADMINISTRATIVE ASSISTANCE AS PROVIDED
4 FOR IN SECTION 107(J), FOR FEES ASSOCIATED WITH THE ICC
5 TO ESTABLISH AND PUBLISH CODE MANUALS WHICH CONTAIN THE
6 STANDARDS OF THE UNIFORM CONSTRUCTION CODE AS PROVIDED
7 FOR IN SECTION 304(A)(4) AND AS OTHERWISE DETERMINED
8 NECESSARY BY THE DEPARTMENT AS MONEY IS AVAILABLE.

9 (2) [Moneys so] Money deposited [are] under paragraph
10 ~~(1)~~ (1)(I) AND (II) is hereby [equally] appropriated on <--
11 approval of the Governor to the †Department of Community and <--
12 Economic Development [for the purpose of education and <--
13 training programs provided by the Pennsylvania Construction
14 Codes Academy for municipal code officials and individuals
15 employed by third-party agencies under contract to a
16 municipality and to a Pennsylvania-based housing research
17 center located at a land grant university for the
18 construction industry. To assure the programs meet the needs
19 of the construction industry, the education, training and
20 other activities provided by such a housing research center
21 shall be approved by its industry advisory committee.]
22 department as provided under paragraph ~~(1)~~. <--

23 ~~(3) Any remaining unencumbered balance in the Municipal~~
24 ~~Training Account as of June 30, 2017, that was previously~~
25 ~~authorized to be expended by the Department of Community and~~
26 ~~Economic Development shall be transferred to the department~~
27 ~~to be deposited in the accounts established under subsection~~
28 ~~(b).~~

29 ~~(4) The department shall not receive any money~~
30 ~~appropriated to the Municipal Code Official Training Account~~

~~and Construction Contractor Account for department
administrative or program expenses. The department shall
utilize Review and Advisory Council Administration Account
funds to administer all accounts established in this section.~~

~~(5) The department shall not be required to utilize
other sources of funding to carry out activities provided for
in this act if funds provided under this section are
insufficient.~~

~~(d) Report.~~ THE DEPARTMENT OF COMMUNITY AND ECONOMIC <--
DEVELOPMENT MAY UTILIZE UP TO FOUR PERCENT OF THE FUNDS
ALLOCATED TO THE ACCOUNT UNDER PARAGRAPH (1) (I) AND UP TO FOUR
PERCENT 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 PROVIDED FOR IN THIS ACT IF FUNDS
PROVIDED UNDER THIS SECTION ARE INSUFFICIENT.~~

~~(D) REPORT.--~~

~~(1) No later than November 1 of each calendar year, the
department~~ DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT <--
shall provide a report to the chair and minority chair of the
Labor and Industry Committee of the Senate and the chair and
minority chair of the Labor and Industry Committee of the

1 House of Representatives. The report shall detail
2 expenditures for the most recently completed fiscal year. The
3 report shall include:

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

6 (ii) A separate accounting of revenue and
7 expenditures for each account. The Review and Advisory <--
8 Council Administration accounting shall include:

9 (A) The amount utilized by the Review and
10 Advisory Council for reimbursement of travel
11 expenses.

12 (B) The amount utilized by the Review and
13 Advisory Council for other purposes and a description <--
14 of those expenditures. UNDER PARAGRAPH (1) (I) AND
15 (II). THE SEPARATE ACCOUNTING PROVIDED FOR BY THIS
16 PARAGRAPH SHALL INCLUDE, TO THE EXTENT AVAILABLE,
17 REVENUE AND EXPENDITURES BY ANY CONTRACTOR, VENDOR OR
18 OTHER PARTY ENGAGED TO PERFORM THE SERVICES
19 AUTHORIZED BY PARAGRAPH (1) (I) AND (II). ALL
20 CONTRACTS ENTERED INTO AFTER THE EFFECTIVE DATE OF
21 THIS PARAGRAPH BY THE DEPARTMENT OF COMMUNITY AND
22 ECONOMIC DEVELOPMENT WITH ANY SUCH CONTRACTOR, VENDOR
23 OR OTHER PARTY SHALL REQUIRE SUCH CONTRACTOR, VENDOR
24 OR OTHER PARTY TO PROVIDE THE INFORMATION REQUIRED BY
25 THIS PARAGRAPH.

26 (C) The amount utilized by the department for <--
27 (III) THE AMOUNT UTILIZED BY THE DEPARTMENT OF <--
28 COMMUNITY AND ECONOMIC DEVELOPMENT FOR personnel,
29 including the position title, hours charged, amount paid
30 and description of the duties and responsibilities of

1 each individual paid in whole or in part by the account.

2 ~~(D) The amount utilized by the department for~~ <--

3 (IV) THE AMOUNT UTILIZED BY THE DEPARTMENT OF <--

4 COMMUNITY AND ECONOMIC DEVELOPMENT FOR operational costs

5 and a description of those expenditures.

6 ~~(E) The amount utilized by the department for~~ <--

7 (V) THE AMOUNT UTILIZED BY THE DEPARTMENT OF <--

8 COMMUNITY AND ECONOMIC DEVELOPMENT FOR other program

9 purposes and a description of those expenditures.

10 (2) NO LATER THAN NOVEMBER 1 OF EACH CALENDAR YEAR, THE <--

11 DEPARTMENT SHALL PROVIDE A REPORT TO THE CHAIR AND MINORITY

12 CHAIR OF THE LABOR AND INDUSTRY COMMITTEE OF THE SENATE AND

13 THE CHAIR AND MINORITY CHAIR OF THE LABOR AND INDUSTRY

14 COMMITTEE OF THE HOUSE OF REPRESENTATIVES. THE REPORT SHALL

15 DETAIL EXPENDITURES FOR THE MOST RECENTLY COMPLETED FISCAL

16 YEAR. THE REPORT SHALL INCLUDE:

17 (I) A SEPARATE ACCOUNTING OF REVENUE AND

18 EXPENDITURES FOR THE ACCOUNT UNDER SUBSECTION (C) (1)

19 (III). THE SEPARATE ACCOUNTING PROVIDED FOR BY THIS

20 PARAGRAPH SHALL INCLUDE, TO THE EXTENT AVAILABLE, REVENUE

21 AND EXPENDITURES BY ANY CONTRACTOR, VENDOR OR OTHER PARTY

22 ENGAGED TO PERFORM THE SERVICES AUTHORIZED BY SUBSECTION

23 (C) (1) (III). ALL CONTRACTS ENTERED INTO AFTER THE

24 EFFECTIVE DATE OF THIS PARAGRAPH BY THE DEPARTMENT WITH

25 ANY SUCH CONTRACTOR, VENDOR OR OTHER PARTY SHALL REQUIRE

26 SUCH CONTRACTOR, VENDOR OR OTHER PARTY TO PROVIDE THE

27 INFORMATION REQUIRED BY THIS PARAGRAPH.

28 (II) THE AMOUNT UTILIZED BY THE REVIEW AND ADVISORY

29 COUNCIL FOR REIMBURSEMENT OF TRAVEL EXPENSES.

30 (III) THE AMOUNT UTILIZED BY THE REVIEW AND ADVISORY

1 COUNCIL FOR OTHER PURPOSES AND A DESCRIPTION OF THOSE
2 EXPENDITURES.

3 (IV) THE AMOUNT UTILIZED BY THE DEPARTMENT FOR
4 PERSONNEL TO INCLUDE THE POSITION TITLE, HOURS CHARGED,
5 AMOUNT AND DESCRIPTION OF THE DUTIES AND RESPONSIBILITIES
6 OF EACH INDIVIDUAL PAID IN WHOLE OR IN PART BY THE
7 ACCOUNT.

8 (V) THE AMOUNT UTILIZED BY THE DEPARTMENT FOR
9 OPERATIONAL COSTS AND A DESCRIPTION OF THOSE
10 EXPENDITURES.

11 (VI) THE AMOUNT UTILIZED BY THE DEPARTMENT FOR OTHER
12 PROGRAM PURPOSES AND A DESCRIPTION OF THOSE EXPENDITURES.

13 Section 902. Applicability to certain buildings.

14 * * *

15 (c) Uncertified buildings over which the department does not
16 have jurisdiction.--

17 (1) A construction code official shall issue a
18 certificate of occupancy to an uncertified building if it
19 meets the requirements of subsection (b) or the latest
20 adopted version of the International Existing Building Code
21 [or Chapter 34 of the International Building Code, and the].
22 The construction code official shall utilize the code [for
23 the municipality which] that, in his professional judgment,
24 he deems to best apply.

25 (2) A construction code official may deny the issuance
26 of a certificate of occupancy if the official deems that a
27 building is unsafe because of inadequate means of egress,
28 inadequate lighting and ventilation, fire hazards or other
29 dangers to human life or to public welfare.

30 [(3) A municipality subject to this subsection may

1 utilize the standards of subsection (b) for the issuance of
2 certificates of occupancy to uncertified buildings by
3 adopting an ordinance adopting the standards of issuance
4 pursuant to the procedures delineated in section 503.]

5 * * *

6 Section 5. This act shall take effect as follows:

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

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

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