

PENNSYLVANIA CONSTRUCTION CODE ACT - OMNIBUS AMENDMENTS**Act of Oct. 25, 2017, P.L. 356, No. 36****Cl. 35**

Session of 2017

No. 2017-36

HB 409

AN ACT

Amending the act of November 10, 1999 (P.L.491, No.45), entitled "An act establishing a uniform construction code; imposing powers and duties on municipalities and the Department of Labor and Industry; providing for enforcement; imposing penalties; and making repeals," in preliminary provisions, further providing for definitions and for Uniform Construction Code Review and Advisory Council and providing for review of updated sections and adoption of updated sections into Uniform Construction Code; in Uniform Construction Code, further providing for revised or successor codes; further providing for changes in Uniform Construction Code; in training and certification of inspectors, further providing for education and training programs; and, in exemptions, applicability and penalties, further providing for applicability to certain buildings.

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

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:

Section 103. Definitions.

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

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"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.**

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"Collective codes." The term includes:

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

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

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

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

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

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

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

"Updated sections." Any and all sections of the newest editions of the ICC codes subject to review by the council under section 108(a)(1) that are different from, added to or deleted from the immediately preceding editions of the ICC codes. Each updated section shall be referenced by the section number assigned to such section by the ICC codes.

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

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

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

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

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

(i) The Governor.

(ii) The Secretary of Labor and Industry.

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

(iv) The President pro tempore of the Senate.

(v) The Speaker of the House of Representatives.

(vi) The [Code Development Councils of the]

International Code Council.

(3) With the exception of the **accessibility** provisions of [Chapter 11 and Appendix E of the International Building Code of 2009, or its successor] **the most recently published editions of ICC codes**, or any other accessibility requirements **specified in regulation**, contained in or referenced by the Uniform Construction Code relating to persons with physical disabilities, review the [latest triennial code revisions issued by the International Code Council, beginning with the 2012 codes] **updated sections**, as provided under [subsection (b.1)] **section 108 or other sections of the collective codes, as provided under section 108(a)(1)(iii).**

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

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

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

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

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

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

(ii) The economic and financial impact of the provision.

(iii) The technical feasibility of the provision.

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

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

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

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

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

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

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

(6) A Uniform Construction Code-certified building code official from an association representing building code officials with building code official certification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(viii) One member who must be a licensed structural engineer from an association representing professional

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

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

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

(xi) One member who must be a licensed electrical engineer from an association representing professional engineers and have recognized ability and experience in the design and construction of buildings.

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

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

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

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

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

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

At least one of the inspectors appointed to the council shall be a municipal employee, and at least one inspector shall be a third-party private sector inspector. **All members shall present documentation to the secretary that they meet the qualifications of the member's appointment and the secretary shall maintain the documentation for public inspection.**

(d) Vacancies.--Vacancies on the council shall be filled in the [same] manner [in which they were originally designated] **provided under subsection (c) within [30] 90 business days of the vacancy.** If the [Governor] **appointing authority** fails to act within [30] 90 business days, the council chairperson shall appoint an individual to fill the vacancy.

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

(f) Terms.--[A]

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

(2) **The term of a member appointed under subsection (c) (1), (2), (3), (4) or (5) (xvii) shall commence immediately upon appointment and shall expire June 30, 2020, and until a successor is appointed.**

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

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

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

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

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

(g) **Chairperson and vice chairperson.--The members shall elect, by a majority vote, a chairperson and vice chairperson of the council.**

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

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

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

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

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

(4) **Council members may participate in council meetings in person, via telephone conference or via video conference. Council members may submit votes in person, telephonically or by electronic mail to the chair of the council. The department may approve similar methods of communication for participation and voting by council members.**

(j) **Administrative support.--The department shall provide a facility for council meetings under this act, stenographic services, **secretarial services, legal representation** and required**

notice of the council's meetings. The department [may] **shall** provide staff support in drafting any reports required under this act.

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

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

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

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

(m) **Technical advisory committees**--

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

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

(ii) Each technical advisory committee shall be limited to a maximum of 12 members. The chair of the council shall appoint a council member to chair each technical advisory committee. Any other council member may seek appointment to a technical advisory committee and, if no more than four additional council members seek appointment to a specified technical advisory committee, those council members shall also be appointed to the technical advisory committee. If more than four council members seek appointment to a technical advisory committee, the chair of the council shall appoint four of the council members seeking appointment to serve and the remaining council members seeking appointment shall serve only if additional positions on the technical advisory committee remain after selection of the technical advisory committee members pursuant to subparagraph (v).

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

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

- (A) name;
- (B) the name or subject matter area of the technical advisory committee to which the individual seeks to be appointed;
- (C) contact information;
- (D) industry sector, interest group or area of construction industry expertise, if applicable; and

(E) summary of experience and expertise.

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

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

(vii) Technical advisory committee members may submit votes in person, telephonically or by electronic mail to the chair of the technical advisory committee. Recommendations of a technical advisory committee shall be by majority of the votes received from council members on the technical advisory committee and shall be nonbinding.

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

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

(a) Code review process.--

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

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

(B) to the procedure outlined in subparagraph

(iii),

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

(ii) The 2015 code review shall be conducted in accordance with provisions of this act, except that:

(A) the public comment period under paragraph (3)

(i) shall be 30 days;

(B) notwithstanding the requirements under paragraph (3) (viii), the council shall only be required to conduct one public hearing which shall be held within 30 days after the end of the public comment period and shall be held in Harrisburg;

(C) the council shall not be required to establish technical subcommittees as required by section 107(m) and may establish a committee composition based on past practices of the council provided that the committees shall follow the process as specified under this act to the furthest extent practicable; and

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

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

(2) Each updated section subject to review under paragraph

(3) (v) shall be examined by applying all of the following criteria:

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

(ii) The economic and financial impact of the section, including impact on the end consumer.

(iii) The technical feasibility of the section.

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

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

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

(iii) All public comments submitted in accordance with subparagraph (ii) shall be provided to all council members, posted on the department's publicly accessible Internet website or, in the absence of an Internet website, in such other manner as the secretary determines will provide substantially similar public notice. All public comments submitted in accordance with subparagraph (ii) shall be reviewed individually by a technical advisory committee.

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

(v) The technical advisory committee shall review all of the updated sections it has been assigned as provided in this section. The technical advisory committee may also review any related updated section, any existing section or any related collective code section as needed to ensure consistency and effectiveness of the Uniform Construction Code. Even if an updated section has not received a public comment in accordance with subparagraph (ii), a technical advisory committee member may select one or more of the

updated sections assigned to the technical advisory committee for individual consideration by the council pursuant to subparagraph (ix) (B).

(vi) For each updated section that:

- (A) receives a comment recommending modification or rejection in accordance with subparagraph (ii); or
- (B) a member of the technical advisory committee to which it has been assigned has separately selected for individual review by the council;

the technical advisory committee shall submit to the chair of the council a recommendation that the section and any related section identified in subparagraph (v) be adopted, rejected or modified. The technical advisory committee shall submit the rationale for its recommendations.

Notwithstanding any other provision of this subparagraph, updated sections that do not receive a comment recommending modification or rejection in accordance with subparagraph (ii) and that a member of the technical advisory committee has not separately selected for individual review by the council shall be noted in the report as unopposed.

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

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

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

(A) The council shall consider and vote on the unopposed sections as a group. Prior to a vote on the unopposed sections as a group, the council shall first consider any motion made by a council member to exclude a section from the unopposed group. A motion to exclude shall only be in order if it is supported by written explanation, made available to the council, describing new information not considered by the technical advisory committees and the underlying rationale for the motion. If the motion is supported by a two-thirds majority of the council membership, that section shall be removed from the unopposed group. Unopposed sections that remain as part of the group, after consideration of motions to exclude sections, shall be adopted by a majority vote of the council 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. All unopposed sections that are rejected as a group or successfully excluded from the group shall be subject to the procedure specified in clause (B).

(B) Except for the unopposed sections, a two-thirds majority of the council members is required for

adoption or modification of the updated sections. The council may vote on the updated sections individually or in groups. A modification shall meet or exceed the standards of the section in effect or being reviewed and shall be within the standards under review.

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

Section 4. Sections 304 and 501(c) (1) and (3) of the act are amended to read:

Section 304. Revised or successor codes.

(a) Duties of department.--

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

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

(i) section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law; and
(ii) sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

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

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

(a.1) **Continuity.**--If [a triennial revision] **an updated section** is not adopted **or modified** under section [107(b.1) (5)] **108**, the relevant provisions of the [prior version of the codes] **existing sections** shall remain in effect.

(c) **Prior permits, contracts and construction.**--

(1) A construction permit issued under valid construction regulations prior to the effective date of regulations for a

subsequent Uniform Construction Code or International Fuel Gas Code issued under this act shall remain valid, and the construction of any building or structure may be completed pursuant to and in accordance with the permit.

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

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

(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).

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(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.

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Section 5. Section 503(b) of the act 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 construction, 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.

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

Section 703. Education and training programs.

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

(b) [Training accounts] **Accounts**.--There [is] **are** hereby established within the State Treasury [two] **three** restricted accounts which shall be known as the Municipal Code Official Training Account, **the Review and Advisory Council Administration Account** and the Construction Contractor Training Account.

(c) Deposit.--[Moneys]

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

(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.**

(2) [Moneys so] **Money** deposited [are] **under paragraph (1) (i) and (ii) is** hereby [equally] appropriated on approval of the Governor to the Department of Community and Economic Development [for the purpose of education and training programs provided by the Pennsylvania Construction Codes Academy for municipal code officials and individuals employed by third-party agencies under contract to a municipality and to 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 such a housing research center shall be approved by its industry advisory committee.]. **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.

Section 902. Applicability to certain buildings.

* * *

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

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

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

[(3) A municipality subject to this subsection may utilize the standards of subsection (b) for the issuance of certificates of occupancy to uncertified buildings by adopting an ordinance adopting the standards of issuance pursuant to the procedures delineated in section 503.]

* * *

Section 7. This act shall take effect as follows:

(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.

APPROVED--The 25th day of October, A.D. 2017.

TOM WOLF