

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 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 provisions of Chapter 11 and Appendix E of the International Building Code of 2009, or its successor codes, or any other accessibility requirements 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, as provided under subsection (b.1).

(b.1) Code review process.--

(1) Beginning Every six years beginning with the 2012-2015 ICC codes, the council shall review the two latest triennial code revisions upon official publication of the codes. Every six years beginning with the 2018 code revisions, the council may, in its discretion, review selected latest triennial revisions provisions that it believes represent significant improvement or results in or benefits for the Commonwealth substantial changes.

Comment [A1]: Establishes a six year full review cycle and a limited review of significant improvements or changes in between full reviews. This may be looked at as *Major Review* and a *Minor Review*. The intent is to only adopt ICC Code changes during the *Minor Review* if they "cannot wait" until the *Major Review*. Example: The adoption of the 2012 IECC in the event the Federal Government withholds funds from the Commonwealth unless it is adopted.

(2) During the review process beginning in 2015 and every six years thereafter, 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. During the review process beginning in 2018 and every six years thereafter, the council shall hold at least one public hearing in Harrisburg.

Comment [A2]: Provides for one public hearing during the *Minor Review*.

(3) The council shall submit a report to the secretary within the 24-12 month period following official publication of the latest triennial code revisions under paragraph (1) with provisions of the codes that are specified for adoption, which provisions may be modified by the council. Modifications shall be limited to the subject matter and of the provisions of the triennial revision being modified and be consistent with the intent and the purposes of the provisions of the triennial revision being modified and the UCC and this Act. The provisions of the codes that are specified for adoption shall be separately designated in the report.

Comment [A3]: Extends the period to file the report with the Secretary giving the council and the public additional time to review the latest provisions following publication.

(4) In reviewing the triennial revisions, the council may consider the provisions of Section 102, as well as other relevant factors, including but not limited to shall examine triennial code revisions applying all of the following criteria:

Comment [A4]: provides the council with the limited power to modify triennial revisions.

Comment [A5]: Provides the council with the limited power to modify triennial revisions. Example: As of April 2013, only Maryland has adopted the 2012 IECC without modification.

Comment [A6]: Improves council flexibility in the criteria used to review the triennial revisions and does not require detailed review of each triennial revision. The statute as now written is probably not workable.

(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, including modifications, that are adopted by a two-thirds vote of council membership shall be included in the report required under paragraph (3).

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(f) Terms.--Beginning with appointments made in 2014, A member of the council shall serve terms of ~~three two~~ years and until ~~their his~~ successor is appointed ~~beginning July 1, 2008~~, except the ~~current initial~~ term of members appointed under subsection (c)(1), ~~(2)~~ (3), ~~(4)~~, (5), (8), ~~(9)~~, ~~(10)~~ (11), (13) ~~and (14)~~, ~~(16) and (17)~~ shall be for three years and until their successor is appointed. Terms shall begin on September 1

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(j) Administrative support.--The department shall provide a facility for council meetings under this act, stenographic services and required notice of the council's meetings. The department may provide staff support in drafting any reports required under this act.

(k) Technical support.--The council may solicit and retain, without compensation, individuals who are qualified by training or experience to provide expert input to the council and, at the discretion of the council, such individuals may be reimbursed for reasonable travel expenses at a rate established by the secretary.

(l) Compensation and expenses.--Members of the council shall not receive a salary or per diem allowance for their service.

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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 months of the receipt of the report under section 107(b.1), 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 including modifications made in the report without change.

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Comment [A7]: Changes length of term to 3 years. Extends the terms of 7 of 8 seats up for reappointment in 2013 and 5 seats appointed in 2012 and results in 6 appointments in each of 2014 and 2015 and 7 in 2016. Provides for balance in the numbers of building officials, contractors, architects, engineers and public officials being appointed each year.

Comment [A8]: Changes the start of term from July 1 to September 1 to address delays in the current appointment process due to the Governor's Office focusing on appointments that require Senate confirmation prior to the Senate's normal recess in July and August.

(3) Notwithstanding paragraphs (1) and (2), 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 any other accessibility requirements, which shall be specified, in the regulations, contained in or referenced by the UCC relating to persons with physical disabilities, or its successor, by December 31 of the year of issuance of the new code.

Comment [A9]: This amendment corrects the problem with language deleted by HB 377 regarding the regulations the department should promulgate and requires listing the other provisions being adopted.

(a.1) Continuity.--If a triennial revision is not adopted under section 107(b.1)(5), the relevant provisions of the prior version of the codes shall remain in effect.

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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 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.--There is hereby established within the State Treasury two restricted accounts which shall be known as the Municipal Code Official Training Account and the Construction Contractor Training Account.

(c) Deposit.--Moneys 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). Moneys so deposited are 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.

Recommendation of the Legislation Working Group to the UCC Review and Advisory Council Regarding Support Services and Member Travel Expenses

Since the start of the RAC in 2009, it has performed two reviews of triennial code revisions, reviewed introduced legislation and regulations, and addressed other responsibilities per its statutory duties. During that time, the Department has provided support to the Council including meeting locations, advertising of meetings, developed and maintained a Review and Advisory Council website, coordinated conference calls, advised the Council as to proper communication protocols, and stenographic services of the meetings. In 2011-12, the Department also provided clerical support in review of the 2012 codes and has designated a specific person on staff as the Council contact person.

The Pennsylvania Housing Research Center has provided some clerical / technical support to the Council as well. The Pennsylvania Builders Association, at the request of the chairman has also provided some clerical support. All other support services have been provided by the chairman, vice chair and other Council leadership.

Over this period it has become evident that additional services to support the volunteer members are warranted and would improve the professionalism and effectiveness of the Council. Though full time staffing is not anticipated as being needed, there are several areas where additional support is warranted as follows:

Clerical - would be needed for all meetings

Technical - review and research proposed code changes per the statute and provide written analysis of costs and benefits. This would only be needed during the code review time frame.

Legal - needed on an as needed basis, could be for all meetings

Additionally, the PCCA does not provide for any reimbursement of travel expenses or per diems to members for meetings attended. Other Pennsylvania state boards are provided travel reimbursements and/ or per diem payments.

As the Council considers opening a dialogue with the General Assembly, the Department and the Governor regarding statutory changes to the PCCA, we recommend the Council include in those discussions, consideration of additional support services and travel expense reimbursements / per diems for meetings attended as detailed above.

Part of that dialogue would be addressing the following questions:

- a. Estimated cost of these services and expenses.
- b. Should these support services be provided by the Department or from outside the Department and how would they be administered by the Council.
- c. What is the appropriate funding source - from current Department revenues, from the current \$4 additional charge on building permits designated for training and education of builders, design professionals and building code officials or from an additional charge on building permits.

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§ 7210.104. Application.

(b) EXCLUSIONS

(3) utility and miscellaneous use structures that are accessory to detached one-family dwellings;

Council recommends that the current maximum size limit for exclusion of less than 1,000 square feet be reduced to 200 square feet or less and no more than one story in height.

(6.1) the installation of aluminum or vinyl siding onto an existing residential or an existing commercial building, except as might be required by ordinances in effect pursuant to section 301 or adopted pursuant to section 503;

Council recommends changing “residential” to “one and two family dwellings” and deleting “or an existing commercial building”.

(7) any recreational cabin if:

(i) the cabin is equipped with at least one smoke detector, one fire extinguisher and one carbon monoxide detector in both the kitchen and sleeping quarters; and

Council recommends that the overall exclusion from the UCC requirements be limited to recreational cabins less than 1,000 square feet total floor area. In rec cabins less than 1,000 square feet in area, provide for improved life safety provisions by revising (i) to require compliance with the following sections of the 2009 International Residential Code (IRC).

- 1. R310. Emergency Escape and Rescue Openings**
- 2. R314. Smoke Alarms**
- 3. R315. Carbon Monoxide Alarms**

§7210.107. Uniform Construction Code Review and Advisory Council

(f) TERMS.--A member of the council shall serve terms of two 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.

Council recommends that the member’s terms be changed to three years in length with 1/3 of the members’ terms expiring each year.

§ 7210.301. Adoption by regulations.

(a) REGULATIONS.

(8) The regulations shall exclude section R313.1.1 of the 2003 International Residential Code for One- and Two-Family Dwellings or its successor code from applying to existing one-family and two-family unit dwellings undergoing alterations, repairs or additions but shall include provisions requiring non-interconnected battery-operated smoke alarms in one-family and two-family dwellings in accordance with section R313.1.1 of the 2003 International Residential Code for One-and Two-Family Dwellings.

Council recommends eliminating this exclusion except for repairs and that the reference be updated to section R314 of the 2009 International Residential Code (IRC). The updated section permits wireless, as well as hard wired interconnection of smoke alarms, meeting UL 217, where actuation of one alarm activates all of them and can be modified to only exclude repairs.

(11) IRC APPENDIX F – RADON CONTROL METHODS (new)

Council recommends that the statute be changed to adopt this Appendix as part of the code provisions for the 49 counties in PA that are in Zone 1 (highest risk) where the Radon Control Methods installation would be required. There should be consideration made for HUD Code inspected homes which do not allow modifications to the structures. A representative from the Department of Community Economic Development should be consulted to address the HUD Code home issue.
