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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1591 Session of  
2013

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INTRODUCED BY W. KELLER, M. DALEY, CLAY, MIRANDA, K. BOYLE,  
HARKINS, DAVIS, MCGEEHAN, SCHLOSSBERG, O'BRIEN, BOBACK,  
KOTIK, GODSHALL, GIBBONS, ROCK, ROZZI, KILLION, CALTAGIRONE,  
HARHAI, BROWNLEE, PASHINSKI, SABATINA, CRUZ, GINGRICH AND  
D. COSTA, JUNE 27, 2013

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 27, 2013

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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," further providing for  
6 definitions, for application of act, for powers and duties of  
7 the Department of Labor and Industry, for consideration of  
8 applications and inspections and for changes in Uniform  
9 Construction Code; and providing for training and enforcement  
10 programs for cities of the first class and for applicability  
11 to certain municipalities.

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

14 Section 1. Section 103 of the act of November 10, 1999  
15 (P.L.491, No.45), known as the Pennsylvania Construction Code  
16 Act, is amended by adding a definition to read:

17 Section 103. Definitions.

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

21 \* \* \*

1 "Commercial building." A building, structure or facility  
2 that is not a residential building as defined by this act.

3 \* \* \*

4 Section 2. Section 104(a) of the act is amended to read:  
5 Section 104. Application.

6 (a) General rule.--This act shall apply to the construction,  
7 alteration, repair [and], occupancy and demolition of all  
8 buildings in this Commonwealth.

9 \* \* \*

10 Section 3. Sections 105 and 502 of the act are amended by  
11 adding subsections to read:

12 Section 105. Department of Labor and Industry.

13 \* \* \*

14 (a.1) Additional review for cities of the first class.--

15 (1) The department shall annually, or when reasonable  
16 cause exists, review construction code officials, code  
17 administrators and third party agencies concerning the  
18 enforcement and administration of this act and qualification  
19 of officials under section 701.

20 (2) The department shall make a report to the city of  
21 the first class providing the findings of the review. The  
22 report shall include required actions or recommendations to  
23 address any deficiency observed by the department.

24 (3) The department may require compliance with this act  
25 through proceedings in Commonwealth Court.

26 \* \* \*

27 Section 502. Consideration of applications and inspections.

28 \* \* \*

29 (d) Demolition permits in cities of the first class.--

30 (1) Unless the following requirements are met, a permit

1 for the demolition of a commercial building or multiple  
2 single-family dwelling in a city of the first class shall not  
3 be issued:

4 (i) An applicant for a permit for demolition of a  
5 commercial building or multiple single-family dwelling in  
6 a city of the first class must be the contractor or the  
7 owner of the property who will perform work authorized by  
8 the permit and must do all of the following:

9 (A) Submit building plans and documents,  
10 including a demolition plan and schedule, prepared by  
11 a licensed architect or professional engineer.

12 (B) Provide site safety plans that meet or  
13 exceed safety standards set forth by the Occupational  
14 Safety and Health Administration.

15 (C) Complete any asbestos inspection and removal  
16 or abatement activities that may be required by  
17 Federal, State or local law or regulation.

18 (D) Maintain liability insurance of at least  
19 \$1,000,000.

20 (E) Provide a cash deposit or bond by a surety  
21 company authorized to do business in this  
22 Commonwealth in the amount of \$2 per square foot of  
23 the property.

24 (F) Identify and provide proof of liability  
25 insurance for any subcontractors that will perform  
26 work authorized by the permit.

27 (G) Provide notice by certified mail of the  
28 application for a demolition permit and demolition  
29 schedule to adjacent property owners and occupants.

30 (H) Comply with any other requirements set forth

1 by the department or the city of the first class.

2 (ii) A code administrator who will issue a permit  
3 for demolition of a commercial building or multiple  
4 single-family dwelling in a city of the first class must  
5 do all of the following:

6 (A) Verify the applicant's compliance with  
7 subparagraph (i).

8 (B) Review building plans and documents.

9 (C) Conduct a site inspection.

10 (2) The code administrator shall preserve records  
11 demonstrating compliance with paragraph (1) for no less than  
12 four years after the completion of the project.

13 Section 4. Section 503(c) of the act, amended November 29,  
14 2006 (P.L.1440, No.157), is amended and the section is amended  
15 by adding a subsection to read:

16 Section 503. Changes in Uniform Construction Code.

17 \* \* \*

18 (c) Modification of minimum requirement.--Subject to the  
19 provisions of this act, the municipal governing body may propose  
20 and enact an ordinance to equal or exceed the minimum  
21 requirements of the Uniform Construction Code under the law  
22 governing the adoption of ordinances in that jurisdiction. [An]  
23 Except as provided in subsection (c.1), an ordinance under this  
24 subsection shall not be effective nor enforceable unless  
25 subsections (d), (e), (f), (g), (h) and (i) have been satisfied.  
26 Municipalities may enact ordinances pursuant to this section  
27 which adopt additional code requirements for alterations or  
28 repairs to residential buildings. Municipalities may enact  
29 ordinances pursuant to this section which adopt stricter code  
30 requirements than required by this act for the regulation of

1 utility and miscellaneous use structures.

2 (c.1) Cities of the first class.--A city of the first class  
3 may approve and enact an ordinance adopting standards and  
4 safeguards for demolition of commercial buildings or multiple  
5 single-family dwellings that equal or exceed the minimum  
6 requirements of the Uniform Construction Code.

7 \* \* \*

8 Section 5. The act is amended by adding sections to read:

9 Section 704. Training and enforcement programs for cities of the  
10 first class.

11 (a) Additional fee in cities of the first class.--A city of  
12 the first class shall assess an additional fee on each permit  
13 issued under the authority of this act in the amount of 15% of  
14 the cost of the permit.

15 (b) Training and enforcement account.--There is hereby  
16 established within the State Treasury a restricted account which  
17 shall be known as the First Class City Construction Code  
18 Training and Enforcement Account.

19 (c) Deposit.--Moneys collected as authorized under  
20 subsection (a) shall be transmitted quarterly to the State  
21 Treasurer and deposited in the account established in subsection  
22 (b). Moneys so deposited are appropriated on approval of the  
23 Governor to the Department of Community and Economic Development  
24 and the department for the following purposes:

25 (1) To support additional training activities for code  
26 officials and contractors in cities of the first class.

27 (2) For grants to cities of the first class for enhanced  
28 enforcement, including for increased staffing of code  
29 administrators, officials and inspectors and associated  
30 administrative costs.

1           (3) For costs related to reviews by the department under  
2           section 105(a.1).

3           (4) For costs of administering the account established  
4           in subsection (b).

5 Section 902.1. Applicability to certain municipalities.

6           Notwithstanding any other provision of this act, a  
7           municipality may approve and enact an ordinance under the law  
8           governing the adoption of ordinances in that jurisdiction to  
9           adopt the requirements for cities of the first class set forth  
10          in sections 105(a.1), 502(d) and 503(c.1).

11          Section 6. This act shall take effect immediately.