

DESIGN SERVICES

BUILDING CODE AND PERMITTING GROUP

GUIDELINES FOR PROJECT LEADERS

December 2022

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PURPOSE, FORMAT AND ABBREVIATIONS

PURPOSE

These guidelines are provided to create introductory awareness among the project leaders of the aspects of the building code and associated permitting topics related to the design and construction of the Penn State facilities that are governed by the building code. This awareness increases Project Leaders' understanding of permitting and code issues as they relate to project execution, thereby promoting the efficient management of projects.

FORMAT

This document is presented in a question-and-answer format. Questions are grouped into these four subject areas:

- GENERAL
- PERMITTING
- BUILDING CODE
- INSPECTIONS

THE FOLLOWING ABBREVIATIONS ARE USED

A/E	Architect / Engineer
COO	Certificate of Occupancy
CRCA	Center Region Code Administration

D&C	OPP's Design and Construction Division
DS	Design Services
DSBCAPG	Design Service Building Code and Permitting Group
L&I	Pennsylvania Department of Labor and Industry
PL	(Penn State) Project Leader
UCC	Uniform Construction Code

GENERAL

WHAT IS THE DESIGN SERVICES PERMITTING AND CODE GROUP (DSBCAPG)?

The DSBCAPG provides guidance and assistance in the management and resolution of building permitting and building code issues on Penn State projects. Generally, the group supports the Project Leaders directly, or their architects and engineers if needed or requested. This support includes:

- Interacting with PA Department of Labor and Industry (L&I) or Centre Region Code Administration (CRCA) inspectors, plan reviewers and management
- Managing the variance process
- Reviewing plans and specific designs
- Offering suggestions to achieve code compliance
- Meeting on site to review issues
- Informing OPP D&C on code changes
- Manage the reception, storage and distribution of hard copy permits and approved plans from L&I and CRCA
- Receive and distribute Notices of Violations, Certificates of Occupancy (COO) and similar communications from L&I and CRCA

The group also performs non-project specific support such as maintenance of the L&I annual permits for buildings and documentation of the buildings for L&I records. The group supports both UP and Commonwealth Campus personnel at all campuses. The DSBCAPG does not render “official” decisions or “approve” designs, only the governmental agencies have authority to do so.

WHO COMPRISES THE DSBCAPG?

Mike Rupert (MRR44@PSU.EDU) is the supervisor of the DSBCAPG. Mike is generally the first point of contact for code, permitting and L&I / CRCA issues. He is supported by Sherri Ebeling

(SEP21@PSU.EDU). Sherri also maintains and processes building permits, COO's and other L&I and CRCA correspondence related to all Penn State construction projects. Sherri also packages and submits to L&I all drawing packages and permit applications that are within DS. Scot Miller (SBM113@PSU.EDU), though not formally part of the group is an architectural designer within Design Services who supports the group occasionally. All reside in Design Services (OPP room 113).

L&I has separate and independent Divisions for Elevators (also referred to as "Lifting Devices"), Boilers and Building elements. The DSBCAPG only handles issues related to Buildings. Elevators are handled by Mark Gates and boilers and handled by Matt Walder, both in OPP as of December 2022. Please coordinate with Matt and Mark, respectively, for permitting issues associated with boilers and elevators.

WHAT ROLE DOES THE DSBCAPG HAVE IN DESIGN REVIEWS?

PL initiate design reviews. If requested, DS permitting staff will review designs. Desired design reviewers must be individually identified by name in the PL's design review request. DS does not initiate plan reviews for PL's, it is up to the PL to initiate the plan review if they desire DS to review the plans. The PL should set up a Work Order for DS to charge their review time to.

WHAT IS L&I AND WHY IS IT IMPORTANT?

L&I is the agency within the Pennsylvania state government that has code and building permit jurisdiction over Penn State construction projects (if the local municipality does not defer to L&I). In this capacity L&I and the local municipality (which is CRCA at University Park) approve all commercial construction, sign construction and demolition. L&I has sole jurisdiction over all state-owned buildings and structures.

L&I is also responsible for approving plans and inspecting construction for compliance with accessibility requirements, for all projects constructed in municipalities that do not have a State-certified accessibility inspector/plan examiner. The municipality where this construction will take place can tell you whether they are legally able to perform accessibility plan reviews and inspections.

For all projects within its jurisdiction, agency staff review and approve plan submissions, issue building permits and perform inspections necessary to demonstrate compliance with the UCC technical standards and issue COO's.

This is important because without successful consideration and engagement of L&I, projects will not have successful outcomes leading to unwelcome schedule and cost surprises.

WHAT IS CENTRE REGION CODE ADMINISTRATION (CRCA) AND WHY IS THAT IMPORTANT?

CRCA performs the role that L&I does in Centre County on Penn State projects that are in privately owned facilities (facilities not owned by Penn State). For example, at UP, many of the buildings at Innovation Park are privately owned. Penn State leases space in some of these buildings but does not own the building. For projects in these facilities, CRCA acts as L&I acts on projects where Penn State owns the building.

HOW AND UNDER WHAT CONDITIONS SHOULD PROJECT LEADERS INTERACT WITH L&I?

Generally, PLs do not interact with L&I directly except for occasionally coordinating with inspectors or attending an L&I Industrial Board or Accessibility Advisory Board Hearing. Project AE's may interact directly with L&I plan review staff if the plan reviewers have questions whose resolution will be most effectively addressed via direct communication between the A/E and the L&I plan reviewer. Communication between L&I and project teams on complex or contentious issues occurs most effectively when led through the DSBCAPG.

WHAT IS A NOTICE OF VIOLATION?

A Notice of Violation is a communication by L&I that a constructed element is not compliant with the permitted drawings or, in the inspector's opinion, is not in compliance with code. Notices of Violation are typically issued during construction but may be issued for a facility not under construction. If an inspection reveals a violation of the UCC, the building inspector will often simply provide a verbal statement to the project representative. However, L&I does not have a policy requiring written notification of a failed inspection. To contest the violation or pursue a variance request, DS requests from the inspector that the violation be provided in writing, stating the specific section of the code in question. This promotes more efficient resolution of the issue than relying solely on verbal communication.

MY PROJECT RECEIVED A NOTICE OF VIOLATION, NOW WHAT?

Notice of Violations should be immediately shared with the DSBCAPG to collaborate on how best to remedy the violation.

WHAT IS A STOP WORK ORDER?

A stop work order is issued when the building code official determines that construction violates the UCC or is being performed in a dangerous manner. The stop work order includes a written description of the reason(s) for the order and the required conditions for construction to resume. The building code official serves the stop work order to the permit owner or the owner's agent by certified mail or personal service. A person who continues construction after receiving a stop work order, except for construction work that is necessary to remove a

violation or an unsafe condition, is subject to penalties. A building code official may seek enforcement of a stop work order in a court.

WHAT IS A ‘SHOW CAUSE’ ORDER

A show cause order is issued when a building code official initiates action to vacate or close (prohibit use and occupancy) of a building, structure or equipment for violations of the UCC.

The order to show cause contains a statement of the grounds for the action, the alleged violations of the UCC and notification that the building, structure or equipment may be closed or vacated. The order to show cause informs the owner that they shall submit a written response within 30 days as to why the facility should not be closed or vacated.

More information can be found here:

<https://www.pacode.com/secure/data/034/chapter403/s403.83.html>

WHAT IS A CERTIFICATE OF OCCUPANCY (COO) AND HOW DO I GET ONE?

A building, structure or facility may not be used or occupied without a COO by a building code official. A building code official issues a COO after receipt of a final inspection report that indicates compliance with the UCC. The COO is mailed to Penn State and kept in records maintained by the DSBCAPG.

If, after final inspection approval has been granted by the inspector and the actual physical COO is needed by any Penn State personnel and the COO is not received in the mail by the time of need, the PL must inform the DSBCAPG. The DSBCAPG can contact the inspector to get the physical COO provided as soon as possible. In the absence of this not being fast enough for the need, the PL can provide a photograph or copy of the final approved inspection log. Depending on the reason for the need for the physical COO, this photo or copy may serve as evidence of approval. COO's can take many days to many weeks to arrive from L&I after final inspection is complete. The timing of receipt of the physical COO is primarily dependent on the inspector processing the paperwork after final inspection is approved. Unless urgency is communicated this may not happen soon enough for certain needs. Buildings can be occupied without Penn State holding the COO as long as there exists complete agreement from the inspector that the final inspections are approved.

ANY OTHER TIPS?

The DSBCAPG is here to help you and your project successfully navigate the intricacies of Building Code and Permitting compliance and administration. Consult with the DSBCAPG early and often on your project for efficient permitting strategies and issue resolution.

PERMITTING

WHAT IS A BUILDING PERMIT?

L&I has sole jurisdiction over all state-owned buildings and structures. The Building Permit is the document issued by L&I (or the local municipality if the facility is not state owned) that establishes that the design as submitted for review complies with the UCC. The Building permit must be in hand before construction can begin.

DO I NEED A BUILDING PERMIT FOR MY PROJECT?

A permit is required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a commercial building, structure and facility or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system regulated by the UCC.

A Permit Determination form should be submitted through the permit determination process in E-Builder. This form is routed to Mike Rupert who will assess the project based on what has been submitted and recommend the appropriate type of permit to be applied for. The type of Permit to be applied for informs the nature of the documents to be submitted with the permit application.

WHAT KIND OF WORK DO I NOT NEED A PERMIT FOR?

The following construction is exempt from permitting:

- Fences less than 6 feet high.
- Retaining walls, less than 4 feet high measured from the lowest level of grade to the top of the wall, unless it is supporting a surcharge or impounding Class I, II or III-A liquids.
- Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
- Sidewalks and driveways less than 30 inches above grade and that are not located over a basement or story below it and which are not part of an accessible route.

- Painting, papering, tiling, carpeting, cabinets, counter tops and similar finishing work.
- Temporary motion picture, television, and theater stage sets and scenery.
- Shade cloth structures constructed for nursery or agricultural purposes that do not include service systems.
- Window awnings supported by an exterior wall which project less than 54 inches from the exterior wall and do not require additional support.
- Movable cases, counters and partitions less than 5 feet 9 inches high.
- Window replacement without structural change.
- Electrical work for the following:
 - Minor repair and maintenance work that includes the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 - Electrical equipment used for radio and television transmissions. The provisions of the UCC apply to equipment and wiring for power supply and the installation of towers and antennas.
 - The installation of a temporary system for the testing or servicing of electrical equipment or apparatus.
- The following gas work:
 - A portable heating appliance.
 - Replacement of a minor part that does not alter approval of equipment or make the equipment unsafe.
- The following mechanical work or equipment:
 - A portable heating appliance.
 - Portable ventilation equipment.
 - A portable cooling unit.
 - Steam, hot or chilled water piping within any heating or cooling equipment governed under the UCC.
 - Replacement of any part that does not alter its approval or make it unsafe.
 - A portable evaporative cooler.
 - A self-contained refrigeration system containing 10 pounds or less of refrigerant and placed into action by motors that are less than 1 horsepower.
- The following plumbing repairs:
 - Stopping leaks in a drain and a water, soil, waste or vent pipe. The UCC applies if a concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and is removed and replaced with new material.

- Clearing stoppages or repairing leaks in pipes, valves or fixtures, and the removal and installation of water closets, faucets and lavatories if the valves or pipes are not replaced or rearranged.

WHAT KINDS OF PERMITS ARE THERE THAT I MIGHT NEED?

An **Annual Permit** may be issued instead of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation. Institutions such as universities that regularly perform alterations on approved electrical, gas, mechanical and plumbing installations may apply for a single UCC permit that will allow these alterations to be made over a 12-month period. The specified installation(s) shall have been approved for code compliance under a previously issued occupancy permit. Annual permits are typically issued one per building.

An important note is that Annual permits are not issued for individual projects. Submission of individual project documents to L&I is NOT required for Annual permit work. However, L&I does require records be maintained for work done under an Annual permit and that an Annual permit be in place for work to occur. Therefore, it is important for the DSBCAPG to be made aware of work intended to be done under an Annual permit. If an Annual permit is not in place or the previous Annual permit has expired, the DSBCAPG will apply for an Annual Permit. Typically work constructed under an Annual permit is performed by in-house crews.

A **Level 1 Building Permit** (Applied for via form UCC-15) allows simple, small alterations to legally occupied buildings. Generally, a UCC building permit can be approved based on a Level 1 application when the work to be done involves the removal and replacement or the covering of existing materials, elements, equipment, or fixtures using new materials, elements, equipment, or fixtures that serve the same purpose. Drawings are not required for submission of a Level 1 permit application. A written narrative of the work suffices for the permit application.

In addition, the Department allows the use of a Level 1 application for the following construction:

1. Adding windows or doors (if these will not affect building egress or change fire-ratings).
2. Restoring or replacing a building facade.
3. Roof replacement, including minor related work such as removal of non-functioning equipment.

4. Modification or installation of typical secondary members (e.g., lintels, equipment supports, etc.).
5. Minor alterations or replacement of existing pathways which are part of an accessible route.
6. Minor alterations to plumbing systems (e.g., restroom reconfiguration and modification, the installation of small "coffee" sinks and water fountains, etc.).
7. The relocation of sprinkler heads, if this does not affect the sprinkler coverage area.
8. Alterations to supply/exhaust HVAC systems (if the capabilities of the existing system are not exceeded). This includes all air distribution systems.
9. The installation, relocation or replacement of instrumentation and controls, computer networks and communication equipment operating at 50 volts or less.
10. The alteration of existing electrical branch circuits, if over-current protection devices are not modified or added to.
11. The alteration of an existing or addition of one (1) new 208V/30A (or less) circuit for power or lighting.
12. The reconfiguration of lighting systems (including switching), if COMcheck or other energy conservation code compliance data is supplied.
13. The installation or relocation of meters, valves and other ancillary equipment related to metering for electrical, mechanical and plumbing systems that have been previously approved.
14. Alterations to hydronic systems (typically, hot and/or chilled water), if the capabilities of the existing systems are not exceeded.

Sign Permits A permit must be obtained prior to the erection of any sign in any municipality that has elected not to administer and enforce the UCC. However, L&I will not require a separate application for a sign or signs which will be erected as part of construction covered by another application provided sufficient plans are submitted.

A **Demo Permit** is needed for the demolition of any existing building or structure. When a demolition will occur and plans for the replacement building are submitted concurrently, an application for a demolition permit does not have to be submitted. But, if the demolition is not accompanied by a building permit application, application for a demolition permit is required.

Level 2 Building Permit (Applied for via form UCC-3) pertains to new buildings, structures and facilities (except for modular or industrialized construction); Additions to existing buildings; and alterations (renovations) that exceed the scope of Alterations-Level 1 work and that will be made to existing buildings that are legally occupied

Partial Occupancy Permit COO's can be issued for partial occupancy of a building, if the portion desired to be occupied independently complies with all UCC Requirements. These must be planned for, discussed and submitted many weeks ahead of the desired occupancy date.

Phased Construction Permits When construction is desired to begin as soon as possible, the project may receive permit approval to construct the foundation or other parts of a building or structure, before plans and specifications for the entire project are submitted for approval. The DSBCAPG should be consulted in advance of submitting for phased construction permits.

It is critical to understand the following regarding phased construction permits:

- Once a phased construction permit has been issued, construction documents must be submitted for total building approval before any additional construction can occur.
- If granted, this limited approval does not guarantee that L&I will issue a permit for the remainder of the construction project.
- Generally, no revisions are allowed on work covered under the phased permit.

WHAT IS THE PROCESS FOR GETTING A PERMIT?

These are the steps in getting a permit:

- 1) As early as you know the project scope, submit a Permit Determination form to Mike Rupert via the module in E-Builder. The form will be reviewed and you will be informed of the type or level of permit required. It is important to be descriptive, clear and comprehensive in your project description on this form.
- 2) Early in design (schematic), review the design with Mike Rupert. Face to face sit downs have the best results. Mike will review the drawings at a high level for issues such as life safety and accessibility compliance. These are two areas that commonly fall short of compliance during review causing delays in approval or unexpected costs. It is best to strategically approach these issues early in early design.
- 3) Complete and submit the drawings and permit application to L&I or CRCA as applicable and copy Sherri Ebeling on the submission. The A/E usually does this.
- 4) In 3-8 weeks if there are no issues with what has been submitted to L&I or CRCA the permit and permit plans will be mailed back to DS. Sherri logs them in, makes copies and informs the PL that the permit has been issued. This takes a few days. The PL takes it from there and ensures that the permit and permit plans make their way to the site and the contractor.

HOW LONG DOES IT TAKE TO GET A PERMIT?

By law, a permit application must be granted or denied within 30 business days of the filing date. There are several logistical steps that occur in the process. They include

- The A/E sends the permit application package through the mail to L&I / CRCA
- The permit application package is logged in at L&I / CRCA
- The permit application package is assigned to a reviewer
- The reviewer reviews the permit application package
- The reviewer completes paperwork and sends the approved package back to Penn State
- The approved package is received and logged into DSBCAPG records
- The approved package is scanned and filed
- The PL is notified by email that the permitted plans and permit have been received and ready for pickup.

These steps, from the day the permit application package leaves the A/E until Sherri Ebeling informs the PL that the permit is available for pick up in DS can range from 3 to 8 weeks. Most common turnaround times are 4 weeks but in busy times it up to 8 weeks. PL's should account for 8 weeks in their schedules. Typically, the months preceding summer construction (January through April) is the busiest time for L& plan reviews.

You can check on the status of your permit here;

<https://www.opp.psu.edu/building-permit-status>

I NEED TO GET A PERMIT AS SOON AS POSSIBLE, WHAT ARE MY OPTIONS?

You can request an expedited review from L&I. An expedited review gets you the results of your plan review (plan / permit approval or rejection) in 7 days as opposed to the normal 3 to 8 weeks.

Expedited Reviews require approval from the OPP Senior Director of Design & Construction and or the Assistant Vice President of OPP before submitting the request to L&I. The DSBCAPG will coordinate the request after approval from the Senior Director of Design & Construction. Expedited reviews are to be requested only in extreme circumstances and require payment of a fee.

HOW DO I GET AN EXPEDITED REVIEW?

Expedited reviews are not to be approached lightly, they should be a last resort. All options to avoid requesting expedited reviews should be exhausted. Typically, with detailed submission planning expedited reviews are not needed. Encourage your A/E to develop a permit submission schedule which accommodates review time as part to prevent schedule surprises.

The following information is required for the Senior Director's consideration of the request.

- Project name and description of work. Who is the A/E, who is the contractor (if known) .
- Cost of the expedited review
- Who will pay the expedited review fee (i.e., Penn State (via project funds), the A/E, the contractor).
- Why it is being requested, such as: Schedule failure by the A/E or contractor, late additions to the project scope, new requirements by Penn State, etc.)

Once internal approval is in hand, the payment check is included, the drawings and the UCC-3 "Application for UCC Building Permit" (with the box at the top of form for requesting an expedited review checked) are transported (typically via courier) to L&I.

Inclusion of the fee is crucial for prompt consideration of an expedited review. Often it is not practical to have Penn State generate the check as that can take too long to go through the necessary channels before the check is physically in hand. A/E's and contractor typically are better suited to provide the actual check.

HOW MUCH DOES AN EXPEDITED PLAN REVIEW COST?

Expedited permit fees for new buildings and additions are (as of November 2022) \$1553.45 plus \$0.76 per square foot of floor area. Expedited permit fees for alterations and renovations are \$1553.45 plus \$76.44 per \$1000 of the estimated cost of the construction. Expedited permit fees for revisions to approved plans are \$1763.94.

These fees change from time to time. Check here for the latest fee structure:

<https://www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/fee-schedules/Pages/Buildings.aspx>

There are no fee waivers or discounts for expedited reviews. For example, if Penn State submits to L&I an application for a building permit with a set of drawings for a renovation project with an estimated construction cost of \$5,000,000. An expedited review of the drawings would cost Penn State \$383,963.90. A regular (non-expedited) review would cost Penn State \$0 (zero) since regular plan review fees are waived for Penn State.

WHO PAYS FOR AN EXPEDITED REVIEW?

Determination of the payment responsibility is up to the project via the PL to decide. Usually, the entity responsible for the need pays. For example, if the A/E failed to complete the design on schedule or failed to adequately plan for L&I submissions and approvals they should pay.

HOW DO I GET MY PHYSICAL PERMIT? WHERE DO I PICK UP PLANS?

Building permits are returned to Penn State via DS. The permits and approved drawings are then scanned for archival purposes. The building permit is uploaded into E-Builder by Sherri Ebeling. Upon completion, a notification is sent to the Penn State PL stating that the approved plans and permit are available for pickup at the review station in DS (OPP Room 113). The review station is located behind the receptionist's desk. Be sure to sign for picking up the drawings and hard copy permit on the provided sheet posted at the station as this is crucial for DSBCAPG personnel to track documents.

HOW LONG IS A PERMIT GOOD FOR?

A building permit becomes invalid unless the permitted construction work begins within 180 days of the permit's issuance or if the authorized construction work permit is suspended or abandoned for 180 days after the work has commenced. A permit holder may submit a written request for an extension of time to commence construction for just cause. To request a permit extension, please consult with DSBCAPG personnel. They will contact the appropriate personnel at L&I. A permit may be valid for no more than 5-years from its issue date.

WHEN DO I NEED A PERMIT EXTENSION?

If the work is expected to begin more than 180 days after permit issuance or if the 5-year time limit has expired.

I RECEIVED ONE SINGLE PERMIT FOR MY ENTIRE PROJECT BUT MY CUSTOMER WOULD LIKE TO USE / OCCUPY PART OF THE BUILDING BEFORE THE REST OF THE BUILDING CONSTRUCTION IS COMPLETE. HOW DO I DO THAT?

L&I can grant a partial occupancy of a building, if that portion independently complies with all UCC requirements. A Building Permit Application (UCC-3) checked for partial occupancy must be submitted to PA L&I, along with 3 sets of drawings showing the desired area to be occupied by clouding those areas of the drawings. This process can take many weeks so it is crucial that the DSBCAPG is notified early to assist in the process.

WHAT IS THE DIFFERENCE BETWEEN PHASED OCCUPANCY AND PARTIAL OCCUPANCY?

Phased Approval: A phased approval is typically required when construction needs to start before all design drawings are complete. For instance, a Footing & Foundation Permit may be issued so work can begin before the remainder of the project's design is complete. In this case the requirements for subsequent plan phase submissions must be followed and the AE/contractor team assumes the risk that, in order to get approval, the subsequent design packages submitted to L&I may necessitate changes to the initial approved plans due to needs of the subsequent packages. In other words, approval of the initial package does not result in

automatic approval of subsequent packages. Typically, L&I requires a letter jointly signed by Penn State and the A/E attesting to their understanding of this.

It is critical to understand the following regarding phased construction permits:

- Once a phased construction permit has been issued construction documents for total building approval must be submitted before any additional construction can occur.
- If granted, this limited approval does not guarantee that L&I will issue a permit for the remainder of the construction.
- Generally, no revisions are allowed on work covered under the phased permit.
- A failure to fully describe on the construction plans the extent of the work to be performed will be grounds for denial of this special permit.

Partial Occupancy: When occupancy is requested for a portion of a project before the entire permitted work is complete, a Partial Occupancy submission must be made to Labor & Industry. This submission must include a copy of the original UCC application and those drawings needed to identify the portion of the project intended to be occupied.

WHAT DO I DO IF THERE IS A CONDITION / DESIGN THAT I NEED TO HAVE A CERTAIN WAY BUT IT DOES NOT MEET CODE?

The project may request a Variance from the building code from L&I. This means that the project desires to “vary” from the requirements of the building code.

WHAT IS A VARIANCE?

A Variance is a formal request made to L&I to allow the constructed project to vary from the Building Code. Most Variance requests are made to the Industrial Hearing Board. Variance requests that involve accessibility issues may also need to go through the Accessibility Advisory Board.

Buildings Industrial board variance submissions forms (Form LIIB 117) can be found at

<https://www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/Documents/LIIB/LIIB-117.pdf>

Accessibility board variance forms can be found at (Form UCC-1A)

<https://www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/Documents/UCC/ucc-1a.pdf>

HOW DO I GET A VARIANCE?

The PL must consult with the DSBCAPG before deciding to pursue a variance. The DSBCAPG can optimize the presentation of documents that are required for the application to L&I. The A/E working with DS will prepare the documents for the variance. After review and approval, DS will submit the variance application package to L&I.

The variance application package must be submitted (in L&I's hands) to L&I two weeks before the variance hearing date to be heard at the next scheduled hearing.

Building Industrial Board Hearing dates are here:

<https://www.dli.pa.gov/Businesses/Labor-Management-Relations/industrial-board/Pages/default.aspx>

Accessibility Board Hearing Dates are here:

<https://www.dli.pa.gov/ucc/Pages/AAB-Variances-Appeals-Extensions.aspx>

The board will either accept or reject the variance request, based on the information provided to them before the hearing or by considering the arguments put forth at the hearing.

Sometimes approval is given but with conditions.

Complicated or contentious variances require attendance by Penn State at the hearing. Since COVID, these hearings have been conducted by phone. Typically, the PL attends these hearings with DSBCAPG staff. Some variances requests do not require attendance and are ruled on by Direct Action by the Board.

Penn State is advised about a week before the hearing if attendance is required. There is no way of knowing in advance with certainty if attendance will be required or not. For hearings where attendance is required, the ruling is given at the hearing. For meetings where attendance is not required the ruling is communicated by mail within 7 to 10 days after the hearing.

WHAT DO I DO IF I GET A PERMIT FOR A PROJECT THAT ENDS UP NOT BEING CONSTRUCTED?

Unused or unneeded permits need to be cancelled through L&I. By contacting a member of the DSBCAPG regarding the unneeded permit, an email can be sent to L&I requesting the cancellation of the permit and Penn State records can be updated as well. Unneeded permits that are not canceled create confusion in records and at L&I so it is crucial to cancel unneeded permits.

WHAT DO I DO IF I HAVE CHANGES TO THE DESIGN AFTER THE BUILDING PERMIT HAS BEEN ISSUED?

During construction it is common for changes to approved design to occur and for construction to occur differently than what is shown on the permitted drawings. For changes that the inspector deems significant enough to warrant a resubmission of drawings, a revised building permit application must be submitted to L&I. Along with the UCC-3 permit application, 3 sets of drawings must be included showing the revisions by clouding those areas of the drawings. These can take several weeks to be approved.

WHAT ARE DEFERRED SUBMITTALS AND WHEN DO I NEED THEM?

A Deferred Submittal allows the design professional to submit for building permit without having the completed shop drawings for systems such as Fire Alarms and Automatic Sprinkler Systems. The final design of these systems often requires additional calculations and detailing. If a deferred submission is expected, it must be indicated on the initial building permit application and will be identified on the inspection log that accompanies the permit when issued. It is important that care be given to the completion of the permit application form so that the appropriate box for deferred submission is intentionally checked or left unchecked. An incorrectly checked box will lead to confusion and possible delay issuance of the building permit.

Deferred Submissions of Sprinkler or Fire Alarm Shop Drawings are required to be provided to L&I at least 2 weeks prior to installation of the work. This gives L&I the ability to review and get the approved drawings issued to the inspector for inspection. When the drawings are submitted to L&I they must include a letter from the design professional stating that they have been reviewed and are found to be compatible with the design associated with the building permit issued for the non-deferred portion of the work.

It is important to be aware of the status of the Deferred Submittals as L&I does not send reminders. If "Deferred Submittal" is indicated on the inspection log, the inspector cannot perform the final inspection until the work associated with the deferred submittal is complete. This can have a significant impact on issuance of the COO and the project schedule if not monitored.

WHY IS CLOSING OUT OPEN BUILDING PERMITS IMPORTANT?

Each L&I inspector has dozens of projects to keep track of. Building Permits that are not closed (cancelled or have their final inspection completed) remain on L&I's books. They then require administrative time to investigate and maintain. Closing permits reduces the time wasted on projects that are not active or "real" and this helps L&I inspectors. PL should close projects as soon as possible and also ensure that all projects are final inspected.

HOW DOES THE PERMITTING PROCESS WORK WHEN DS IS THE DESIGNER VERSUS WHEN AN OUTSIDE A/E IS THE DESIGNER?

The main difference is that when an outside A/E prepares the design, the A/E also prepares and submits the UCC-3 permit application to L&I (or prepares the CRCA permit package) themselves and directly submits it to L&I or CRCA. In this case the outside A/E copies DS on all correspondence including the permit application and plan submission so that DS has it in the records. If there are questions from the reviewing agency, the reviewing agency may contact the A/E directly. In any case, the permit and approved permit plans are still sent to DS by the reviewing agency.

CODE

WHAT IS THE BUILDING CODE?

The term “Building Code” is used to refer collectively to the set of building codes adopted by Pennsylvania. This is also referred to as the UCC. All construction in Pennsylvania must comply with these codes. The UCC includes 10 main codes, such as the “International Building Code” and the “International Energy Conservation Code”. Not every portion of every code publication has been adopted and additional publications such as the National Electric Code and the American National Standard A117.1 for Accessible and Usable Buildings and Facilities are referenced.

WHAT ARE THE CURRENT VERSIONS OF THE CODE?

The UCC changes from time to time. Currently the changes are on a 3 year schedule with the most recent versions going into effect between January 2022 and August 2022. The complete list of codes that comprise the UCC is here:

<https://www.pabulletin.com/secure/data/vol48/48-39/1524.html>

(scroll down the page to section 403.21)

An easier version to read is here:

<https://www.dli.pa.gov/ucc/Pages/UCC-Codes.aspx>

All codes are free to access online. This link will get you to most of the codes

<https://www.iccsafe.org/>

DS also has hard copy books of many of the codes in its library.

HOW IS THE BUILDING CODE APPLIED IN PENNSYLVANIA?

The building code is applied to all structures erected in Pennsylvania with exceptions to a limited number of buildings [temporary such as at fairs, festivals etc.]. Penn State will have very few code exempt new structures.

WHAT IS THE 20% RULE?

The 20% rule generally means that at least 20% of the construction cost of a project must be put towards upgrades to existing conditions to meet accessibility compliance. Where an alteration affects the accessibility to a/or contains an area of primary function (primary function includes the main uses of the building) the route to the primary function area must be accessible. The accessible route to the primary function shall include toilet facilities and drinking fountains serving the area of primary functions.

There are exceptions to the 20% requirement.

1. The cost of providing the accessible route is not required to exceed 20 % of the costs of the alteration affecting the area of primary function.
2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation of alteration of fire protections systems and abatement of hazardous materials.
4. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of a facility.
5. This provision does not apply to altered areas limited to type-B dwelling and sleeping units.

A simple method of determining the construction cost solely for the purposes of compliance with the 20% rule has been developed. Work with the DSBCAPG via Mike Rupert to employ it for use in complying with this requirement.

For new buildings this requirement is generally not an issue because there are no existing conditions to upgrade. All construction is new and is compliant with current accessibility code.

INSPECTIONS

HOW DO INSPECTIONS WORK?

After a building permit is issued, construction may begin. Demolition of an existing space may begin before receiving the building permit. During construction the authority having jurisdiction must perform inspections to ensure that the construction is performed in compliance with the approved plans and code.

If, as a result of an inspection, the inspector declares that something that has been constructed is non-compliant and so needs to be changed or go for a variance then the inspector needs to provide that non-compliance in writing with a reference to the exact code section that it does not comply with. This is crucial so that Penn State can prepare variance documents, address the issue in the field or respond in some other productive way; otherwise we are going by interpretation of a conversation, risking misunderstanding or wasting time.

WHO ARE THE L&I INSPECTORS THAT PENN STATE INTERACTS WITH AND HOW / UNDER WHAT CONDITIONS SHOULD WE INTERACT WITH THEM?

Each area of the state has assigned L&I Building Inspectors. Most commonwealth campuses have 1 or 2 inspectors regularly involved with projects but typically the inspectors handle several campus locations. There are primarily 2 inspectors dedicated to Penn State University Park projects with several others who act as support depending on workload. The name of the building inspector assigned to a project is indicated on the inspection log that accompanies the Permit.

Once the permit is issued, the building inspector is the point of contact for scheduling inspections, determining compliance and working through issues. The inspector usually interacts with the contractor's Superintendent on the project and it is this person who relays concerns to the construction/design team.

Each inspector has a preferred method of communication, and this should be established and jointly understood early in the project. If an inspector seems unresponsive you can contact Mike Rupert and he will relay concerns to the L&I Inspector District Supervisor.

The inspector should be kept apprised of changes in project scope, schedule or proposed revisions. It is the inspector's prerogative to require revisions or variance submissions to the L&I plans reviewer so early notification of upcoming issues is beneficial.

TO MEET MY PROJECT SCHEDULE, I NEED TO GET AN INSPECTION ON ODD (WEEKEND OR LATE) HOURS. WHAT CAN I DO?

For an additional fee, L&I offers inspections outside of normal business hours. As soon as you believe your project may have a need for off hours inspections contact DSBCAPG for assistance. These parameters apply for the off-hours inspection request.

- Normal business hours are defined as M-F 8:00 AM to 5:00 PM excluding holidays.
- Inspections must be requested in writing by the owner, design professional or contractor.

- Requests are NOT guaranteed to be granted.
- Fees are \$188.16 / hour and must be paid in full before the COO is issued.

WHAT ARE SPECIAL INSPECTIONS AND WHEN DO I NEED THEM? HOW DO I GET A SPECIAL INSPECTION?

There are 15 types of special inspections or observations required by the UCC. They include inspections for elements like welds, steel construction, concrete and foundations among other potential items. The L&I approval stamp on the permitted construction drawings will list any special inspections that are required for the project.

Typically, the PL will engage specialty firms to perform the special inspections. The Design Professional of Record must sign the form as well acknowledge review of the special inspection documentation. This form must then be provided to L&I for the COO to be issued.

The form can be found at <https://www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/Documents/UCC/UCC-6%202009.pdf>

ADDITIONAL RESOURCES

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OPP Intranet site for Permitting information

<https://www.opp.psu.edu/planningdesignconstruction/building-permits>

CRCA

<https://www.crcog.net/crca>

CODES

<https://codes.iccsafe.org/codes?category=Pennsylvania>