

Appeals to the Board of Building Standards Information Sheet

The Board of Building Standards hears appeals of technical code requirements. The Board will make recommendations to the Commissioner of the Department of Licenses and Inspections for variances from these technical codes based upon the information presented to them at an informal hearing.

Before You File the Appeal

- **Before you file an appeal, you will need a formal code decision from the Department of Licenses and Inspections.** This decision comes in the form of a Notice of Refusal document. This document is obtained from the plan examiner reviewing your permit application or request for a formal code interpretation (also known as a “Preliminary Plan Review”).
Exception: Code violation notices for unsafe or imminently dangerous designations and seeking a variance for alternative materials and methods.
- All appeals to the Board of Building Standards must be accompanied by an authorization statement from the property owner or property manager unless the applicant is also the property owner. This authorization is also required if an owner-applicant will not attend the hearing and elects to send his/her representative.

How to File the Appeal

- You can file an appeal in-person, by postal mail, or online via [eCLIPSE](#).
 - **Online:** Upload the BBS appeal application form, the Notice of Refusal / Violation, and an authorization letter. Refer to the [‘How to file an appeal using eCLIPSE’](#) guide for step-by-step instructions.
 - **In-person:** You must [schedule an appointment](#) to file an appeal in-person at the Permit and License Center. Bring the completed BBS appeal application form and attach a copy of the Notice of Refusal / Violation (*if applicable*), an authorization letter, and a check or money order made payable to the City of Philadelphia for the applicable amount.
 - **By mail:** Send a completed BBS appeal application form, a copy of the Notice of Refusal / Violation (*if applicable*), an authorization letter, and a check or money order made payable to the City of Philadelphia for the applicable amount to:

**Boards Administration Unit
1401 John F. Kennedy Boulevard
Municipal Services Building – 11th Floor
Philadelphia, PA 19102-1687**

- Appeal fees depend on the type of building:
 - Existing one-or-two-family dwellings (including those with family childcare centers): \$50
 - Buildings less than five stories tall and less than 30,000 sq. ft. total floor area: \$200
 - Buildings five or more stories tall or more than 30,000 sq. ft. total floor area: \$600
 - Expedited hearings: \$1,700
 - Method or material approval: \$500
- After receipt of a complete appeal application package, a hearing notice will be sent to you with your scheduled hearing date by the Boards Administration Unit. Hearings are generally scheduled within four (4) weeks of receipt of a complete appeal application package. If you have specific time constraints, please request information on accelerated hearing requests.
- For questions or comments related to appeals, email the Boards Administration unit at BoardsAdmin@phila.gov.

When to File an Appeal

- You may file an appeal immediately after Licenses and Inspections renders a decision. However, your right to appeal expires thirty (30) days from the date of issue of the decision. All appeal requests received after this time may be returned.
- Appeals related to unsafe or imminently dangerous designations must be filed within 5 days of the date of such notice.

What is the Basis of an Appeal?

- An application for appeal shall be based on a claim that:
 1. The true intent of the applicable code or regulations has been incorrectly interpreted by the Department.
 2. The provisions of the code do not fully apply; or
 3. An equivalent form of construction or installation is proposed.

Board of Building Standards Recommendation

- A recommendation to the Commissioner of Licenses and Inspections for an extension of time or a variance from a technical code by the Board of Building Standards may be made where there is a finding that:
 1. The variance will fulfill the intent of the code; and
 2. Literal enforcement will result in unique and unnecessary hardship or extraordinary conditions make literal compliance impractical; and
 3. The variance will not be an unreasonable deviation from the requirements of the code; and
 4. In the case of a variance in an area prone to flooding, the considerations and conditions for issuance set forth in Appendix G of the Philadelphia Building Code are satisfied; and
 5. In the case of buildings designated as historic pursuant to Section 14-2007 of The Philadelphia Code or listed in the National Register of Historic Places, where strict compliance with a provision of this Title would interfere with the historic character of the property, the variance does not constitute a material life safety hazard; and
 6. In the case of the request for an extension of time, efforts are being made to come into compliance as quickly as possible.

Appeals Related to Accessibility Requirements

- Per the PA Uniform Construction Code, accessibility appeals need to be directed to the Accessibility Advisory Board of PA Department of Labor and Industry, Commonwealth of Pennsylvania. See the petition forms for instructions. Site plans may be required to be filed with those petitions.