
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2658 Session of
2020

INTRODUCED BY ISAACSON, GALLOWAY, RYAN, HOHENSTEIN, CALTAGIRONE,
DELLOSO, DeLUCA, DRISCOLL, FREEMAN, HILL-EVANS, McCARTER,
McNEILL, ROZZI, SANCHEZ, SCHWEYER, VITALI AND NEILSON,
JULY 8, 2020

REFERRED TO COMMITTEE ON URBAN AFFAIRS, JULY 8, 2020

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, in general provisions
3 relating to residential real property, further providing for
4 definitions; and, in seller disclosures, further providing
5 for application of chapter and providing for disclosure of
6 construction defects.

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

9 Section 1. Section 7102 of Title 68 of the Pennsylvania
10 Consolidated Statutes is amended by adding definitions to read:
11 § 7102. Definitions.

12 Subject to additional definitions contained in subsequent
13 provisions of this part which are applicable to specific
14 provisions of this part, the following words and phrases when
15 used in this part shall have the meanings given to them in this
16 section unless the context clearly indicates otherwise:

17 * * *

18 "Builder." A person lawfully performing or furnishing the
19 design, planning, supervision or observation of construction or

1 construction of an improvement to real property.

2 * * *

3 "Construction defect." A material defect that results from a
4 deficiency in the design, planning, supervision or observation
5 of construction or construction of an improvement to real
6 property. The term includes a material defect that results from
7 the use of defective building materials or from the improper
8 installation of building materials.

9 * * *

10 Section 2. Section 7302 of Title 68 is amended by adding a
11 subsection to read:

12 § 7302. Application of chapter.

13 * * *

14 (a.1) Application of disclosure of construction defects.--
15 Section 7303.1 (relating to disclosure of construction defects)
16 shall apply only to residential real property.

17 * * *

18 Section 3. Title 68 is amended by adding a section to read:

19 § 7303.1. Disclosure of construction defects.

20 (a) Notification.--If a builder becomes aware of a
21 construction defect in an improvement to real property
22 constructed or facilitated by the builder, the builder shall
23 notify the owner of the real property. The builder shall also
24 notify the owner of any real property for which the builder
25 constructed or facilitated construction of an improvement, if
26 the builder has reasonable cause to suspect the existence of a
27 substantially similar construction defect. The following shall
28 apply:

29 (1) The notification shall include all of the following:

30 (i) A description of the construction defect or

1 suspected construction defect.

2 (ii) The reason that the builder knows or suspects
3 that the construction defect exists.

4 (iii) Contact information for the builder.

5 (2) The notification shall be made within 30 days after
6 the builder knows or has reasonable cause to suspect that the
7 construction defect exists.

8 (3) The builder shall provide the notification by
9 certified mail to the address of record for the owner of the
10 real property.

11 (4) The notification is not required if at least 15
12 years have elapsed since completion of construction of the
13 defective improvement.

14 (5) The notification shall not constitute evidence of
15 the builder's liability for the construction defect, nor
16 shall the notification relieve the builder from any liability
17 which may exist as the result of the construction defect.

18 (b) Failure to comply.--A builder who willfully or
19 negligently fails to notify an owner of real property as
20 required by this section shall be liable for the amount of
21 actual damages suffered by the owner as a result of the
22 builder's failure to notify the owner. This subsection shall not
23 be construed to restrict or expand the authority of a court to
24 impose punitive damages or apply other remedies applicable under
25 another provision of law.

26 (c) Statute of limitations.--An action for damages as the
27 result of a violation of this section must be commenced within
28 two years of the time that the owner of the real property
29 becomes aware of the builder's failure to comply with this
30 section.

1 Section 4. This act shall take effect in 60 days.