
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 691 Session of
2023

INTRODUCED BY HOHENSTEIN, ISAACSON, GALLAGHER, PIELLI, GUENST,
GIRAL, PROBST, SANCHEZ, HILL-EVANS, PARKER, NEILSON, CIRESI,
KINSEY, CERRATO, N. NELSON, WEBSTER, BRENNAN AND McNEILL,
MARCH 24, 2023

REFERRED TO COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT,
MARCH 24, 2023

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," in exemptions, applicability
6 and penalties, providing for residential building
7 construction defect remedies.

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

10 Section 1. The act of November 10, 1999 (P.L.491, No.45),
11 known as the Pennsylvania Construction Code Act, is amended by
12 adding a section to read:

13 Section 904. Residential building construction defect remedies.

14 (a) Repairs required.--The builder of new or rehabilitated
15 residential building construction sold or leased and registered
16 in this Commonwealth shall repair or correct, at no cost to the
17 purchaser, a defect, including a water infiltration issue,
18 structural issue or any other problem, which substantially
19 impairs the use, value or safety of the residential building

1 construction and may occur within a period of two years
2 following the actual delivery by the builder or the builder's
3 designee of the residential building to the purchaser.

4 (b) Action permitted.--If a defect is brought to the
5 attention of the builder within two years of actual delivery to
6 the purchaser of the residential building, the following shall
7 apply:

8 (1) The builder shall have six months from the date of
9 the notice of the defect to make the repair or correction.

10 (2) If the repair or correction is not completed within
11 six months from the date of the notice under paragraph (1),
12 the purchaser shall be entitled to file an action for
13 compliance with this section in a court of common pleas with
14 jurisdiction over the residential building.

15 (3) If the action for compliance under paragraph (2) is
16 adjudicated in favor of the purchaser, the builder shall be
17 liable for 150% of the cost of the repair or correction.

18 (c) Applicability.--This section shall not apply to a defect
19 that is cosmetic or covered by a warranty.

20 Section 2. This act shall apply to residential buildings
21 that were delivered within two years of the effective date of
22 the addition of section 904 of the act.

23 Section 3. This act shall take effect in 60 days.