
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1363 Session of
2023

INTRODUCED BY HEFFLEY AND KUTZ, JUNE 9, 2023

REFERRED TO COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT,
JUNE 9, 2023

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, providing for short-term
3 rental of residential property.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 68 of the Pennsylvania Consolidated
7 Statutes is amended by adding a part to read:

8 PART IV

9 LEASES OF REAL PROPERTY

10 Subpart

11 A. Residential Leases

12 SUBPART A

13 RESIDENTIAL LEASES

14 Chapter

15 91. Short-Term Rentals

16 CHAPTER 91

17 SHORT-TERM RENTALS

18 Sec.

1 9101. Scope of chapter.

2 9102. Definitions.

3 9103. Rental operator conduct.

4 9104. Limitation on municipal powers.

5 9105. Private cause of action.

6 9106. Fines for failure to register or gain license.

7 9107. Third-party listing platform liability.

8 § 9101. Scope of chapter.

9 This chapter relates to short-term rentals of residential
10 property.

11 § 9102. Definitions.

12 The following words and phrases when used in this chapter
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Property owner." An owner of record of real property
16 offered to a transient as a short-term rental.

17 "Rental operator." A property owner, management company or
18 entity that operates a short-term rental.

19 "Renter." A transient who pays for the use of a short-term
20 rental.

21 "Short-term rental." A residential property or multifamily
22 property offered for rent to a transient individual for profit
23 for a period less than 30 consecutive days.

24 "Third-party listing platform." An electronically accessible
25 technology used as a base for a rental operator to contact a
26 potential renter for the purpose of entering into a contract for
27 a short-term rental.

28 "Transient." An individual who fails to establish or
29 maintain a residence at the same premises in this Commonwealth
30 for a period of more than 30 consecutive days.

1 § 9103. Rental operator conduct.

2 (a) Prohibited conduct.--A rental operator may not:

3 (1) engage in conduct that contravenes a law or
4 regulation, including, but not limited to, criminal law,
5 planning law or regulation of the Federal, State or local
6 government applicable to the operation of the short-term
7 rental property or the short-term rental; or

8 (2) allow a renter to use a short-term rental in a
9 manner that constitutes a public nuisance or violates a law
10 or ordinance regarding public nuisance conduct.

11 (b) Duties.--A rental operator shall:

12 (1) comply with all applicable licensing, registration
13 or permitting requirements of the municipality or community
14 where the rental property is located;

15 (2) comply with all occupancy, health and safety,
16 parking, waste disposal or other ordinances applicable to a
17 short-term rental adopted by the municipality in which the
18 property is located; and

19 (3) be liable to the municipality in which the property
20 is located for action or inaction by a renter that
21 constitutes a violation of a noise, nuisance, parking or
22 waste disposal ordinance, if the rental operator knew or
23 should have known of the action or inaction and failed to
24 take reasonable action to prevent the violation.

25 § 9104. Limitation on municipal powers.

26 A municipality may not prohibit or unnecessarily delay the
27 approval or registration of a short-term rental that complies
28 with all requirements under this chapter, applicable law,
29 ordinances and zoning requirements.

30 § 9105. Private cause of action.

1 (a) General rule.--An owner or tenant of real property who
2 is substantially affected by an act of a renter, property owner
3 or rental operator that is a violation of law, regulation or
4 ordinance may bring an action in a court of proper jurisdiction
5 to prevent, restrain, correct or abate the act.

6 (b) Recovery.--A person found liable in a civil action
7 brought under subsection (a) shall pay damages and reasonable
8 attorney fees incurred by the owner or tenant as a result of the
9 action.

10 § 9106. Fines for failure to register or gain license.

11 (a) Authorization.--Except as provided in subsection (b), a
12 property owner that is subject to a municipal registration or
13 licensing ordinance relating to a short-term rental and fails to
14 comply with the ordinance may be fined by the municipality at a
15 rate not to exceed \$500 per day that the property owner fails to
16 comply.

17 (b) Exception.--A property owner whose registration or
18 license to operate has been withdrawn for a violation of a
19 municipal ordinance under subsection (a) and continues to
20 violate the municipal ordinance may be fined by the municipality
21 at a rate not to exceed \$1,000 per day that the property owner
22 fails to comply.

23 § 9107. Third-party listing platform liability.

24 (a) General rule.--If a court finds that a property owner or
25 rental operator has willingly, knowingly or negligently allowed
26 or abetted a repeated violation of law or ordinance applicable
27 to the real property or short-term rental, the court may order
28 that the real property or short-term rental be removed from
29 third-party listing platforms.

30 (b) Cause of action.--If a court order is issued under

1 subsection (a) and the third-party listing platform is found to
2 be in noncompliance, an owner or tenant of real property who is
3 substantially affected by the noncompliance may institute an
4 action in a court of proper jurisdiction to correct or abate the
5 noncompliance.

6 Section 2. This act shall take effect in 60 days.