

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2348 Session of 2024

INTRODUCED BY IRVIN, KAUFFMAN, BERNSTINE, M. JONES, STURLA, ROWE, JAMES, MOUL, BANTA, STENDER AND DALEY, MAY 29, 2024

AS REPORTED FROM COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 11, 2024

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 adoption and enforcement~~
6 ~~by municipalities, further providing for changes in Uniform~~
7 ~~Construction Code.~~

8 AMENDING THE ACT OF JULY 31, 1968 (P.L.805, NO.247), ENTITLED <--
9 "AN ACT TO EMPOWER CITIES OF THE SECOND CLASS A, AND THIRD
10 CLASS, BOROUGHs, INCORPORATED TOWNS, TOWNSHIPS OF THE FIRST
11 AND SECOND CLASSES INCLUDING THOSE WITHIN A COUNTY OF THE
12 SECOND CLASS AND COUNTIES OF THE SECOND THROUGH EIGHTH
13 CLASSES, INDIVIDUALLY OR JOINTLY, TO PLAN THEIR DEVELOPMENT
14 AND TO GOVERN THE SAME BY ZONING, SUBDIVISION AND LAND
15 DEVELOPMENT ORDINANCES, PLANNED RESIDENTIAL DEVELOPMENT AND
16 OTHER ORDINANCES, BY OFFICIAL MAPS, BY THE RESERVATION OF
17 CERTAIN LAND FOR FUTURE PUBLIC PURPOSE AND BY THE ACQUISITION
18 OF SUCH LAND; TO PROMOTE THE CONSERVATION OF ENERGY THROUGH
19 THE USE OF PLANNING PRACTICES AND TO PROMOTE THE EFFECTIVE
20 UTILIZATION OF RENEWABLE ENERGY SOURCES; PROVIDING FOR THE
21 ESTABLISHMENT OF PLANNING COMMISSIONS, PLANNING DEPARTMENTS,
22 PLANNING COMMITTEES AND ZONING HEARING BOARDS, AUTHORIZING
23 THEM TO CHARGE FEES, MAKE INSPECTIONS AND HOLD PUBLIC
24 HEARINGS; PROVIDING FOR MEDIATION; PROVIDING FOR TRANSFERABLE
25 DEVELOPMENT RIGHTS; PROVIDING FOR APPROPRIATIONS, APPEALS TO
26 COURTS AND PENALTIES FOR VIOLATIONS; AND REPEALING ACTS AND
27 PARTS OF ACTS," IN SUBDIVISION AND LAND DEVELOPMENT, FURTHER
28 PROVIDING FOR CONTENTS OF SUBDIVISION AND LAND DEVELOPMENT
29 ORDINANCE.

30 The General Assembly of the Commonwealth of Pennsylvania
31 hereby enacts as follows:

1 ~~Section 1. Section 503 of the act of November 10, 1999~~
2 ~~(P.L.491, No.45), known as the Pennsylvania Construction Code~~
3 ~~Act, is amended by adding a subsection to read:~~

4 ~~Section 503. Changes in Uniform Construction Code.~~

5 * * *

6 ~~(c.1) Setbacks standards. If a one family or two family~~
7 ~~dwelling is demolished and replaced by another residential~~
8 ~~structure that conforms substantially to the same manner and use~~
9 ~~as the replaced one family or two family dwelling, a~~
10 ~~municipality may allow the new residential structure to be~~
11 ~~constructed in accordance with the setback standards of the~~
12 ~~replaced one family or two family dwelling and shall provide the~~
13 ~~setback standards to the building permit applicant.~~

14 * * *

15 ~~Section 2. This act shall take effect in 60 days.~~

16 SECTION 1. SECTION 503 OF THE ACT OF JULY 31, 1968 (P.L.805, <--
17 NO.247), KNOWN AS THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE,
18 IS AMENDED BY ADDING A PARAGRAPH TO READ:

19 SECTION 503. CONTENTS OF SUBDIVISION AND LAND DEVELOPMENT
20 ORDINANCE.--THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE MAY
21 INCLUDE, BUT NEED NOT BE LIMITED TO:

22 * * *

23 (4.2) PROVISIONS WHICH PROVIDE THAT IF A ONE-FAMILY OR
24 TWO-FAMILY DWELLING IS DEMOLISHED AND REPLACED BY ANOTHER
25 RESIDENTIAL STRUCTURE THAT CONFORMS SUBSTANTIALLY TO THE SAME
26 MANNER AND USE AS THE REPLACED ONE-FAMILY OR TWO-FAMILY
27 DWELLING, THE MUNICIPALITY MAY ALLOW THE NEW RESIDENTIAL
28 STRUCTURE TO BE CONSTRUCTED IN ACCORDANCE WITH THE SETBACK
29 STANDARDS OF THE REPLACED ONE-FAMILY OR TWO-FAMILY DWELLING
30 AND SHALL PROVIDE THE SETBACK STANDARDS TO THE BUILDING

1 PERMIT APPLICANT.

2 * * *

3 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.