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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 693 Session of  
2023

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

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

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AN ACT

1 Providing for the Adjacent Neighbors' Bill of Rights.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Adjacent  
6 Neighbors' Bill of Rights Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall  
9 have the meanings given to them in this section unless the  
10 context clearly indicates otherwise:

11 "Department." The Department of Labor and Industry of the  
12 Commonwealth.

13 "Developer." An entity undertaking the creation of real  
14 property in this Commonwealth.

15 Section 3. Powers and duties of department.

16 (a) Compilation and notice.--The department shall compile a

1 list of the rights and available resources and do all of the  
2 following:

3 (1) Develop a pamphlet to be known as the "Adjacent  
4 Neighbors' Bill of Rights" advising homeowners who are  
5 adjacent to a property under development or construction of  
6 their rights and available resources in plain language and  
7 post the pamphlet on the department's publicly accessible  
8 Internet website.

9 (2) Ensure that developers mail a copy of the pamphlet  
10 to all homeowners who are adjacent to any property being  
11 developed. The pamphlet must be mailed when the developer  
12 applies for a permit for the development or construction.

13 (3) Ensure that copies of the pamphlet are provided to  
14 all State and local elected officials, community boards and  
15 any other organizations deemed necessary by the department.

16 (b) Contents of notice.--The pamphlet developed under this  
17 section shall include the following, written in plain language,  
18 and any other information added at the discretion of the  
19 department, not inconsistent with the following:

20 (1) The rights and remedies provided to homeowners in  
21 this Commonwealth.

22 (2) Guidelines for identifying and contacting competent  
23 attorneys or structural engineers to represent an adjacent  
24 homeowner before developers and the developer's  
25 representatives and the services the attorneys or engineers  
26 should provide to the homeowner.

27 (3) An advisory on the availability of homeowners'  
28 rights at the department to review plans submitted by  
29 developers and further advise homeowners of their rights.

30 (4) An advisory of a homeowner's right to an engineering

1 survey, at the developer's expense, when a developer plans to  
2 perform underpinning or excavation or encroachments on a  
3 homeowner's property.

4 (5) An advisory stating the following:

5 (i) A developer is required to gain a homeowner's  
6 permission to access the homeowner's property.

7 (ii) A negotiated access license agreement or other  
8 agreement is required to specify the developer's  
9 responsibilities, duration and scope of activities on the  
10 homeowner's property.

11 (6) An advisory on when a developer is required to  
12 negotiate a license or party wall agreement with the  
13 homeowner and that a homeowner should seek representation  
14 from a construction attorney.

15 (7) An advisory of a homeowner's right to compel a  
16 developer through a party wall or license agreement,  
17 including excavation or underpinning, to take protective  
18 measures involving the party wall, including the installation  
19 of crack gauges and vibration monitors.

20 (8) An advisory that a homeowner may contact the  
21 municipality to inquire about municipal noise ordinances or  
22 appropriate development or construction hours. The advisory  
23 shall include a list of municipality-approved development or  
24 construction hours.

25 (9) An advisory of a developer's obligations under State  
26 law, rules or regulations to a homeowner for any damages to a  
27 homeowner's property due to a developer's excavation or  
28 underpinning.

29 (10) Contact information and other resources within the  
30 department related to excavation and underpinning and

1 development plans and permits available to homeowners.

2 Section 4. Effective date.

3 This act shall take effect in 60 days.