

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1361 Session of
2020

INTRODUCED BY FARNESE AND SCHWANK, OCTOBER 19, 2020

REFERRED TO LABOR AND INDUSTRY, OCTOBER 19, 2020

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 nonconformity which substantially impairs the use,
18 value or safety of the residential building construction which
19 may occur within a period of two years following the actual
20 delivery by the builder or their designee of the residential
21 building to the purchaser.

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

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

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

12 (3) If the action for compliance under paragraph (2) is
13 adjudicated in favor of the purchaser, the builder shall be
14 liable for at least twice the cost of the repair or
15 correction.

16 Section 2. This act shall apply to residential buildings
17 that were delivered within two years of the effective date of
18 the addition of section 904.

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