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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1833 Session of  
2017

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INTRODUCED BY O'NEILL, COX, DeLUCA, MILLARD, ROEBUCK, THOMAS,  
WATSON AND WHEELAND, OCTOBER 18, 2017

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, OCTOBER 18, 2017

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AN ACT

1 Amending Title 68 (Real and Personal Property) of the  
2 Pennsylvania Consolidated Statutes, in general provisions  
3 relating to residential real property, further providing for  
4 definitions; and, in seller disclosures, further providing  
5 for application of chapter and providing for disclosure of  
6 construction defects.

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

9 Section 1. Section 7102 of Title 68 of the Pennsylvania  
10 Consolidated Statutes is amended by adding definitions to read:  
11 § 7102. Definitions.

12 Subject to additional definitions contained in subsequent  
13 provisions of this part which are applicable to specific  
14 provisions of this part, the following words and phrases when  
15 used in this part shall have the meanings given to them in this  
16 section unless the context clearly indicates otherwise:

17 \* \* \*

18 "Builder." A person lawfully performing or furnishing the  
19 design, planning, supervision or observation of construction or  
20 construction of an improvement to real property.

1 \* \* \*

2 "Construction defect." A material defect that results from a  
3 deficiency in the design, planning, supervision or observation  
4 of construction or construction of an improvement to real  
5 property. The term includes a material defect that results from  
6 the use of defective building materials or from the improper  
7 installation of building materials.

8 \* \* \*

9 Section 2. Section 7302 of Title 68 is amended by adding a  
10 subsection to read:

11 § 7302. Application of chapter.

12 \* \* \*

13 (a.1) Application of disclosure of construction defects.--  
14 Section 7303.1 (relating to disclosure of construction defects)  
15 shall apply only to residential real property.

16 \* \* \*

17 Section 3. Title 68 is amended by adding a section to read:  
18 § 7303.1. Disclosure of construction defects.

19 (a) Notification.--If a builder becomes aware of a  
20 construction defect in an improvement to real property  
21 constructed or facilitated by the builder, the builder shall  
22 notify the owner of the real property. The builder shall also  
23 notify the owner of any real property for which the builder  
24 constructed or facilitated construction of an improvement, if  
25 the builder has reasonable cause to suspect the existence of a  
26 substantially similar construction defect. The following shall  
27 apply:

28 (1) The notification shall include all of the following:

29 (i) A description of the construction defect or  
30 suspected construction defect.

1           (ii) The reason that the builder knows or suspects  
2           that the construction defect exists.

3           (iii) Contact information for the builder.

4           (2) The notification shall be made within 30 days after  
5           the builder knows or has reasonable cause to suspect that the  
6           construction defect exists.

7           (3) The builder shall provide the notification by  
8           certified mail to the address of record for the owner of the  
9           real property.

10          (4) The notification is not required if at least 15  
11          years have elapsed since completion of construction of the  
12          defective improvement.

13          (5) The notification shall not constitute evidence of  
14          the builder's liability for the construction defect, nor  
15          shall the notification relieve the builder from any liability  
16          which may exist as the result of the construction defect.

17          (b) Failure to comply.--A builder who willfully or  
18          negligently fails to notify an owner of real property as  
19          required by this section shall be liable for the amount of  
20          actual damages suffered by the owner as a result of the  
21          builder's failure to notify the owner. This subsection shall not  
22          be construed to restrict or expand the authority of a court to  
23          impose punitive damages or apply other remedies applicable under  
24          another provision of law.

25          (c) Statute of limitations.--An action for damages as the  
26          result of a violation of this section must be commenced within  
27          two years of the time that the owner of the real property  
28          becomes aware of the builder's failure to comply with this  
29          section.

30          Section 4. This act shall take effect in 60 days.