
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1363 Session of
2020

INTRODUCED BY FARNESE AND SCHWANK, OCTOBER 19, 2020

REFERRED TO LABOR AND INDUSTRY, OCTOBER 19, 2020

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 the department.

16 (a) Compilation and notice.--The department shall compile a
17 list of the rights and available resources and do all of the
18 following:

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

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

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

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

18 (1) The rights and remedies provided homeowners in this
19 Commonwealth.

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

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

28 (4) An advisory of a homeowner's right to an engineering
29 survey, at the developer's expense, when a developer plans to
30 perform underpinning or excavation or encroachments on a

1 homeowner's property.

2 (5) An advisory on when a developer is required to
3 negotiate a license or party wall agreement with the
4 homeowner and that a homeowner should seek representation
5 from a construction attorney.

6 (6) An advisory of a homeowner's right to compel a
7 developer through a party wall or license agreement to take
8 protective measures involving the party wall, including the
9 installation of crack gauges and vibration monitors.

10 (7) An advisory of a homeowner's right to limit
11 permissible hours during which a developer may perform work
12 under a party wall or license agreement.

13 (8) An advisory of a developer's obligations under
14 Pennsylvania law, rules or regulations to a homeowner for any
15 damages to a homeowner's property due to a developer's
16 excavation or underpinning.

17 (9) Contact information and other resources within the
18 department related to excavation and underpinning and
19 development plans and permits available to homeowners.

20 Section 4. Effective date.

21 This act shall take effect in 60 days.