
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1748 Session of
2021

INTRODUCED BY BENHAM, McNEILL, SANCHEZ, BURGOS, DEASY, KENYATTA
AND SIMS, JULY 30, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JULY 30, 2021

AN ACT

1 Amending the act of April 27, 1927 (P.L.465, No.299), entitled
2 "An act to provide for the safety of persons employed,
3 housed, or assembled in certain buildings and structures by
4 requiring certain construction and ways of egress, equipment,
5 and maintenance; providing for the licensing of
6 projectionists, except in cities of the first class and
7 second class; requiring the submission of plans for
8 examination and approval; providing for the promulgation of
9 rules and regulations for the enforcement of this act;
10 providing for the enforcement of this act by the Department
11 of Labor and Industry, the Department of Health, boards of
12 school directors and, in certain cases, by the chiefs of fire
13 departments in cities of the third class; providing penalties
14 for violations of the provisions of this act; and repealing
15 certain acts," providing for window guard requirements.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. The act of April 27, 1927 (P.L.465, No.299),
19 referred to as the Fire and Panic Act, is amended by adding a
20 section to read:

21 Section 10.2. Window Guard Requirements.--(a) The purpose
22 of this section is to protect the health and safety of certain
23 residents of buildings with multiple dwelling units by requiring
24 the landlords of the buildings to install and maintain window

1 guards in the dwelling units and public areas of the buildings.

2 (b) Each landlord of a building in this Commonwealth with
3 multiple dwelling units, including apartments, condominiums,
4 cooperatives or mutual housing, shall install and maintain
5 window guards if requested in writing by a resident of a
6 dwelling unit in the building and any of the following apply:

7 (1) A child who is ten (10) years of age or younger resides
8 in the dwelling unit or spends a considerable amount of time in
9 the dwelling unit.

10 (2) An individual with a disability resides in the dwelling
11 unit.

12 (3) An older adult resides in the dwelling unit.

13 (c) The request under subsection (b):

14 (1) Must be delivered to the landlord through the same means
15 as the delivery of rental payments or other payments for the
16 dwelling unit.

17 (2) May concern the installation of window guards on windows
18 within the dwelling unit of the resident or on windows that are
19 in a common area or other public area of the building, such as
20 hallways, to which the dwelling unit has access.

21 (d) Once a window guard is installed, a resident of the
22 building or other individual may not take down, alter or remove
23 the window guard or any part of the window guard.

24 (e) The landlord of the building shall be responsible for
25 installing and maintaining window guards when requested under
26 this section. Installation shall be completed within 30 days of
27 the receipt of a tenant's written request.

28 (f) Window guards may not be permanently fixed to the
29 building or any window and shall be removable in the case of an
30 emergency for the safety of the individuals in the building and

1 for access by firefighters, law enforcement officers, emergency
2 medical services providers and other first responders.

3 (g) Window guards shall not be required on windows that
4 serve as fire exits or that are designed not to be opened.

5 (h) A landlord under this section shall advise the residents
6 of the building of the window guard requirements and procedures
7 under this section upon the signing of the lease or other
8 document establishing residency and at least once annually
9 thereafter.

10 (i) This section shall be enforced by the Department of
11 Labor and Industry and the code enforcement officers of the
12 municipality in which the building with multiple dwelling units
13 is located.

14 (j) A person in violation of this section shall be subject
15 to a fine of not less than fifty dollars (\$50) per day for the
16 first offense and not less than one hundred dollars (\$100) per
17 day for any subsequent offenses. Fines shall accrue daily until
18 the violation has been rectified in a workmanlike manner and in
19 conformity with accepted good construction practices so as to
20 preserve compliance with this section.

21 (k) As used in this section, the following words and phrases
22 shall have the meanings given to them in this subsection unless
23 the context clearly indicates otherwise:

24 "ASTM." The American Society for Testing and Materials.

25 "Apartment." As defined in section 501-A(2) of the act of
26 April 6, 1951 (P.L.69, No.20), known as "The Landlord and Tenant
27 Act of 1951."

28 "Condominium." As defined in 68 Pa.C.S. § 3103 (relating to
29 definitions).

30 "Cooperative." As defined in 68 Pa.C.S. § 4103 (relating to

1 definitions).

2 "Individual with a disability." An individual who has a
3 physical or mental impairment that substantially limits one or
4 more of the major life activities of the individual.

5 "Landlord." An individual or entity owning, controlling,
6 leasing, operating or managing a building with multiple dwelling
7 units.

8 "Municipality." A city, borough, incorporated town or
9 township.

10 "Mutual housing." Housing or a building with multiple
11 dwelling units that is owned by a mutual housing association.

12 "Mutual housing association." A nonprofit corporation that:
13 (1) develops, constructs, rehabilitates, owns, operates or
14 manages housing or a building with multiple dwelling units,
15 which may be for the purpose of the prevention or elimination of
16 neighborhood blight and the preservation of neighborhood
17 stability; and

18 (2) is governed by a board of directors composed of
19 residents of the housing or building who:

20 (i) can actively participate in the ongoing operation and
21 management of the housing or building;

22 (ii) have the right to continue residing in the housing or
23 building for as long as they comply with the terms of their
24 occupancy agreement; and

25 (iii) do not have have an equity or ownership interest in
26 the housing or building.

27 "Older adult." An individual who is sixty-five (65) years of
28 age or older.

29 "Window guard." A child-proof window protection device that
30 meets the following ASTM standards:

1 (1) ASTM F2006 regarding standard safety specification for
2 window fall prevention devices for nonemergency escape (egress)
3 and rescue (ingress) windows.

4 (2) ASTM F2090 regarding standard specification for window
5 fall prevention devices with emergency escape (egress) release
6 mechanisms.

7 Section 2. This act shall take effect in 60 days.