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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1855 Session of  
2021

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INTRODUCED BY HOHENSTEIN, ISAACSON, SANCHEZ AND DRISCOLL,  
SEPTEMBER 13, 2021

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, SEPTEMBER 13, 2021

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AN ACT

1 Amending the act of October 17, 2008 (P.L.1645, No.132),  
2 entitled "An act providing for the regulation of home  
3 improvement contracts and for the registration of certain  
4 contractors; prohibiting certain acts; and providing for  
5 penalties," further providing for definitions and for home  
6 improvement fraud.

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

9 Section 1. The definition of "owner" in section 2 of the act  
10 of October 17, 2008 (P.L.1645, No.132), known as the Home  
11 Improvement Consumer Protection Act, is amended to read:

12 Section 2. Definitions.

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

16 \* \* \*

17 "Owner."

18 (1) The term includes any of the following:

19 (i) An owner of a private residence, including any  
20 person authorized by an owner to act on the owner's

1           behalf to order, contract for or purchase a home  
2           improvement.

3           (ii) A person entitled to the performance of the  
4           work of a contractor pursuant to a home improvement  
5           contract.

6           (2) An owner of a private residence shall not be  
7           required to reside in the residence to be deemed an owner  
8           under this act. To meet this definition for the purposes of  
9           exemption to register as a contractor for home improvements  
10          the owner of a private residence shall be required to  
11          maintain ownership and possession of the residence for one  
12          year following the completion of construction.

13          (3) A person who owns three or more private residences  
14          in this Commonwealth shall not be deemed an owner except with  
15          respect to the person's primary residence or the part of the  
16          building which houses the primary residence of the owner and  
17          those private residences the person uses for personal  
18          recreational purposes.

19          \* \* \*

20          Section 2. Section 8(a)(7) and (8) of the act are amended  
21          and the subsection is amended by adding a paragraph to read:  
22          Section 8. Home improvement fraud.

23          (a) Offense defined.--A person commits the offense of home  
24          improvement fraud if, with intent to defraud or injure anyone or  
25          with knowledge that he is facilitating a fraud or injury to be  
26          perpetrated by anyone, the actor:

27          \* \* \*

28          (7) alters a home improvement agreement, mortgage,  
29          promissory note or other document incident to performing or  
30          selling a home improvement without the consent of the

1 consumer; [or]

2 (8) directly or indirectly publishes a false or  
3 deceptive advertisement in violation of State law governing  
4 advertising about home improvement[.]; or

5 (9) fails to register as a contractor and instead makes  
6 improvements as an owner with the intent to sell the property  
7 to a new owner without ever residing in the home.

8 \* \* \*

9 Section 3. This act shall apply to contracts entered into on  
10 or after the effective date of this act.

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