
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1856 Session of
2021

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

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, SEPTEMBER 13, 2021

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 department.

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

1 following:

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

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

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

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

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

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

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

29 (4) An advisory of a homeowner's right to an engineering
30 survey, at the developer's expense, when a developer plans to

1 perform underpinning or excavation or encroachments on a
2 homeowner's property.

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

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

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

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

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

21 Section 4. Effective date.

22 This act shall take effect in 60 days.