

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1976 Session of 2024

INTRODUCED BY SIEGEL, KHAN, KINSEY, HANBIDGE, MAYES, MADDEN, SANCHEZ, HILL-EVANS, SHUSTERMAN, HOHENSTEIN, N. NELSON, PIELLI, GUZMAN, MADSEN, WEBSTER, OTTEN, KRAJEWSKI, GREEN, CEPEDA-FREYTIZ, CERRATO, ISAACSON, POWELL, GIRAL, BOYD, DALEY, WAXMAN, CONKLIN AND SMITH-WADE-EL, JANUARY 31, 2024

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 5, 2024

AN ACT

1 ~~Amending the act of July 31, 1968 (P.L.805, No.247), entitled <--~~  
2 ~~"An act to empower cities of the second class A, and third~~  
3 ~~class, boroughs, incorporated towns, townships of the first-~~  
4 ~~and second classes including those within a county of the~~  
5 ~~second class and counties of the second through eighth-~~  
6 ~~classes, individually or jointly, to plan their development-~~  
7 ~~and to govern the same by zoning, subdivision and land-~~  
8 ~~development ordinances, planned residential development and-~~  
9 ~~other ordinances, by official maps, by the reservation of~~  
10 ~~certain land for future public purpose and by the acquisition-~~  
11 ~~of such land; to promote the conservation of energy through-~~  
12 ~~the use of planning practices and to promote the effective~~  
13 ~~utilization of renewable energy sources; providing for the~~  
14 ~~establishment of planning commissions, planning departments,~~  
15 ~~planning committees and zoning hearing boards, authorizing~~  
16 ~~them to charge fees, make inspections and hold public~~  
17 ~~hearings; providing for mediation; providing for transferable~~  
18 ~~development rights; providing for appropriations, appeals to~~  
19 ~~courts and penalties for violations; and repealing acts and~~  
20 ~~parts of acts," in zoning, further providing for ordinance~~  
21 ~~provisions.~~

22 AMENDING TITLE 53 (MUNICIPALITIES GENERALLY) OF THE PENNSYLVANIA <--  
23 CONSOLIDATED STATUTES, PROVIDING FOR MULTIPLE-UNIT DWELLING  
24 ZONING ORDINANCES.

25 The General Assembly of the Commonwealth of Pennsylvania  
26 hereby enacts as follows:

27 Section 1. ~~Section 603 of the act of July 31, 1968 (P.L.805, <--~~

1 ~~No.247), known as the Pennsylvania Municipalities Planning Code,~~  
2 ~~is amended by adding subsections to read:~~

3 ~~Section 603. Ordinance Provisions. \* \* \*~~

4 ~~(m) In a municipality with a population over 5,000 as of the~~  
5 ~~most recent census, the municipality shall allow as a permitted~~  
6 ~~use multiple unit dwellings and mixed use developments that~~  
7 ~~include multiple unit dwellings on a parcel or lot that:~~

8 ~~(1) has a will serve letter from both a municipal water~~  
9 ~~system and a municipal sewer system; and~~

10 ~~(2) is located in a commercial zone.~~

11 ~~(n) Zoning regulations in municipalities meeting the~~  
12 ~~requirements of subsection (m) may not include a requirement to~~  
13 ~~provide more than:~~

14 ~~(1) one off street parking space for each unit and~~  
15 ~~accessible parking spaces as required by the Americans with~~  
16 ~~Disabilities Act of 1990 (Public Law 101 336, 104 Stat. 327);~~  
17 ~~or~~

18 ~~(2) an equivalent number of spaces required under~~  
19 ~~paragraph (1) provided through a shared parking agreement.~~

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

23 ~~"Mixed use development." A development consisting of~~  
24 ~~residential and nonresidential usage in which the nonresidential~~  
25 ~~usage is less than 50% of the total square footage of the~~  
26 ~~development and is limited to the first floor buildings that are~~  
27 ~~two or more stories.~~

28 ~~"Multiple unit dwelling." A building designed for five or~~  
29 ~~more dwelling units in which the dwelling units share a common~~  
30 ~~separation like a ceiling or wall and in which access cannot be~~

1 ~~gained between units through an internal doorway, excluding~~  
2 ~~common hallways.~~

3 ~~Section 2. This act shall take effect in 60 days.~~

4 SECTION 1. TITLE 53 OF THE PENNSYLVANIA CONSOLIDATED  
5 STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

<--

6 CHAPTER 6  
7 SPECIAL PROVISIONS RELATING TO ORDINANCES

8 SEC.

9 601. (RESERVED).

10 602. MULTIPLE-UNIT DWELLING ZONING ORDINANCES.

11 § 601. (RESERVED).

12 § 602. MULTIPLE-UNIT DWELLING ZONING ORDINANCES.

13 (A) GENERAL RULE.--A ZONING ORDINANCE OF A MUNICIPALITY  
14 SHALL ALLOW AS A PERMITTED USE BY RIGHT MULTIPLE-UNIT DWELLINGS  
15 AND MIXED-USE DEVELOPMENTS THAT INCLUDE MULTIPLE-UNIT DWELLINGS  
16 ON A PARCEL OR LOT THAT:

17 (1) HAS A WILL-SERVE LETTER FROM BOTH A MUNICIPAL WATER  
18 SYSTEM AND A MUNICIPAL SEWER SYSTEM; AND

19 (2) IS LOCATED IN A COMMERCIAL ZONE.

20 (B) PARKING SPACE REQUIREMENTS.--ZONING REGULATIONS IN A  
21 MUNICIPALITY MAY NOT INCLUDE A REQUIREMENT TO PROVIDE MORE THAN:

22 (1) ONE OFF-STREET RESIDENTIAL PARKING SPACE FOR EACH  
23 UNIT AND ACCESSIBLE PARKING SPACES AS REQUIRED BY THE  
24 AMERICANS WITH DISABILITIES ACT OF 1990 (PUBLIC LAW 101-336,  
25 104 STAT. 327); OR

26 (2) AN EQUIVALENT NUMBER OF PARKING SPACES REQUIRED  
27 UNDER PARAGRAPH (1) PROVIDED THROUGH A SHARED PARKING  
28 AGREEMENT.

29 (C) PLANNING AGENCY REVIEW.--

30 (1) A MUNICIPALITY MAY PETITION THE APPROPRIATE COUNTY

1 OR REGIONAL PLANNING AGENCY TO REVIEW A PROPOSED DEVELOPMENT  
2 PERMITTED UNDER SUBSECTION (A) AND THE IMPACT IT WILL HAVE ON  
3 EXISTING INFRASTRUCTURE.

4 (2) IF A PETITION IS FILED, THE AGENCY SHALL REVIEW THE  
5 PETITION AND MAKE A DETERMINATION REGARDING THE EXISTING  
6 INFRASTRUCTURE'S CAPACITY FOR THE PROPOSED DEVELOPMENT. THE  
7 AGENCY MAY REQUIRE THE DEVELOPER TO MAKE REASONABLE  
8 IMPROVEMENTS TO THE EXISTING INFRASTRUCTURE AS A CONDITION OF  
9 ALLOWING THE DEVELOPMENT. THE REQUIRED IMPROVEMENTS MAY ONLY  
10 BE THOSE THAT ARE NECESSARY FOR UPGRADING THE EXISTING  
11 INFRASTRUCTURE'S CAPACITY FOR THE PROPOSED DEVELOPMENT.

12 (D) APPLICABILITY.--THIS SECTION SHALL APPLY TO A  
13 MUNICIPALITY:

14 (1) WITH A POPULATION OVER 5,000 AS OF THE MOST RECENT  
15 FEDERAL DECENNIAL CENSUS; AND

16 (2) SITUATED WITHIN A COUNTY THAT WAS REPORTED TO HAVE  
17 AN INCREASE IN TOTAL POPULATION IN THE MOST RECENT FEDERAL  
18 DECENNIAL CENSUS FROM THE IMMEDIATE PRIOR FEDERAL DECENNIAL  
19 CENSUS.

20 (E) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE  
21 CONSTRUED TO PREEMPT DEFINITIONS OR USES AS DEFINED IN THE ACT  
22 OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS THE PENNSYLVANIA  
23 CONSTRUCTION CODE ACT.

24 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
25 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
26 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

27 "COMMERCIAL ZONE." A PARCEL OR LOT ZONED FOR OFFICE,  
28 COMMERCIAL OR MIXED USE. THE TERM DOES NOT INCLUDE A PARCEL OR  
29 LOT ZONED FOR INDUSTRIAL, AGRICULTURAL OR NATURAL CONSERVATION  
30 USE.

1 "DWELLING UNIT." A SINGLE UNIT PROVIDING COMPLETE  
2 INDEPENDENT LIVING FACILITIES FOR ONE OR MORE INDIVIDUALS,  
3 INCLUDING PERMANENT FACILITIES FOR COOKING, EATING, LIVING,  
4 SANITATION AND SLEEPING.

5 "MIXED-USE DEVELOPMENT." A DEVELOPMENT CONSISTING OF  
6 RESIDENTIAL USE IN COMBINATION WITH ASSEMBLY, BUSINESS,  
7 EDUCATION OR MERCANTILE USE AS DEFINED BY THE PENNSYLVANIA  
8 CONSTRUCTION CODE ACT.

9 "MULTIPLE-UNIT DWELLING." A BUILDING DESIGNED FOR THREE OR  
10 MORE DWELLING UNITS IN WHICH THE DWELLING UNITS SHARE A COMMON  
11 SEPARATION LIKE A CEILING OR WALL AND IN WHICH ACCESS CANNOT BE  
12 GAINED BETWEEN UNITS THROUGH AN INTERNAL DOORWAY, EXCLUDING  
13 COMMON HALLWAYS.

14 "MUNICIPALITY." A CITY, INCLUDING A CITY WITH A HOME RULE  
15 CHARTER, TOWNSHIP, BOROUGH OR INCORPORATED TOWN.

16 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.