

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2045 Session of 2024

INTRODUCED BY SIEGEL, KHAN, MADSEN, N. NELSON, SANCHEZ, HILL- EVANS, BOYD, GREEN, ISAACSON AND SMITH-WADE-EL, FEBRUARY 20, 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 MULTI-FAMILY HOUSING
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, <--~~
28 ~~No.247), known as the Pennsylvania Municipalities Planning Code,~~

1 ~~is amended by adding a subsection to read:~~

2 ~~Section 603. Ordinance Provisions. * * *~~

3 ~~(m) The following apply:~~

4 ~~(1) Zoning ordinances shall allow duplex housing, triplex~~
5 ~~housing or quadplex housing as a permitted use on a lot where a~~
6 ~~single family residence is a permitted use, in a city, borough,~~
7 ~~town or township with a population of at least 5,000 residents.~~
8 ~~Zoning regulations that apply to the development or use of~~
9 ~~duplex housing may not be more restrictive than zoning~~
10 ~~regulations that are applicable to single family residences.~~

11 ~~(2) As used in this subsection:~~

12 ~~(i) "Duplex housing" shall mean a parcel or lot with two~~
13 ~~dwelling units that are designed for residential occupancy by~~
14 ~~not more than two family units living independently from each~~
15 ~~other.~~

16 ~~(ii) "Quadplex housing" shall mean a separate or detached~~
17 ~~residence with four dwelling units designed and arranged for use~~
18 ~~by four occupants separated by a horizontal or vertical wall,~~
19 ~~each of which is heated independently of the others and has its~~
20 ~~own separate, private means of ingress and egress.~~

21 ~~(iii) "Single family residence" shall mean a structure~~
22 ~~maintained and used as a single dwelling unit. A dwelling unit~~
23 ~~that shares one or more walls with another dwelling unit is a~~
24 ~~single family residence if it has direct access to a street or~~
25 ~~thoroughfare and does not share heating facilities, hot water~~
26 ~~equipment or any other facility or service with another dwelling~~
27 ~~unit.~~

28 ~~(iv) "Triplex housing" shall mean a separate or detached~~
29 ~~residence with three dwelling units, designed and arranged for~~
30 ~~use by three occupants separated by a horizontal or vertical~~

1 ~~wall, each of which has an independent entrance to the outside~~
2 ~~and is heated independently of the others.~~

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. MULTI-FAMILY HOUSING ZONING ORDINANCES.

11 § 601. (RESERVED).

12 § 602. MULTI-FAMILY HOUSING ZONING ORDINANCES.

13 (A) GENERAL RULE.--A ZONING ORDINANCE OF A MUNICIPALITY
14 SHALL ALLOW MULTI-FAMILY HOUSING AS A PERMITTED USE BY RIGHT ON
15 A LOT WHERE A SINGLE-FAMILY RESIDENCE IS A PERMITTED USE BY
16 RIGHT IN THE MUNICIPALITY. ZONING REGULATIONS OF A MUNICIPALITY
17 THAT APPLY TO THE DEVELOPMENT OR USE OF DUPLEX HOUSING MAY NOT
18 BE MORE RESTRICTIVE THAN ZONING REGULATIONS THAT ARE APPLICABLE
19 TO SINGLE-FAMILY RESIDENCES.

20 (B) PLANNING AGENCY REVIEW.--

21 (1) A MUNICIPALITY MAY PETITION THE APPROPRIATE COUNTY
22 OR REGIONAL PLANNING AGENCY TO REVIEW A PROPOSED DEVELOPMENT
23 PERMITTED UNDER SUBSECTION (A) AND THE IMPACT IT WILL HAVE ON
24 EXISTING INFRASTRUCTURE.

25 (2) IF A PETITION IS FILED, THE AGENCY SHALL REVIEW THE
26 PETITION AND MAKE A DETERMINATION REGARDING THE EXISTING
27 INFRASTRUCTURE'S CAPACITY FOR THE PROPOSED DEVELOPMENT. THE
28 AGENCY MAY REQUIRE THE DEVELOPER TO MAKE REASONABLE
29 IMPROVEMENTS TO THE EXISTING INFRASTRUCTURE AS A CONDITION OF
30 ALLOWING THE DEVELOPMENT. THE REQUIRED IMPROVEMENTS MAY ONLY

1 BE THOSE THAT ARE NECESSARY FOR UPGRADING THE EXISTING
2 INFRASTRUCTURE'S CAPACITY FOR THE PROPOSED DEVELOPMENT.

3 (C) APPLICABILITY.--THIS SECTION SHALL APPLY IN A
4 MUNICIPALITY:

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

7 (2) SITUATED WITHIN A COUNTY THAT WAS REPORTED TO HAVE
8 AN INCREASE IN TOTAL POPULATION IN THE MOST RECENT FEDERAL
9 DECENNIAL CENSUS FROM THE IMMEDIATE PRIOR FEDERAL DECENNIAL
10 CENSUS.

11 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
12 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
13 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

14 "DUPLEX HOUSING." A RESIDENTIAL BUILDING WITH TWO DWELLING
15 UNITS SEPARATED BY A HORIZONTAL OR VERTICAL WALL.

16 "DWELLING UNIT." A SINGLE UNIT PROVIDING COMPLETE
17 INDEPENDENT LIVING FACILITIES FOR ONE OR MORE INDIVIDUALS,
18 INCLUDING PERMANENT FACILITIES FOR COOKING, EATING, LIVING,
19 SANITATION AND SLEEPING.

20 "MULTI-FAMILY HOUSING." DUPLEX HOUSING, TRIPLEX HOUSING OR
21 QUADPLEX HOUSING.

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

24 "QUADPLEX HOUSING." A RESIDENTIAL BUILDING WITH FOUR
25 DWELLING UNITS SEPARATED BY A HORIZONTAL OR VERTICAL WALL.

26 "SINGLE-FAMILY RESIDENCE." A STRUCTURE MAINTAINED AND USED
27 AS A SINGLE DWELLING UNIT. A DWELLING UNIT THAT SHARES ONE OR
28 MORE WALLS WITH ANOTHER DWELLING UNIT IS A SINGLE-FAMILY
29 RESIDENCE IF IT HAS DIRECT ACCESS TO A STREET OR THOROUGHFARE
30 AND DOES NOT SHARE HEATING FACILITIES, HOT WATER EQUIPMENT OR

1 ANY OTHER FACILITY OR SERVICE WITH ANOTHER DWELLING UNIT.
2 "TRIPLEX HOUSING." A RESIDENTIAL BUILDING WITH THREE
3 DWELLING UNITS SEPARATED BY A HORIZONTAL OR VERTICAL WALL.
4 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.