
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1126 Session of
2024

INTRODUCED BY DiSANTO, LAUGHLIN, ROTHMAN, SAVAL, KEARNEY,
COLEMAN, HUTCHINSON AND MARTIN, APRIL 5, 2024

REFERRED TO URBAN AFFAIRS AND HOUSING, APRIL 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 general provisions, further providing for
21 definitions; in subdivision and land development, further
22 providing for grant of power and for contents of subdivision
23 and land development ordinance; and, in zoning, further
24 providing for ordinance provisions, providing for accessory
25 dwelling units and further providing for zoning purposes.

26 The General Assembly of the Commonwealth of Pennsylvania

27 hereby enacts as follows:

28 Section 1. The definitions of "mobilehome," "mobilehome lot"
29 and "mobilehome park" in section 107 of the act of July 31, 1968

1 (P.L.805, No.247), known as the Pennsylvania Municipalities
2 Planning Code, are amended and the section is amended by adding
3 definitions to read:

4 Section 107. Definitions.--(a) The following words and
5 phrases when used in this act shall have the meanings given to
6 them in this subsection unless the context clearly indicates
7 otherwise:

8 "Accessory dwelling unit," a residential living unit on the
9 same parcel or lot on which a single-family dwelling is present
10 or may be constructed that provides complete independent living
11 facilities for one or more persons and may take various forms,
12 including an attached or detached unit, a unit that is part of
13 an accessory structure, including a detached garage, or a unit
14 that is part of an expanded or remodeled dwelling. The term does
15 not include a recreational vehicle.

16 * * *

17 "Duplex," a housing structure of one or more stories
18 containing two dwelling units, designed for residential
19 occupancy by two or more persons who live independently from
20 each other.

21 "Dwelling unit," a residential living unit that provides
22 complete independent living facilities for one or more persons
23 and includes permanent provisions for living, sleeping, eating,
24 cooking and sanitation.

25 * * *

26 "Fourplex," a housing structure of one or more stories
27 containing four dwelling units, designed for residential
28 occupancy by four or more persons who live independently from
29 each other.

30 * * *

1 "Manufactured home," as defined in 42 U.S.C. § 5402(6)
2 (relating to definitions).

3 "Manufactured home community," a parcel or contiguous parcels
4 of land designated and improved, containing two or more
5 manufactured home sites for the placement of manufactured homes.

6 "Manufactured home site," a parcel of land in a manufactured
7 home community with the necessary utility connections and other
8 appurtenances necessary for the erection of a single
9 manufactured home.

10 * * *

11 ["Mobilehome," a transportable, single family dwelling
12 intended for permanent occupancy, contained in one unit, or in
13 two or more units designed to be joined into one integral unit
14 capable of again being separated for repeated towing, which
15 arrives at a site complete and ready for occupancy except for
16 minor and incidental unpacking and assembly operations, and
17 constructed so that it may be used without a permanent
18 foundation.

19 "Mobilehome lot," a parcel of land in a mobilehome park,
20 improved with the necessary utility connections and other
21 appurtenances necessary for the erections thereon of a single
22 mobilehome.

23 "Mobilehome park," a parcel or contiguous parcels of land
24 which has been so designated and improved that it contains two
25 or more mobilehome lots for the placement thereon of
26 mobilehomes.]

27 * * *

28 "Planned community," real property with respect to which a
29 person, by virtue of ownership of an interest in any portion of
30 the real property, is or may become obligated by covenant,

1 easement or agreement imposed on the owner's interest to pay any
2 amount for real property taxes, insurance, maintenance, repair,
3 improvement, management, administration or regulation of any
4 part of the real property other than the portion or interest
5 owned solely by the person. The term excludes a cooperative and
6 a condominium, but a condominium or cooperative may be part of a
7 planned community. As used in this definition, the term
8 "ownership" includes holding a leasehold interest of more than
9 20 years, including renewal options, in real estate. The term
10 includes a nonresidential campground community.

11 * * *

12 "Recreational vehicle," a vehicle such as a bus, motor home
13 or pickup truck with an attached camper.

14 * * *

15 "Single-family detached dwelling unit," a freestanding
16 building containing one dwelling unit for one family. The term
17 includes a manufactured home.

18 * * *

19 "Triplex," a housing structure of one or more stories
20 containing three dwelling units, designed for residential
21 occupancy by three or more persons who live independently from
22 each other.

23 * * *

24 Section 2. Section 501 of the act is amended to read:

25 Section 501. Grant of Power.--The governing body of each
26 municipality may regulate subdivisions and land development
27 within the municipality by enacting a subdivision and land
28 development ordinance. The ordinance shall require that all
29 subdivision and land development plats of land situated within
30 the municipality shall be submitted for approval to the

1 governing body or, in lieu thereof, to a planning agency
2 designated in the ordinance for this purpose, in which case any
3 planning agency action shall be considered as action of the
4 governing body. All powers granted herein to the governing body
5 or the planning agency shall be exercised in accordance with the
6 provisions of the subdivision and land development ordinance. In
7 the case of any development governed by planned residential
8 development provisions adopted pursuant to Article VII, however,
9 the applicable provisions of the subdivision and land
10 development ordinance shall be as modified by such provisions
11 and the procedures which shall be followed in the approval of
12 any plat, and the rights and duties of the parties thereto shall
13 be governed by Article VII and the provisions adopted
14 thereunder. Provisions regulating [mobilehome parks]
15 manufactured home communities shall be set forth in separate and
16 distinct articles of any subdivision and land development
17 ordinance adopted pursuant to Article V or any planned
18 residential development provisions adopted pursuant to Article
19 VII.

20 Section 3. Section 503 of the act is amended by adding a
21 paragraph to read:

22 Section 503. Contents of Subdivision and Land Development
23 Ordinance.--The subdivision and land development ordinance may
24 include, but need not be limited to:

25 * * *

26 (4.2) Provisions for ensuring that all forms of single-
27 family detached dwelling units are regulated uniformly
28 throughout the municipality or city of the first or second
29 class, in the event the municipality or city of the first or
30 second class has not enacted a zoning ordinance.

1 * * *

2 Section 4. Section 603(1) of the act is amended and the
3 section is amended by adding subsections to read:

4 Section 603. Ordinance Provisions.--* * *

5 (1) Zoning ordinances shall permit no-impact home-based
6 businesses in all residential zones of the municipality as a use
7 permitted by right, except that such permission shall not
8 supersede any deed restriction, covenant or agreement
9 restricting the use of land nor any master deed, bylaw or other
10 document applicable to a [common interest ownership] planned
11 community.

12 (m) Manufactured homes and manufactured home communities
13 shall be a permitted use by right in all zoning districts in
14 every municipality or city of the first or second class where
15 single-family detached dwelling units are permitted uses, except
16 that the permission shall not supersede any deed restriction,
17 covenant or agreement restricting the use of land or any master
18 deed, bylaw or other document applicable to a planned community.
19 A zoning ordinance may not require manufactured homes to be
20 located within a manufactured home community and may not contain
21 regulations, applicable to manufactured homes, which are
22 inconsistent with regulations applicable to single-family
23 detached dwelling units in the same zoning district.

24 (n) Accessory dwelling units, under section 603.2, shall be
25 a permitted use by right in all zoning districts in every
26 municipality or city of the first or second class where single-
27 family detached dwelling units are permitted uses, except that
28 the permission may not supersede any deed restriction, covenant
29 or agreement restricting the use of land or any master deed,
30 bylaw or other document applicable to a planned community.

1 (o) All zoning districts in a municipality or city of the
2 first or second class where single-family detached dwelling
3 units are permitted uses and a parcel or lot has the
4 availability of water and sewage shall permit the development or
5 use of, except that the permission may not supersede any deed
6 restriction, covenant or agreement restricting the use of land
7 or any master deed, bylaw or other document applicable to a
8 planned community, the following:

9 (1) duplex housing in a municipality or city of the
10 first or second class with a population of at least 5,000
11 residents;

12 (2) duplex or triplex housing in a municipality or city
13 of the first or second class with a population of at least
14 10,000 residents; or

15 (3) duplex, triplex or fourplex housing in a
16 municipality or city of the first or second class with a
17 population of at least 20,000 residents.

18 (p) Zoning ordinances may not require:

19 (1) More than one vehicle parking space for each studio
20 or one bedroom dwelling unit or more than two parking spaces
21 for each dwelling unit with two or more bedrooms and no
22 zoning ordinance may require vehicle parking for a
23 residential, commercial or mixed use development located
24 within one mile of public transit routes.

25 (2) A minimum lot size greater than 1,400 square feet,
26 minimum setback lines greater than four feet front, rear and
27 side or require a height limit less than four stories in
28 zoning districts with the availability of water and sewage.

29 Section 5. The act is amended by adding a section to read:

30 Section 603.2. Accessory dwelling units.--(a) A

1 municipality or city of the first or second class shall adopt an
2 ordinance to permit the development of at least one accessory
3 dwelling unit for each single-family detached dwelling unit,
4 subject to reasonable regulation.

5 (b) A permit application for an accessory dwelling unit
6 shall be considered and approved ministerially without
7 discretionary review or a hearing. The municipality or city of
8 the first or second class shall approve or deny an application
9 to create or serve an accessory dwelling unit within 14 days
10 from the date the municipality or city of the first or second
11 class receives a completed application if there is an existing
12 single-family detached dwelling unit on the lot. If the permit
13 application to create or serve an accessory dwelling unit is
14 submitted with a permit application to create or serve a new
15 single-family dwelling unit on the lot, the municipality or city
16 of the first or second class may delay approving or denying the
17 permit application for the accessory dwelling unit until the
18 municipality or city of the first or second class approves or
19 denies the permit application to create or serve the new single-
20 family dwelling unit. If the applicant requests a delay, the 14-
21 day time period shall be tolled for the period of the delay. If
22 the municipality or city of the first or second class has not
23 approved or denied the completed application within 14 days, the
24 application shall be deemed approved. A municipality or city of
25 the first or second class may charge a fee to reimburse it for
26 costs incurred to review the permit application for the creation
27 or service of an accessory dwelling unit. No renewals of a
28 permit shall be required.

29 (c) If a municipality or city of the first or second class
30 denies an application for an accessory dwelling unit, the

1 municipality or city of the first or second class shall return
2 in writing a full set of comments to the applicant with a list
3 of items that are defective or deficient and a description of
4 how the application can be remedied by the applicant.

5 (d) Accessory dwelling units may be either attached to or
6 located within the proposed or existing single-family detached
7 dwelling unit or detached from the proposed or existing single-
8 family detached dwelling unit and located on the same lot as
9 such dwelling.

10 (e) A municipality or city of the first or second class may
11 not establish a minimum net floor area for an accessory dwelling
12 unit of more than 150 square feet.

13 (f) A municipality or city of the first or second class may
14 establish a maximum net floor area for an accessory dwelling
15 unit of not less than 50% of the net floor area of the single-
16 family detached dwelling unit, or 1,250 square feet, whichever
17 is less.

18 (g) A municipality or city of the first or second class may
19 establish a height limitation for an accessory dwelling unit of
20 no less than 25 feet or the height of the single-family detached
21 dwelling unit, whichever is less.

22 (h) No setback shall be required for an existing living area
23 or accessory structure or for a structure constructed in the
24 same location and to the same dimensions as an existing
25 structure that is converted to an accessory dwelling unit or for
26 a portion of an accessory dwelling unit. A setback of no more
27 than four feet from the side and rear lot lines may be required
28 for an accessory dwelling unit that is not converted from an
29 existing structure or a new structure constructed in the same
30 location and to the same dimensions as an existing structure.

1 (i) A municipality or city of the first or second class may
2 not require a passageway between an accessory dwelling unit and
3 a single-family detached dwelling unit, except as required by
4 the applicable building or fire code.

5 (j) A municipality or city of the first or second class
6 shall not condition the approval of an accessory dwelling unit
7 on the correction of a nonconforming use, structure or lot or
8 require the installation of fire sprinklers in an accessory
9 dwelling unit if such sprinklers are not required for the
10 single-family detached dwelling unit located on the same lot.

11 (k) A municipality, city of the first or second class,
12 municipal authority or public utility may not consider an
13 accessory dwelling unit to be a new residential use for the
14 purposes of calculating connection fees or capacity charges for
15 utilities, including water and sewer service, unless such
16 accessory dwelling unit was constructed with a new single-family
17 dwelling unit on the same lot, nor shall it be required to
18 install a new or separate utility connection directly to an
19 accessory dwelling unit or impose a related connection fee or
20 capacity charge.

21 (l) A municipality or city of the first or second class may
22 not require owner-occupancy requirements of either the single-
23 family detached dwelling unit or the accessory dwelling unit.

24 (m) An accessory dwelling unit may be rented separate from
25 the single-family detached dwelling unit but may not be sold or
26 otherwise conveyed separate from the single-family detached
27 dwelling unit.

28 (n) No additional off-street parking shall be required for
29 the construction of an accessory dwelling unit. If a garage,
30 carport or covered parking structure is demolished in

1 conjunction with the construction of an accessory dwelling unit
2 or converted to an accessory dwelling unit, a municipality or a
3 city of the first or second class may not require those off-
4 street parking spaces to be replaced.

5 (o) An accessory dwelling unit that conforms to this section
6 shall be deemed to be an accessory use or an accessory building
7 and shall not be considered to exceed the allowable density for
8 the lot upon which it is located, and shall be deemed to be a
9 residential use that is consistent with the existing general
10 plan and zoning designations for the lot.

11 Section 6. Section 604(4) of the act is amended to read:

12 Section 604. Zoning Purposes.--The provisions of zoning
13 ordinances shall be designed:

14 * * *

15 (4) To provide for the use of land within the
16 municipality for residential housing of various dwelling
17 types encompassing all basic forms of housing, including
18 single-family and two-family dwellings, including
19 manufactured homes, and a reasonable range of multifamily
20 dwellings in various arrangements, [mobile homes and mobile
21 home parks,] provided, however, that no zoning ordinance
22 shall be deemed invalid for the failure to provide for any
23 other specific dwelling type.

24 * * *

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