

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1386 Session of 2023

INTRODUCED BY KUTZ, SIEGEL, CEPEDA-FREYTIZ, CIRESI, CONKLIN, FLEMING, HEFFLEY, IRVIN, KHAN, MADDEN AND SANCHEZ, JUNE 13, 2023

AS REPORTED FROM COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 18, 2024

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, in real property,
3 providing for Pennsylvania attainable housing community
4 designation.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 68 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 62

10 PENNSYLVANIA ATTAINABLE HOUSING COMMUNITY DESIGNATION

11 Sec.

12 6201. Scope of chapter.

13 6202. Definitions.

14 6203. Qualifications AND APPLICATION. <--

15 6204. Application ZONING ORDINANCE. <--

16 6205. Department duties.

17 6206. WRITTEN PREFERENCES. <--

18 § 6201. Scope of chapter.

1 This chapter relates to the Pennsylvania attainable housing
2 community designation.

3 § 6202. Definitions.

4 The following words and phrases when used in this chapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Accessory dwelling unit." An ancillary or secondary living
8 unit that has a separate kitchen, bathroom and sleeping area,
9 existing either within the same structure or on the same lot, as
10 the primary dwelling unit. THE TERM INCLUDES A TINY HOME. <--

11 "Attainable housing community." A designation applied to
12 municipalities that meet the criteria established under this
13 chapter.

14 "Department." The Department of Community and Economic
15 Development of the Commonwealth.

16 "Middle income." Housing that is affordable to households
17 earning between 60% and 120% of Area Median Income (AMI) OR <--
18 PRICED BETWEEN 60% AND 120% OF THE AREA MEDIAN HOME PRICE.

19 "Missing middle." Forms of housing options that include
20 side-by-side duplexes, stacked duplexes, townhouses or other
21 housing alternatives to single-family or traditional multifamily
22 housing.

23 "Mixed-use development." An urban, suburban, village
24 development or single building that combines residential,
25 commercial, cultural, institutional or industrial uses to
26 provide more efficiency for the community in terms of space,
27 transportation and economic development.

28 "TINY HOME." A HOME THAT IS LESS THAN 400 SQUARE FEET, <--
29 PERMANENTLY AFFIXED TO A VEHICLE CHASSIS AND DESIGNED FOR A
30 LONG-TERM RESIDENCY. THE TERM DOES NOT INCLUDE A LOFT.

1 "Workforce housing." Housing that is in near proximity to an
2 employee's worksite and affordable to households earning between
3 60% and 120% of Area Median Income (AMI).

4 § 6203. Qualifications AND APPLICATION. <--

5 The department shall award the designation of an attainable
6 housing community to a municipality if the municipality submits
7 an application to the department and demonstrates that the
8 municipality: <--

9 ~~(1) Allows for accessory dwelling units in some of the~~
10 ~~municipality's municipal zoning ordinances.~~

11 ~~(2) Provides solutions for missing middle, middle income~~
12 ~~and workforce housing needs.~~

13 ~~(3) Allows for mixed use development, where appropriate.~~

14 MUNICIPALITY AUTHORIZES OR PROVIDES FOR NO LESS THAN THREE OF <--
15 THE FOLLOWING:

16 (1) ACCESSORY DWELLING UNITS IN ONE OR MORE OF THE
17 MUNICIPALITY'S RESIDENTIAL ZONES.

18 (2) SOLUTIONS FOR MISSING MIDDLE, MIDDLE INCOME AND
19 WORKFORCE HOUSING NEEDS.

20 (3) MIXED-USE DEVELOPMENT, WHERE APPROPRIATE.

21 (4) A PROGRAM, INCENTIVE OR OTHER TYPE OF ACTION TO
22 FOSTER THE REDEVELOPMENT OF EXISTING RESIDENTIAL HOMES IN
23 NEED OF REPAIR OR REFURBISHMENT FOR THE PURPOSE OF MAKING THE
24 RESIDENTIAL HOMES COMPLIANT WITH HOUSING CODES AND ACCEPTABLE
25 FOR HOUSING.

26 § 6204. ~~Application~~ ZONING ORDINANCE. <--

27 A municipality that chooses to adopt a municipal zoning
28 ordinance that meets the qualifications under section 6203
29 (relating to qualifications AND APPLICATION) and receive the <--
30 designation established under this chapter, must submit an <--

1 ordinance to the department for review.

2 § 6205. Department duties.

3 The department shall:

4 ~~(1) Process and review an~~ REVIEW THE APPLICATION AND <--
5 ordinance submitted by a municipality under ~~section 6204~~ <--
6 ~~(relating to application).~~ SECTIONS 6203 (RELATING TO <--
7 QUALIFICATIONS AND APPLICATION) AND 6204 (RELATING TO ZONING
8 ORDINANCE).

9 (2) NOTIFY THE MUNICIPALITY OF WHETHER THE APPLICATION
10 SUBMITTED BY THE MUNICIPALITY UNDER SECTION 6203 HAS BEEN
11 APPROVED TO DESIGNATE THE MUNICIPALITY AS AN ATTAINABLE
12 HOUSING COMMUNITY UNDER THIS CHAPTER.

13 ~~(2)~~ (3) Review the application SUBMITTED BY THE <--
14 MUNICIPALITY UNDER SECTION 6203 to determine whether the
15 municipal zoning ordinance provides for housing solutions
16 that meet the qualifications for missing middle, middle
17 income and workforce housing needs.

18 ~~(3)~~ (4) Create an online registry where municipalities <--
19 that are designated as an attainable housing community under
20 this chapter shall be listed.

21 ~~(4) Notify the municipality whether the application has <--~~
22 been approved, and if the municipality has been approved as
23 an attainable housing community.

24 § 6206. WRITTEN PREFERENCES. <--

25 IN ACCORDANCE WITH SECTIONS 403-D(E) AND 404-D OF THE ACT OF
26 DECEMBER 3, 1959 (P.L.1688, NO.621), KNOWN AS THE HOUSING
27 FINANCE AGENCY LAW, THE PENNSYLVANIA HOUSING FINANCE AGENCY MAY
28 ADOPT WRITTEN PREFERENCES IN ACCORDANCE WITH THE ANNUAL PLAN FOR
29 QUALIFYING PROJECTS LOCATED IN A MUNICIPALITY THAT HAS RECEIVED
30 AN ATTAINABLE HOUSING DESIGNATION.

1 Section 2. This act shall take effect in 60 days.