
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1892 Session of
2019

INTRODUCED BY BROWN, HELM, CIRESI, CALTAGIRONE, MILLARD,
BERNSTINE, GAYDOS, LAWRENCE, DeLUCA, ROTHMAN, RADER, HEFFLEY
AND ISAACSON, SEPTEMBER 30, 2019

REFERRED TO COMMITTEE ON URBAN AFFAIRS, SEPTEMBER 30, 2019

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, in general provisions
3 regarding condominiums, further providing for applicability
4 of local ordinances, regulations and building codes; in
5 creation, alteration and termination of condominiums, further
6 providing for creation of condominium; in general provisions
7 regarding cooperatives, further providing for applicability
8 of local ordinances, regulations and building codes; in
9 creation, alteration and termination of cooperatives, further
10 providing for creation of cooperative ownership; in general
11 provisions regarding planned communities, further providing
12 for applicability of local ordinances, regulations and
13 building codes; and, in creation, alteration and termination
14 of planned communities, further providing for creation of
15 planned community.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 3106 of Title 68 of the Pennsylvania
19 Consolidated Statutes is amended by adding a subsection to read:

20 § 3106. Applicability of local ordinances, regulations and
21 building codes.

22 * * *

23 (a.1) Annual report.--Consistent with the requirements under
24 section 207(a) of the act of July 31, 1968 (P.L.805, No.247),

1 known as the Pennsylvania Municipalities Planning Code, a
2 planning agency of the county in which any portion of a
3 condominium is located shall prepare annually and maintain a
4 report identifying each condominium created and located within
5 the municipality by the condominium's name and physical location
6 and shall include:

7 (1) the total land area and number of units of the
8 condominium; and

9 (2) to the extent reasonably available within the county
10 government, the infrastructure of each condominium,
11 including, but not limited to, information concerning the
12 presence of sanitary sewer, water and storm water systems,
13 recreation facilities and roadways.

14 * * *

15 Section 2. Sections 3201 and 4106 of Title 68 are amended to
16 read:

17 § 3201. Creation of condominium.

18 A condominium may be created pursuant to this subpart only by
19 recording a declaration executed, in the same manner as a deed,
20 by all persons whose interests in the real estate will be
21 conveyed to unit owners and by every lessor of a lease the
22 expiration or termination of which will terminate the
23 condominium or reduce its size, provided, however, in any such
24 lease wherein the lessor is the Commonwealth of Pennsylvania, a
25 municipal government or any agency thereof, said lessor need not
26 execute the declaration if they shall have previously given
27 written consent to its filing and agreed to be bound by the
28 provisions of the Pennsylvania Uniform Condominium Act, in which
29 case said declaration shall be executed by the lessee then in
30 possession of the subject property. The declaration shall be

1 recorded in every county in which any portion of the condominium
2 is located in the same records as are maintained for the
3 recording of deeds of real property and shall be indexed against
4 each declarant as the grantor and the name of the condominium as
5 the grantee. Upon the recording of the declaration, the
6 declarant shall submit to the planning agency of each county in
7 which the declaration is recorded a statement identifying, by
8 name, physical location and municipality, the condominium
9 created, including the total land area and number of units as
10 well as the infrastructure of the condominium, including, but
11 not limited to, information concerning the presence of sanitary
12 sewer, water and storm water systems, recreation facilities and
13 roadways.

14 § 4106. Applicability of local ordinances, regulations and
15 building codes.

16 (a) General rule.--A zoning, subdivision, building code or
17 other real estate tax or use law, ordinance or regulation may
18 not prohibit the cooperative form of ownership or impose any
19 requirement upon a cooperative which it would not impose upon a
20 physically identical development under a different form of
21 ownership. Otherwise, no provision of this subpart invalidates
22 or modifies any provision of any zoning, subdivision, building
23 code or other real estate tax or use law, ordinance or
24 regulation except as is otherwise provided in section 4321(f)
25 (relating to limited equity cooperatives).

26 (b) Annual report.--Consistent with the requirements under
27 section 207(a) of the act of July 31, 1968 (P.L.805, No.247),
28 known as the Pennsylvania Municipalities Planning Code, a
29 planning agency of the county in which any portion of a
30 cooperative is located shall prepare annually and maintain a

1 report identifying each cooperative created and located within
2 the municipality by the cooperative's name and physical location
3 and shall include:

4 (1) the total land area and number of units of the
5 cooperative; and

6 (2) to the extent reasonably available within the county
7 government, the infrastructure of each cooperative,
8 including, but not limited to, information concerning the
9 presence of sanitary sewer, water and storm water systems,
10 recreation facilities and roadways.

11 Section 3. Sections 4201 and 5106 of Title 68 are amended by
12 adding subsections to read:

13 § 4201. Creation of cooperative ownership.

14 * * *

15 (a.1) Required disclosure.--Upon recording of the
16 declaration or any separate instrument under subsection (a), the
17 declarant or party recording the instrument shall submit to the
18 planning agency of each county in which the declaration or
19 instrument is recorded a statement identifying, by name,
20 physical location and municipality, the cooperative created,
21 including the total land area and number of units as well as the
22 infrastructure of such cooperative, including, but not limited
23 to, information concerning the presence of sanitary sewer, water
24 and storm water systems, recreation facilities and roadways.

25 * * *

26 § 5106. Applicability of local ordinances, regulations and
27 building codes.

28 * * *

29 (a.1) Consistent with the requirements under section 207(a)
30 of the act of July 31, 1968 (P.L.805, No.247), known as the

1 Pennsylvania Municipalities Planning Code, a planning agency of
2 the county in which any portion of a planned community is
3 located shall prepare annually and maintain a report identifying
4 each planned community created and located within the
5 municipality by the community's name and physical location and
6 shall include:

7 (1) the total land area and number of units of the
8 planned community; and

9 (2) to the extent reasonably available within county
10 government, the infrastructure of each planned community,
11 including, but not limited to, information concerning the
12 presence of sanitary sewer, water and storm water systems,
13 recreation facilities and roadways.

14 * * *

15 Section 4. Section 5201 of Title 68 is amended to read:

16 § 5201. Creation of planned community.

17 A planned community may be created pursuant to this subpart
18 only by recording a declaration executed in the same manner as a
19 deed by all persons whose interests in the real estate will be
20 conveyed to unit owners and by every lessor of a lease, the
21 expiration or termination of which will terminate the planned
22 community or reduce its size. If the lessor is the Commonwealth,
23 a municipal government or any agency of either, the lessor need
24 not execute the declaration if it has previously given written
25 notice of its filing and agreed to be bound by the provisions of
26 this subpart, in which case the declaration shall be executed by
27 the lessee in possession of the subject property. The
28 declaration must be recorded in every county in which any
29 portion of the planned community is located, must be indexed in
30 the same records as are notarized for the recording of a deed

1 and shall identify each declarant as the grantor and the name of
2 the planned community as grantee. Upon the recording of the
3 declaration, the declarant shall submit to the planning agency
4 of each county in which the declaration is recorded a statement
5 identifying, by name, physical location and municipality, the
6 planned community created, including the total land area and
7 number of units as well as the infrastructure of such planned
8 community, including, but not limited to, information concerning
9 the presence of sanitary sewer, water and storm water systems,
10 recreation facilities and roadways.

11 Section 5. This act shall take effect in 60 days.