
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 847

Session of
1981

INTRODUCED BY ROCKS, BERSON, LEVIN, HAGARTY, McCLATCHY AND
BURNS, MARCH 11, 1981

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE, MARCH 11, 1981

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 powers reserved to municipalities and the continuation, for
4 certain persons, of leases of residential units converted to
5 condominiums.

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

8 Section 1. Section 3106 and subsection (f) of section 3410
9 of Title 68, act of November 25, 1970 (P.L.707, No.230), known
10 as the Pennsylvania Consolidated Statutes, added July 2, 1980
11 (No.82), are amended to read:

12 § 3106. Applicability of local ordinances, regulations and
13 building codes.

14 (a) Limitation on local ordinances, regulations and building
15 codes.--A zoning, subdivision, building code or other real
16 estate use law, ordinance or regulation may not prohibit the
17 condominium form of ownership or impose any requirement upon a
18 condominium which it would not impose upon a physically
19 identical development under a different form of ownership.

1 Otherwise, no provision of this subpart invalidates or modifies
2 any provision of any zoning, subdivision, building code or other
3 real estate use law, ordinance or regulation. Without limiting
4 the other provisions of this section, the creation of a
5 condominium pursuant to section 3201 (relating to creation of
6 condominium) out of an entire lot, parcel or tract of real
7 estate shall not, in and of itself, constitute a subdivision or
8 land development, for the purposes of these laws, ordinances and
9 regulations.

10 (b) Powers reserved to municipalities.--A municipality may
11 enact an ordinance, resolution or regulation which restricts the
12 ability of a property owner to convert or change any existing
13 residential or apartment rental units into condominium usage.
14 Any such ordinance, resolution or regulation, whether or not
15 enacted prior to or after the effective date of this subpart
16 shall, to the extent that it is more stringent than the
17 provisions of this subpart relating to conversions, supersede
18 the provisions of this subpart relating to such conversion of
19 existing rental units.

20 § 3410. Conversion condominiums.

21 * * *

22 (f) Units leased to senior citizens and blind and disabled
23 persons.--

24 (1) For the purpose of this [subsection] paragraph, an
25 eligible tenant or subtenant shall be a natural person who,
26 at the time the notice described in subsection (a) is given
27 by the declarant, [is 62 years of age or older or] is blind
28 or disabled[, and has occupied the unit for at least two
29 years]. Within 30 days after receipt of the notice from the
30 declarant referred to in subsection (a), any tenant, or

1 subtenant, in possession of a unit, who believes that he is
2 an eligible tenant or subtenant shall so notify the declarant
3 and shall provide the declarant with proof of his
4 eligibility. Any eligible tenant or subtenant who has
5 established his eligibility as aforesaid shall be entitled to
6 remain in possession of his unit for two years following the
7 date of the notice referred to in subsection (a),
8 notwithstanding any prior termination date in his lease,
9 except by reason of nonpayment of rent, waste or conduct that
10 disturbs other occupants' peaceful enjoyment of the
11 condominium, and the terms of the tenancy may not be altered
12 during the time period between the date on which the tenant's
13 lease would otherwise terminate and the expiration of this
14 two-year period except that the rental may be increased to
15 the extent necessary to reflect any increase in real estate
16 taxes and utility charges, applicable to the unit and not
17 separately paid by the tenant, for the time period between
18 the date of the notice referred to in subsection (a) and the
19 date on which the tenant's lease would otherwise terminate.
20 Failure of a declarant to comply with the provisions of this
21 subsection is a defense to an action for possession.

22 (2) The lease of a person age 62 years of age or over
23 who has resided in a residential unit at least two years
24 prior to its conversion to unit property shall not be
25 terminated on account of that conversion and, at the option
26 of the lease, every such lease shall be renewed subject only
27 to rent changes not greater than the average rent change for
28 other similar residential units in the same municipal
29 corporation.

30 * * *

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