

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2764 Session of
2010

INTRODUCED BY BOYLE, CALTAGIRONE AND FABRIZIO,
SEPTEMBER 28, 2010

REFERRED TO COMMITTEE ON URBAN AFFAIRS, SEPTEMBER 28, 2010

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 applicability of local ordinances, regulations and building
4 codes to condominiums and planned communities.

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

7 Section 1. Sections 3106 and 5106(c) of Title 68 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 3106. Applicability of local ordinances, regulations and
10 building codes.

11 A zoning, subdivision, building code or other real estate use
12 law, ordinance or regulation may not prohibit the condominium
13 form of ownership or impose any requirement upon a condominium
14 which it would not impose upon a physically identical
15 development under a different form of ownership. Otherwise, no
16 provision of this subpart invalidates or modifies any provision
17 of any zoning, subdivision, building code or other real estate
18 use law, ordinance or regulation. Without limiting the other
19 provisions of this section, the creation of a condominium

[pursuant to] under section 3201 (relating to creation of condominium) out of an entire lot, parcel or tract of real estate, or the conveyance of units in the condominium, shall not, in and of itself, constitute a subdivision or land development, as defined in section 107 of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, or for the [purposes of these] purpose of other laws, ordinances and regulations. However, construction of any structure or building on any unit or common facility shall be subject to the provisions of any zoning, subdivision, land development, building code or other real estate law, ordinance or regulation.

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

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(c) Status.--The creation of a planned community under section 5201 (relating to creation of planned community) out of an entire lot, parcel or tract of real estate, or the conveyance of units in the planned community, shall not, in and of itself, constitute a subdivision or land development as defined in section 107 of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, or for the purpose of other laws, ordinances and regulations. However, construction of any structure or building on any unit or common facility shall be subject to the provisions of any zoning, subdivision, land development, building code or other real estate law, ordinance or regulation.

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