

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2133 Session of 2014

INTRODUCED BY GINGRICH, MILLARD, THOMAS, SWANGER, KAUFFMAN, DeLUCA, DENLINGER, BOBACK, MURT, WATSON, PETRI AND EVERETT, MARCH 31, 2014

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 7, 2014

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, in general provisions,
3 further providing for definitions; and, in seller
4 disclosures, further providing for application of chapter and
5 for disclosure form.

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

8 Section 1. Section 7102 of Title 68 of the Pennsylvania
9 Consolidated Statutes is amended by adding a definition to read:
10 § 7102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this part which are applicable to specific
13 provisions of this part, the following words and phrases when
14 used in this part shall have the meanings given to them in this
15 section unless the context clearly indicates otherwise:

16 * * *

17 "Storm water facility." A basin, pond, ditch, drain, swale,
18 culvert, pipe or other manmade feature of land which was

1 constructed to temporarily or permanently convey or store storm
2 water.

3 Section 2. Section 7302(a)(2) of Title 68 is amended to
4 read:

5 § 7302. Application of chapter.

6 (a) General rule.--This chapter shall apply to all
7 residential real estate transfers except the following:

8 * * *

9 (2) Transfers of new residential construction that has
10 not been previously occupied when:

11 (i) the buyer has received a one-year or longer
12 written warranty covering such construction;

13 (ii) the dwelling has been inspected for compliance
14 with the applicable building code or, if there is no
15 applicable code, for compliance with a nationally
16 recognized model building code; [and]

17 (iii) a certificate of occupancy or a certificate of
18 code compliance has been issued for the dwelling[.]; and

19 (iv) the dwelling is not located on a property
20 containing any part of a storm water facility.

21 * * *

22 Section 3. Section 7304(b)(13) of Title 68 is amended and
23 subsection (b) is amended by adding a paragraph to read:

24 § 7304. Disclosure form.

25 * * *

26 (b) Contents of property disclosure statement.--The form of
27 property disclosure statement promulgated by the State Real
28 Estate Commission shall call for disclosures with respect to all
29 of the following subjects:

30 * * *

1 (13) Soils, drainage [and], boundaries and sinkholes.

2 * * *

3 (17) Location and condition of all storm water
4 facilities, including a statement disclosing whether ongoing
5 maintenance of the storm water facilities is the
6 responsibility of the property owner or the responsibility of
7 another person or entity.

8 * * *

9 Section 3. For the purpose of implementing the amendment or
10 addition of 68 Pa.C.S. § 7304(b) (13) and (17), revisions to the
11 property disclosure statement shall be promulgated by the State
12 Real Estate Commission within 120 days of the effective date of
13 this section as a ~~final form~~ FINAL-OMITTED regulation under the <--
14 act of June 25, 1982 (P.L.633, No.181), known as the Regulatory
15 Review Act, with notice of proposed rulemaking omitted under
16 section 204 of the act of July 31, 1968 (P.L.769, No.240),
17 referred to as the Commonwealth Documents Law.

18 Section 4. This act shall take effect immediately.