

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1461 Session of
1977

INTRODUCED BY LETTERMAN, ARTHURS, FEE, PETRARCA,
A. K. HUTCHINSON, C. GEORGE, KOLTER, BRUNNER, RENWICK,
ENGLEHART, DeMEDIO, YAHNER, GILLETTE, SHUPNIK, WARGO, GRIECO
AND CIMINI, JULY 11, 1977

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JULY 11, 1977

AN ACT

1 Amending the act of January 24, 1966 (1965, P.L.1535, No.537),
2 entitled, as amended, "An act providing for the planning and
3 regulation of community sewage systems and individual sewage
4 systems; requiring municipalities to submit plans for systems
5 in their jurisdiction; authorizing grants; requiring permits
6 for persons installing such systems; requiring disclosure
7 statements in certain land sale contracts; authorizing the
8 Department of Environmental Resources to adopt and administer
9 rules, regulations, standards and procedures; creating an
10 advisory committee; providing remedies and prescribing
11 penalties," providing for certain terms and conditions in
12 land sale contracts.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Clause (7) of subsection (b) of section 7, act of
16 January 24, 1966 (1965, P.L.1535, No.537), known as the
17 "Pennsylvania Sewage Facilities Act," added July 22, 1974
18 (P.L.621, No.208), is amended to read:

19 Section 7. Permits.--* * *

20 (b) * * *

21 (7) If construction or installation of an individual sewage
22 system or community sewage system and of any building or

1 structure for which such system is to be installed has not
2 commenced within [two] five years after the issuance of a permit
3 for such system, the said permit shall expire, and a new permit
4 shall be obtained prior to the commencement of said construction
5 or installation.

6 Section 2. Section 7.1 of the act, added December 2, 1976
7 (P.L.1264, No.280), is amended to read:

8 Section 7.1. Land Sale Contracts.--[(a) Every contract for
9 the sale of a lot as defined in section 2 for which there is no
10 currently existing community sewage system available shall
11 contain a statement in the contract clearly indicating to the
12 buyer that there is no community sewage system available and
13 that a permit for an individual sewage system will have to be
14 obtained pursuant to section 7. The contract shall also clearly
15 state that the buyer should contact the local agency charged
16 with administering this act before signing the contract to
17 determine the procedure and requirements for obtaining a permit
18 for an individual sewage system if one has not already been
19 obtained. For purposes of this section the terms "community
20 sewage system" and "individual sewage system" shall be construed
21 to exclude any drainage system for the control of surface water
22 or the control of storm runoff water.

23 (b) Any contract for the sale of a lot which does not
24 conform to the requirements of subsection (a) shall not be
25 enforceable by the seller against the buyer. Any term of such
26 contract purporting to waive the rights of the buyer to the
27 disclosures required in subsection (a) shall be void.]

28 (a) Every contract for the sale of a lot as defined in
29 section 2 for which there is no currently existing community
30 sewage system available shall contain or be accompanied by a

separate disclosure statement containing the information provided for in subsection (b). Where the disclosure statement required hereby is not contained within the contract of sale, it shall be contained within a separate document delivered to the buyer prior to execution of the contract of sale; a written receipt of the separate disclosure statement, signed by the buyer, shall be obtained by the seller and retained for a period of two years following the date of the contract of sale.

(b) The disclosure statement required by subsection (a) shall contain the following:

(1) A statement that there is no community sewage system available and that a permit for an individual sewage system will have to be obtained pursuant to section 7.

(2) If a community sewage system is to be available in the future, a statement of the estimated completion date and the identity of the person responsible for completion of the system.

(3) A statement as to whether any tests required by the rules, regulations and standards of the department have been conducted on the lot and if such tests have been conducted, the results thereof.

(4) If an application for a permit for an individual sewage system has been applied for with respect to the lot, a statement as to whether the permit was granted or denied.

(5) A statement that the buyer should contact the local agency charged with administering the act before signing the contract to determine the procedure and requirements for obtaining a permit for an individual sewage system if one has not already been obtained.

(c) For the purposes of this section the terms "community sewage system" and "individual sewage system" shall be construed

1 to exclude any drainage system for the control of surface water
2 or the control of storm runoff water.

3 (d) When an individual sewage system permit has been issued
4 for a lot, inclusion of the permit as an exhibit in the contract
5 of sale shall preclude the necessity for the disclosure
6 statement required by subsection (a).

7 (e) Any contract for the sale of a lot which does not
8 conform to the requirements of subsection (a) shall not be
9 enforceable by the seller against the buyer. Any term of such
10 contract purporting to waive the rights of the buyer to the
11 disclosure statement required by subsection (a) shall be void.

12 Section 3. This act shall take effect in 60 days.