
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 265

Session of
1981

INTRODUCED BY VROON, D. R. WRIGHT, PITTS, DIETZ, WENGER,
PHILLIPS, F. E. TAYLOR, E. H. SMITH AND JOHNSON,
JANUARY 27, 1981

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 27, 1981

AN ACT

1 Relating to the ownership and control of property by churches
2 and religious organizations.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Legislative findings and purposes.

6 The United States Supreme Court has approved a "neutral
7 principles of law" approach to resolving church property
8 disputes, which approach favors the use of objective principles
9 of property law to determine ownership and control of church
10 property. The General Assembly finds that the "neutral
11 principles of law" approach will best effectuate the
12 Commonwealth's interest in accurate and prompt determination of
13 the ownership of church property and this act is intended to
14 implement that approach.

15 Section 2. Definitions.

16 The following words and phrases when used in this act shall
17 have, unless the context clearly indicates otherwise, the

1 meanings given to them in this section:

2 "Church." A parish, congregation, society or association of
3 individuals who come together to meet collectively for the
4 purpose of following, promoting or otherwise supporting the
5 beliefs and practices of a particular religion, faith, creed or
6 the like.

7 "Religious corporation." A nonprofit corporation
8 incorporated by a church.

9 "Religious organization." A parent body or national
10 denomination of a church; that is, the religious body to which a
11 church belongs, which body may govern and direct all or part of
12 the religious and secular affairs of a member church. The term
13 does not include an ecumenical council, or any similar
14 association of churches.

15 Section 3. Status of control of church property.

16 Property, either real or personal, held in the name of a
17 church, a religious corporation or an individual or individuals,
18 for the use of that church, shall be held subject to the
19 exclusive control of and ownership by a majority of the
20 membership of the church, unless express language contained in
21 the deed to the property, the articles of incorporation or
22 corporate charter, a separate trust instrument or any other
23 document representing ownership, clearly sets forth that the
24 property is to be under the control and ownership of, or is to
25 be held in trust for, the religious organizations to which the
26 church belongs.

27 Section 4. Construction.

28 Where, prior to the effective date of this act, the written
29 governing document of a religious organization, such as a
30 constitution, expressly provides that property held in the name

1 of, or for the use of, a member church is held in trust for the
2 religious organization, the provisions of that document shall be
3 given effect to the same extent as currently provided by law.

4 This section shall apply only to property held prior to the
5 effective date of this act.

6 Section 5. Repeals.

7 The following acts or parts of acts are hereby repealed to
8 the extent that they are inconsistent with this act:

9 Section 7, act of April 26, 1855 (P.L.328, No.347), entitled
10 "An act relating to Corporations and to Estates held for
11 Corporate, Religious, and Charitable uses."

12 Section 7106 of Title 15, act of November 25, 1970 (P.L.707,
13 No.230), known as the Pennsylvania Consolidated Statutes.

14 Section 6. Effective date.

15 This act shall take effect immediately.