
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2478 Session of
1984

INTRODUCED BY J. L. WRIGHT AND BURNS, SEPTEMBER 24, 1984

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE,
SEPTEMBER 24, 1984

AN ACT

1 Requiring certain disclosure procedures prior to the conveyance
2 of certain residential property; and providing for a civil
3 cause of action and for criminal penalties.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Truth in
8 Heating Act.

9 Section 2. Legislative findings and declaration of purpose.

10 (a) Findings.--The General Assembly hereby determines that:

11 (1) Many homes have been built with inadequate
12 insulation and inefficient heating systems.

13 (2) The true cost of a home should take heating costs
14 into consideration.

15 (3) Sellers of homes should be encouraged to make them
16 energy efficient without penalty in the market place.

17 (4) The mandated disclosure of heating costs thereby

1 serves the goals of both energy conservation and consumer
2 protection.

3 (b) Purpose.--The purpose of this act is to prescribe
4 procedures which shall be used prior to the sale of any one or
5 two-family residential building, or the leasing of any
6 residential building for one year or more where the tenant pays
7 for the heating, to require such disclosure to the purchaser or
8 lessee of the buildings.

9 Section 3. Requirement of disclosure.

10 No one or two-family residential building shall be sold nor
11 any unit of a one, two or multifamily residential building
12 leased for a period of one year or more to a tenant who is
13 required to pay for the heating, unless the purchaser or lessee
14 is furnished, at least ten days prior to the time of execution
15 of the contract of sale or lease, with a statement of energy
16 usage for the building in the form of a complete set of heating
17 bills for the life of the building or for the preceding 12
18 months, whichever is shorter, or a certified schedule thereof as
19 provided in section 4.

20 Section 4. Preservation of records.

21 Every seller of fuel or energy used for heating purposes
22 shall maintain a continuing record of purchases thereof for not
23 less than 12 months and shall, upon written request by the owner
24 of the premises and ten days' notice, furnish to the customer a
25 complete set of heating bills for the preceding 12 months in
26 order to comply with this act. Alternatively, the compliance may
27 be in the form of a schedule certified by the seller of fuel or
28 energy.

29 Section 5. Failure to provide disclosure.

30 The failure to furnish the required statement shall not

1 affect legal title to the premises once the premises pass to a
2 purchaser or permit a lessee to avoid his obligations pursuant
3 to a lease once possession of the premises is taken but the
4 failure to provide the disclosure required by section 3 shall be
5 grounds for the refusal of a purchaser or tenant at his option,
6 to take title or possession, any contractual provision to the
7 contrary notwithstanding.

8 Section 6. Civil action.

9 Any material misrepresentation contained in the disclosure
10 required by section 3 may be subject to a civil action for
11 damages. Any award of damages in such an action shall be limited
12 to the following:

13 (1) In the case of a lease, for each year of the lease
14 term the difference between the actual cost of energy usage
15 for the life of the building or the 12 months preceding the
16 disclosure, whichever is shorter, and the cost of energy
17 usage as represented in the disclosure.

18 (2) In the case of a sale, for each year of ownership by
19 the plaintiff to a maximum of ten years, the difference
20 between the actual cost of energy usage for the life of the
21 building or the 12 months preceding the disclosure, whichever
22 is shorter, and the cost of energy usage as represented in
23 the disclosure.

24 Section 7. Criminal penalty.

25 Any person violating any of the provisions of this act
26 commits a summary offense and shall, upon conviction thereof, be
27 subject to a fine not to exceed \$300 or imprisonment not to
28 exceed 90 days or both.

29 Section 8. Effective date.

30 This act shall take effect in 12 months.