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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1122 Session of  
2013

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INTRODUCED BY GINGRICH, KAUFFMAN, ELLIS, GABLER, SWANGER,  
MACKENZIE, REGAN, BARRAR, TOOHIL, EVERETT AND C. HARRIS,  
APRIL 8, 2013

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 8, 2013

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AN ACT

1 Amending Title 68 (Real and Personal Property) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 contents of declaration for flexible planned communities and  
4 for amendment of declaration.

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

7 Section 1. Sections 5206(2) and 5219(a)(3) of Title 68 of  
8 the Pennsylvania Consolidated Statutes are amended to read:

9 § 5206. Contents of declaration for flexible planned  
10 communities.

11 The declaration for a flexible planned community shall  
12 include, in addition to the matters specified in section 5205  
13 (relating to contents of declaration; all planned communities),  
14 all of the following:

15 \* \* \*

16 (2) A statement of the time limit, [not exceeding seven  
17 years after the recording of the declaration,] upon which any  
18 option reserved under paragraph (1) will lapse, together with

1 a statement of circumstances that will terminate the option  
2 before the expiration of the time limit. The time limit shall  
3 not exceed the later of:

4 (i) ten years after the recording of the  
5 declaration; or

6 (ii) in the case of a preliminary plat calling for  
7 the installation of improvements in sections, 120 days  
8 after municipal approval or denial of each particular  
9 section's final plat which was filed prior to the  
10 deadline approved or modified by the municipal governing  
11 body pursuant to section 508(4)(v) of the act of July 31,  
12 1968 (P.L.805, No.247), known as the Pennsylvania  
13 Municipalities Planning Code, or in the event of an  
14 appeal from the municipal approval or denial of such  
15 final plat, 120 days after a final judgment on appeal.

16 \* \* \*

17 § 5219. Amendment of declaration.

18 (a) Number of votes required.--

19 \* \* \*

20 (3) Paragraph (1) shall not apply to any of the  
21 following:

22 (i) Amendments executed by a declarant under:

23 (A) section 5210(e) or (f) (relating to plats  
24 and plans);

25 (B) section 5211(a) (relating to conversion and  
26 expansion of flexible planned communities); or

27 (C) section 5212(a) (relating to withdrawal of  
28 withdrawable real estate).

29 (ii) Amendments executed by the association under:

30 (A) subsection (f);

1 (B) section 5107 (relating to eminent domain);

2 (C) section 5207(d) (relating to leasehold  
3 planned communities);

4 (D) section 5209 (relating to limited common  
5 elements); or

6 (E) section 5215 (relating to subdivision or  
7 conversion of units).

8 (iii) Amendments executed by certain unit owners  
9 under:

10 (A) section 5209(b);

11 (B) section 5214(a) (relating to relocation of  
12 boundaries between units);

13 (C) section 5215; or

14 (D) section 5220(b) (relating to termination of  
15 planned community).

16 (iv) Amendments executed by a declarant which  
17 conform the maximum time limit for exercising declarant  
18 options to the time limit authorized by section 5206(2)  
19 (relating to contents of declaration for flexible planned  
20 communities).

21 Section 2. The amendment of 68 Pa.C.S. § 5206(2) shall apply  
22 to all planned communities created by declarations recorded less  
23 than seven years prior to the effective date of this act.

24 Section 3. This act shall take effect immediately.