

AMENDMENTS TO HOUSE BILL NO. 1499

Sponsor: SENATOR MCGARRIGLE

Printer's No. 1919

1 Amend Bill, page 1, line 2, by inserting after "Statutes,"
2 in creation, alteration and termination of condominiums,
3 further providing for contents of declaration and all
4 condominiums;

5 Amend Bill, page 1, line 7, by inserting after "defects;"
6 in creation, alteration and termination of cooperatives,
7 further providing for contents of declaration;

8 Amend Bill, page 1, lines 26 and 27, by striking out all of
9 said lines and inserting

10 Section 1. Section 3205 of Title 68 of the Pennsylvania
11 Consolidated Statutes is amended by adding a paragraph to read:
12 § 3205. Contents of declaration; all condominiums.

13 The declaration for a condominium must contain:

14 * * *

15 (13.1) If the declaration provides that the association
16 or a unit owner is or shall be responsible for operation and
17 maintenance of storm water management facilities, a statement
18 that upon approval of the permittee's notice of termination by
19 the Department of Environmental Protection or by an
20 authorized county conservation district, it shall be deemed
21 that the association or unit owner, as applicable, agree to
22 and shall become responsible for compliance with the storm
23 water management facilities' permit terms and conditions,
24 including long-term operation and maintenance of
25 postconstruction storm water best management practices in
26 accordance with applicable requirements. The declarant shall
27 remain responsible for compliance with other obligations with
28 respect to storm water management facilities as may be
29 required by the approved subdivision and land development
30 plans, the declaration or this subpart until such time as the
31 obligations of the declarant may cease.

32 * * *

33 Section 2. Sections 3302(a)(11) and 3303(e) of Title 68 are
34 amended to read:

35 Amend Bill, page 3, line 8, by striking out "2" and inserting

3

Amend Bill, page 3, line 23, by striking out "3" and
inserting

4

Amend Bill, page 3, line 23, by striking out the comma after
"3409(b) (2)" and inserting

and

Amend Bill, page 3, lines 23 and 24, by striking out "
4302(a) (11) and 4303(f)"

Amend Bill, page 4, lines 11 and 12, by striking out "is
tolled until the period of" in line 11 and all of line 12 and
inserting

shall be six years after the warranty begins or two years
after the unit owners elect an executive board under section
3303(e) (relating to executive board members and officers),
whichever is later.

Section 5. Section 4205(a) of Title 68 is amended by adding
a paragraph to read:

§ 4205. Contents of declaration.

(a) General rule.--The declaration for a cooperative must
contain:

* * *

(15) If the declaration provides that the association or
a unit owner is or shall be responsible for operation and
maintenance of storm water management facilities, a statement
that upon approval of the permittee's notice of termination by
the Department of Environmental Protection or by an
authorized county conservation district, it shall be deemed
that the association or unit owner, as applicable, agree to
and shall become responsible for compliance with the storm
water management facilities' permit terms and conditions,
including long-term operation and maintenance of
postconstruction storm water best management practices in
accordance with applicable requirements. The declarant shall
remain responsible for compliance with other obligations with
respect to storm water management facilities as may be
required by the approved subdivision and land development
plans, the declaration or this subpart until such time as the
obligations of the declarant may cease.

* * *

Section 6. Sections 4302(a) (11) and 4303(f) of Title 68 are
amended to read:

Amend Bill, page 5, line 23, by striking out "4" and inserting

7

Amend Bill, page 6, line 9, by striking out "5" and inserting 8

Amend Bill, page 6, lines 25 and 26, by striking out "is tolled until the period of declarant" in line 25 and all of line 26 and inserting

shall be six years after the warranty begins or two years after the unit owners elect an executive board under section 3303(e) (relating to executive board members and officers), whichever is later.

Amend Bill, page 6, line 27, by striking out "6" and inserting

9

Amend Bill, page 7, line 12, by striking out "7" and inserting

10

Amend Bill, page 7, lines 25 and 26, by striking out all of said lines and inserting

Section 11. Section 5205(16) introductory paragraph of Title 68 is amended and the section is amended by adding a paragraph to read:

Amend Bill, page 8, by inserting between lines 5 and 6

(16.1) If the declaration provides that the association or a unit owner is or shall be responsible for operation and maintenance of storm water management facilities, a statement that upon approval of the permittee's notice of termination by the Department of Environmental Protection or by an authorized county conservation district, it shall be deemed that the association or unit owner, as applicable, agree to and shall become responsible for compliance with the storm water management facilities' permit terms and conditions, including long-term operation and maintenance of postconstruction storm water best management practices in accordance with applicable requirements. The declarant shall remain responsible for compliance with other obligations with respect to storm water management facilities as may be

1 required by the approved subdivision and land development
2 plans, the declaration or this subpart until such time as the
3 obligations of the declarant may cease.

4 * * *

5 Section 12. Sections 5302(a)(11) and 5303(e) of Title 68 are
6 amended to read:

7 Amend Bill, page 9, line 15, by striking out "9" and
8 inserting

9 13

10 Amend Bill, page 10, line 1, by striking out "10" and
11 inserting

12 14

13 Amend Bill, page 10, lines 19 and 20, by striking out "is
14 tolled until the period of" in line 19 and all of line 20 and
15 inserting

16 shall be six years after the warranty begins or two years
17 after the unit owners elect an executive board under section
18 3303(e) (relating to executive board members and officers),
19 whichever is later.

20 Amend Bill, page 10, by inserting between lines 21 and 22

21 Section 15. This act shall supersede any inconsistent
22 provision of any other statute, regulation or ordinance.

23 Amend Bill, page 10, line 22, by striking out "11" and
24 inserting

25 16