
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2961 Session of
1980

INTRODUCED BY VROON, CORNELL AND PHILLIPS, OCTOBER 1, 1980

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 1, 1980

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 property
10 and discourages the interpretation of religious practices or
11 doctrine to determine ownership. Therefore the General Assembly
12 finds that the "neutral principles of law" approach will best
13 effectuate the State's interest in accurate and prompt
14 ascertainment of the ownership of church property and this act
15 is intended to meet this end.

16 Section 2. Definitions.

17 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Church." A parish, congregation, society or other group of
4 individuals at the local level who have come together for the
5 purpose of worshipping pursuant to and following the beliefs and
6 practices of a particular religion or faith.

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

9 "Religious organization." A body composed of two or more
10 individual churches, all of which follow the same religion or
11 faith.

12 Section 3. Status of control of church property.

13 Property, either real or personal, held in the name of a
14 church, a religious corporation, or an individual or
15 individuals, for the use of that church, shall be held subject
16 to the exclusive control of and ownership by a majority of the
17 membership of the church, unless express language contained in:

18 (1) the deed to the property;

19 (2) the articles of incorporation or corporate charter
20 of the religious corporation;

21 (3) a separate trust instrument; or

22 (4) any other document representing ownership

23 clearly sets forth that the property is to be under the control
24 and ownership of, or is to be held in trust for, the religious
25 organization to which the church belongs.

26 Section 4. Construction.

27 In those cases arising prior to the effective date of the act
28 where the written governing document of a religious
29 organization, such as a constitution, expressly provides that
30 property held in the name of or for the use of a member church

1 is held in trust for the religious organization, the provisions
2 of those documents shall be given effect to the same extent as
3 currently provided by law. This section shall apply only to
4 property held prior to the effective date of this act.

5 Section 5. Repeals.

6 The following statutes, to the extent that they are
7 inconsistent with these provisions, are hereby repealed:

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

11 15 Pa.C.S. § 7106.

12 Section 6. Effective date.

13 This act shall take effect immediately.