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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 322**      Session of  
2007

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INTRODUCED BY O'NEILL, CALTAGIRONE, CREIGHTON, DALLY, EVERETT,  
GINGRICH, GRUCELA, HERSHEY, JAMES, ROHRER, SCAVELLO AND  
STERN, FEBRUARY 7, 2007

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 7, 2007

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AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, further providing for the definition  
3 of "homestead."

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

6 Section 1. The definition of "homestead" in section 8401 of  
7 Title 53 of the Pennsylvania Consolidated Statutes is amended to  
8 read:

9 § 8401. Definitions.

10 The following words and phrases when used in this subpart  
11 shall have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 \* \* \*

14 "Homestead." A dwelling, including the parcel of land on  
15 which the dwelling is located and the other improvements located  
16 on the parcel for which any of the following apply:

17 (1) The dwelling is primarily used as the domicile of an  
18 owner who is a natural person. The homestead for real

1 property qualifying under this paragraph shall not include  
2 the land on which the dwelling is located if the land is not  
3 owned by a person who owns the dwelling. A dwelling that is  
4 not primarily used as the domicile of an owner who is a  
5 natural person may be considered a homestead property if it  
6 is not used for income generating purposes while not being  
7 used as the domicile of an owner who is a natural person.

8 (2) The dwelling is a unit in a condominium as the term  
9 is defined in 68 Pa.C.S. § 3103 (relating to definitions) and  
10 the unit is primarily used as the domicile of a natural  
11 person who is an owner of the unit; or the dwelling is a unit  
12 in a cooperative as the term is defined in 68 Pa.C.S. § 4103  
13 (relating to definitions) and the unit is primarily used as  
14 the domicile of a natural person who is an owner of the unit.  
15 The homestead for a unit in a condominium or a cooperative  
16 shall be limited to the assessed value of the unit, which  
17 shall be determined in a manner consistent with the  
18 assessment of real property taxes on those units under 68  
19 Pa.C.S. (relating to real and personal property) or as  
20 otherwise provided by law. If the unit is not separately  
21 assessed for real property taxes, the homestead shall be a  
22 pro rata share of the real property.

23 (3) The dwelling does not qualify under paragraphs (1)  
24 and (2) and a portion of the dwelling is used as the domicile  
25 of an owner who is a natural person. The homestead for real  
26 property qualifying under this paragraph shall be the portion  
27 of the real property that is equal to the portion of the  
28 dwelling that is used as the domicile of an owner.

29 \* \* \*

30 Section 2. This act shall take effect in 60 days.