

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1509 Session of 2014

INTRODUCED BY BROWNE, SCHWANK AND BAKER, NOVEMBER 7, 2014

REFERRED TO URBAN AFFAIRS AND HOUSING, NOVEMBER 7, 2014

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
 2 Pennsylvania Consolidated Statutes, in general provisions,
 3 further providing for applicability of local ordinances,
 4 regulations and building codes.

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

7 Section 1. Section 3106 of Title 68 of the Pennsylvania
 8 Consolidated Statutes is amended to read:

9 § 3106. Applicability of local ordinances, regulations and
 10 building codes.

11 (a) General rule.--A zoning, subdivision, building code or
 12 other real estate use law, ordinance or regulation may not
 13 prohibit the condominium form of ownership or impose any
 14 requirement upon a condominium which it would not impose upon a
 15 physically identical development under a different form of
 16 ownership. [Otherwise]

17 (b) Current law unaffected.--Except as provided in
 18 subsection (a), no provision of this subpart invalidates or
 19 modifies any provision of any zoning, subdivision, land

1 development, building code or other real estate use law,
2 ordinance or regulation.[Without limiting the other provisions
3 of this section, the]

4 (c) Status.--The creation of a condominium pursuant to
5 section 3201 (relating to creation of condominium) out of an
6 entire lot, parcel or tract of real estate which has previously
7 received approval for land development or subdivision, as those
8 terms are defined in section 107 of the act of July 31, 1968
9 (P.L.805, No.247), known as the Pennsylvania Municipalities
10 Planning Code, or the conveyance of units in the condominium,
11 shall not, in and of itself, constitute a subdivision or land
12 development, for the purposes of [these] subdivision, land
13 development or other laws, ordinances and regulations.

14 (d) Compliance with zoning regulations.--

15 (1) Use of the condominium shall comply with zoning
16 regulations applicable to the parcel of land or tract of real
17 estate on which the condominium is created.

18 (2) Any person creating a condominium out of a vacant
19 parcel or tract of real estate which has not been subject to
20 subdivision or land development approval shall submit a copy
21 of the condominium declaration and condominium plan to all
22 municipalities in which the parcel or tract of real estate is
23 located, unless the creation of the condominium is for an
24 estate planning purpose of conveying units to family members
25 or an entity controlled by family members so that the
26 conveyance would not be subject to realty transfer taxes
27 pursuant to Article XI-C of the act of March 4, 1971 (P.L.6,
28 No.2), known as the Tax Reform Code of 1971.

29 (3) Construction of any structure or building on any
30 unit or common facility shall be subject to the provisions of

1 any zoning, subdivision, land development, building code or
2 other real estate law, ordinance or regulation.
3 Section 2. This act shall take effect in 60 days.