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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 731 Session of  
2021

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INTRODUCED BY R. BROWN, MILLARD, MERSKI, FREEMAN, HENNESSEY,  
GAYDOS AND HELM, MARCH 3, 2021

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REFERRED TO COMMITTEE ON URBAN AFFAIRS, MARCH 3, 2021

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AN ACT

1 Amending Title 68 (Real and Personal Property) of the  
2 Pennsylvania Consolidated Statutes, in general provisions  
3 regarding condominiums, further providing for applicability  
4 of local ordinances, regulations and building codes; in  
5 creation, alteration and termination of condominiums, further  
6 providing for creation of condominium; in general provisions  
7 regarding cooperatives, further providing for applicability  
8 of local ordinances, regulations and building codes; in  
9 creation, alteration and termination of cooperatives, further  
10 providing for creation of cooperative ownership; in general  
11 provisions regarding planned communities, further providing  
12 for applicability of local ordinances, regulations and  
13 building codes; and, in creation, alteration and termination  
14 of planned communities, further providing for creation of  
15 planned community.

16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 Section 1. Section 3106 of Title 68 of the Pennsylvania  
19 Consolidated Statutes is amended by adding a subsection to read:

20 § 3106. Applicability of local ordinances, regulations and  
21 building codes.

22 \* \* \*

23 (a.1) Annual report.--Consistent with the requirements under  
24 section 207(a) of the act of July 31, 1968 (P.L.805, No.247),

1 known as the Pennsylvania Municipalities Planning Code, a  
2 planning agency of the county in which any portion of a  
3 condominium is located shall prepare annually and maintain a  
4 report identifying each condominium created and located within  
5 the municipality by the condominium's name and physical location  
6 and shall include:

7 (1) the total land area and number of units of the  
8 condominium; and

9 (2) to the extent reasonably available within the county  
10 government, the infrastructure of each condominium,  
11 including, but not limited to, information concerning the  
12 presence of sanitary sewer, water and storm water systems,  
13 recreation facilities and roadways.

14 \* \* \*

15 Section 2. Sections 3201 and 4106 of Title 68 are amended to  
16 read:

17 § 3201. Creation of condominium.

18 A condominium may be created pursuant to this subpart only by  
19 recording a declaration executed, in the same manner as a deed,  
20 by all persons whose interests in the real estate will be  
21 conveyed to unit owners and by every lessor of a lease the  
22 expiration or termination of which will terminate the  
23 condominium or reduce its size, provided, however, in any such  
24 lease wherein the lessor is the Commonwealth of Pennsylvania, a  
25 municipal government or any agency thereof, said lessor need not  
26 execute the declaration if they shall have previously given  
27 written consent to its filing and agreed to be bound by the  
28 provisions of the Pennsylvania Uniform Condominium Act, in which  
29 case said declaration shall be executed by the lessee then in  
30 possession of the subject property. The declaration shall be

1 recorded in every county in which any portion of the condominium  
2 is located in the same records as are maintained for the  
3 recording of deeds of real property and shall be indexed against  
4 each declarant as the grantor and the name of the condominium as  
5 the grantee. Upon the recording of the declaration, the  
6 declarant shall submit to the planning agency of each county in  
7 which the declaration is recorded a statement identifying, by  
8 name, physical location and municipality, the condominium  
9 created, including the total land area and number of units as  
10 well as the infrastructure of the condominium, including, but  
11 not limited to, information concerning the presence of sanitary  
12 sewer, water and storm water systems, recreation facilities and  
13 roadways.

14 § 4106. Applicability of local ordinances, regulations and  
15 building codes.

16 (a) General rule.--A zoning, subdivision, building code or  
17 other real estate tax or use law, ordinance or regulation may  
18 not prohibit the cooperative form of ownership or impose any  
19 requirement upon a cooperative which it would not impose upon a  
20 physically identical development under a different form of  
21 ownership. Otherwise, no provision of this subpart invalidates  
22 or modifies any provision of any zoning, subdivision, building  
23 code or other real estate tax or use law, ordinance or  
24 regulation except as is otherwise provided in section 4321(f)  
25 (relating to limited equity cooperatives).

26 (b) Annual report.--Consistent with the requirements under  
27 section 207(a) of the act of July 31, 1968 (P.L.805, No.247),  
28 known as the Pennsylvania Municipalities Planning Code, a  
29 planning agency of the county in which any portion of a  
30 cooperative is located shall prepare annually and maintain a

1 report identifying each cooperative created and located within  
2 the municipality by the cooperative's name and physical location  
3 and shall include:

4 (1) the total land area and number of units of the  
5 cooperative; and

6 (2) to the extent reasonably available within the county  
7 government, the infrastructure of each cooperative,  
8 including, but not limited to, information concerning the  
9 presence of sanitary sewer, water and storm water systems,  
10 recreation facilities and roadways.

11 Section 3. Sections 4201 and 5106 of Title 68 are amended by  
12 adding subsections to read:

13 § 4201. Creation of cooperative ownership.

14 \* \* \*

15 (a.1) Required disclosure.--Upon recording of the  
16 declaration or any separate instrument under subsection (a), the  
17 declarant or party recording the instrument shall submit to the  
18 planning agency of each county in which the declaration or  
19 instrument is recorded a statement identifying, by name,  
20 physical location and municipality, the cooperative created,  
21 including the total land area and number of units as well as the  
22 infrastructure of such cooperative, including, but not limited  
23 to, information concerning the presence of sanitary sewer, water  
24 and storm water systems, recreation facilities and roadways.

25 \* \* \*

26 § 5106. Applicability of local ordinances, regulations and  
27 building codes.

28 \* \* \*

29 (a.1) Consistent with the requirements under section 207(a)  
30 of the act of July 31, 1968 (P.L.805, No.247), known as the

1 Pennsylvania Municipalities Planning Code, a planning agency of  
2 the county in which any portion of a planned community is  
3 located shall prepare annually and maintain a report identifying  
4 each planned community created and located within the  
5 municipality by the community's name and physical location and  
6 shall include:

7       (1) the total land area and number of units of the  
8 planned community; and

9       (2) to the extent reasonably available within county  
10 government, the infrastructure of each planned community,  
11 including, but not limited to, information concerning the  
12 presence of sanitary sewer, water and storm water systems,  
13 recreation facilities and roadways.

14 \* \* \*

15 Section 4. Section 5201 of Title 68 is amended to read:

16 § 5201. Creation of planned community.

17 A planned community may be created pursuant to this subpart  
18 only by recording a declaration executed in the same manner as a  
19 deed by all persons whose interests in the real estate will be  
20 conveyed to unit owners and by every lessor of a lease, the  
21 expiration or termination of which will terminate the planned  
22 community or reduce its size. If the lessor is the Commonwealth,  
23 a municipal government or any agency of either, the lessor need  
24 not execute the declaration if it has previously given written  
25 notice of its filing and agreed to be bound by the provisions of  
26 this subpart, in which case the declaration shall be executed by  
27 the lessee in possession of the subject property. The  
28 declaration must be recorded in every county in which any  
29 portion of the planned community is located, must be indexed in  
30 the same records as are notarized for the recording of a deed

1 and shall identify each declarant as the grantor and the name of  
2 the planned community as grantee. Upon the recording of the  
3 declaration, the declarant shall submit to the planning agency  
4 of each county in which the declaration is recorded a statement  
5 identifying, by name, physical location and municipality, the  
6 planned community created, including the total land area and  
7 number of units as well as the infrastructure of such planned  
8 community, including, but not limited to, information concerning  
9 the presence of sanitary sewer, water and storm water systems,  
10 recreation facilities and roadways.

11 Section 5. This act shall take effect in 60 days.