

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2536 Session of
1978

INTRODUCED BY GATSKI, B. F. O'BRIEN, J. L. WRIGHT JR., HELFRICK,
LEHR, F. TAYLOR, ITKIN, GAMBLE, McCALL, STAIRS AND DeWEESE,
JUNE 6, 1978

REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT,
JUNE 6, 1978

AN ACT

1 Requiring certain disclosure procedures prior to the conveyance
2 of certain residential property, and providing a civil cause
3 of action and criminal penalties.

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13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Short title.

16 This act shall be known and may be cited as the "Truth in
17 Heating Act."

1 Section 2. Legislative findings and declaration of purpose.

2 (a) Findings.--The Legislature hereby determines that:

3 (1) Many homes have been built with inadequate
4 insulation and inefficient heating systems.

5 (2) The true cost of a home should take heating costs
6 into consideration.

7 (3) Sellers of homes should be encouraged to make them
8 energy efficient without penalty in the market place.

9 (4) The mandated disclosure of heating costs thereby
10 serves the goals of both energy conservation and consumer
11 protection.

12 (b) Purpose.--The purpose of this act is to prescribe
13 procedures which shall be used prior to the sale of any one or
14 two family residential building, or the leasing of any
15 residential building for one year or more where the tenant pays
16 for the heating, to require such disclosure to the purchaser or
17 lessee of such buildings.

18 Section 3. Requirement of disclosure.

19 No one or two family residential building shall be sold nor
20 any unit of a one, two or multi-family residential building
21 leased for a period of one year or more to a tenant who is
22 required to pay for the heating, unless the purchaser or lessee
23 is furnished, at least ten days prior to the time of execution
24 of the contract of sale or lease, with a statement of energy
25 usage for the building in the form of a complete set of heating
26 bills for the life of the building or for the preceding 12
27 months whichever is shorter, or a certified schedule thereof as
28 provided in section 4.

29 Section 4. Preservation of records.

30 Every seller of fuel or energy used for heating purposes

1 shall maintain a continuing record of purchases thereof for not
2 less than 12 months and shall, upon written request by the owner
3 of the premises and ten days' notice, furnish to said customer a
4 complete set of heating bills for the preceding 12 months in
5 order to comply with this act. Alternatively, such compliance
6 may be in the form of a schedule certified by such seller of
7 fuel or energy.

8 Section 5. Failure to provide disclosure.

9 The failure to furnish the required statement shall not
10 affect legal title to the premises once such premises pass to a
11 purchaser or permit a lessee to avoid his obligations pursuant
12 to a lease once possession of the premises is taken but the
13 failure to provide the disclosure required by section 3 shall be
14 grounds for the refusal of a purchaser or tenant at his option,
15 to take title or possession, any contractual provision to the
16 contrary notwithstanding.

17 Section 6. Civil action.

18 Any material misrepresentation contained in the disclosure
19 required by section 3 may be subject to a civil action for
20 damages. Any award of damages in such an action shall be limited
21 to the following:

22 (1) In the case of a lease, for each year of the lease
23 term the difference between the actual cost of energy usage
24 for the life of the building or the 12 months preceding the
25 disclosure, whichever is shorter, and the cost of energy
26 usage as represented in the disclosure.

27 (2) In the case of a sale, for each year of ownership by
28 the plaintiff to a maximum of ten years, the difference
29 between the actual cost of energy usage for the life of the
30 building or the 12 months preceding the disclosure, whichever

1 is shorter, and the cost of energy usage as represented in
2 the disclosure.

3 Section 7. Criminal penalty.

4 Any person violating any of the provisions of this act is
5 guilty of a summary offense and shall, upon conviction thereof,
6 be subject to a fine not to exceed \$300 dollars and/or
7 imprisonment not to exceed 90 days.

8 Section 8. Effective date.

9 This act shall take effect in 12 months.