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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 800      Session of  
1997

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INTRODUCED BY REBER, MANDERINO, HENNESSEY, ROBINSON, SCHULER,  
READSHAW, TRELLO, DALEY, SEMMEL, E. Z. TAYLOR, YOUNGBLOOD,  
KREBS, SAYLOR, ROSS, BARRAR, OLASZ, VAN HORNE, DeLUCA,  
MICHLOVIC, LAUGHLIN, BUNT, ROBERTS AND BOSCOLA,  
MARCH 12, 1997

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 12, 1997

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AN ACT

1 Amending Title 68 (Real and Personal Property) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 remedies and for association records.

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

6 Section 1. Sections 3113 and 3316 of Title 68 of the  
7 Pennsylvania Consolidate Statutes are amended to read:

8 § 3113. Remedies to be liberally administered.

9 (a) General rule.--The remedies provided by this subpart  
10 shall be liberally administered to the end that the aggrieved  
11 party is put in as good a position as if the other party had  
12 fully performed. [However, consequential, special or punitive  
13 damages may not be awarded except as specifically provided in  
14 this subpart or by other rule of law.]

15 (b) Judicial enforcement of rights and obligations.--Any  
16 right or obligation declared by this subpart is enforceable by  
17 judicial proceeding.

1     (c) Damages.--The court, upon finding a violation of this  
2     subpart, may award consequential, special and punitive damages  
3     to the prevailing party. The court may also award attorney fees  
4     and costs to the prevailing party.

5     § 3316. Association records.

6     (a) General rule.--During the period of declarant control,  
7     the association shall keep detailed financial records,  
8     including, without limitation, a record of expenses paid by the  
9     declarant until the commencement of common expense assessments  
10    by the association under section 3314(a) (relating to  
11    assessments for common expenses), the commencement date of  
12    common expense assessments by the association and, for the  
13    period commencing on such date, a record for each unit in the  
14    condominium (including those owned by the declarants) of its  
15    common expense assessments and the payments thereof. The  
16    association shall keep financial records sufficiently detailed  
17    to enable the association to comply with section 3407 (relating  
18    to resales of units). All financial and other records shall be  
19    made reasonably available for examination by any unit owner and  
20    his authorized agents.

21    (b) Copy of audit.--Within 60 days of the close of its  
22    fiscal year, each association shall forward a copy of an audit  
23    of its financial records conducted by a certified public  
24    accountant to the Department of Community and Economic  
25    Development. During the period of declarant control, the cost of  
26    the audit shall be borne by the declarant. Each unit owner shall  
27    be entitled to a copy of the audit from the association within  
28    30 days of a reasonable request for the same. If the association  
29    fails to provide a copy of the audit to a unit owner within 30  
30    days of the unit owner's reasonable request, then the unit owner

1 may file a complaint with the Bureau of Consumer Protection in  
2 the Office of Attorney General and receive a copy of the audit  
3 from the department.

4 (c) Penalty.--If an association fails to provide a copy of  
5 the audit of the association's financial records within 30 days  
6 of a unit owner's reasonable request, such failure is a  
7 violation of the act of December 17, 1968 (P.L.1224, No.387),  
8 known as the Unfair Trade Practices and Consumer Protection Law,  
9 and the Office of Attorney General shall be authorized to assess  
10 a civil penalty of \$500 against the association.

11 Section 2. Section 4317 of Title 68 is amended by adding a  
12 subsection to read:

13 § 4317. Association records.

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15 (c) Audit.--

16 (1) Within 60 days of the close of its fiscal year, each  
17 association shall forward a copy of an audit of its financial  
18 records conducted by a certified public accountant to the  
19 Department of Community and Economic Development. The cost of  
20 the audit shall be borne by the association. Each proprietary  
21 lessee shall be entitled to a copy of the audit from the  
22 association within 30 days of a reasonable request for the  
23 same. If the association fails to provide a copy of the audit  
24 to the proprietary lessee within 30 days of the proprietary  
25 lessee's reasonable request, the proprietary lessee may file  
26 a complaint with the Bureau of Consumer Protection in the  
27 Office of Attorney General and receive a copy of the audit  
28 from the Department of Community and Economic Development.

29 (2) If an association fails to provide a copy of the  
30 audit of its financial records within 30 days of a

1     proprietary lessee's reasonable request, such failure is a  
2     violation of the act of December 17, 1968 (P.L.1224, No.387),  
3     known as the Unfair Trade Practices and Consumer Protection  
4     Law, and the Office of Attorney General shall be authorized  
5     to assess a civil penalty of \$500 against the association.  
6     Section 3. This act shall take effect in 60 days.