

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 964 Session of
2005

INTRODUCED BY HICKERNELL, BOYD, ARMSTRONG, BALDWIN, CALTAGIRONE,
CAPPELLI, CRAHALLA, DALLY, DENLINGER, GINGRICH, GODSHALL,
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TIGUE, TRUE, WILT AND YOUNGBLOOD, MARCH 15, 2005

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 15, 2005

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, providing for enforcement
3 of violation of condominium, cooperative and planned
4 community provisions; consolidating provisions applicable to
5 certain condominiums under the Unit Property Act; and making
6 a related repeal.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Title 68 of the Pennsylvania Consolidated
10 Statutes is amended by adding a section to read:
11 § 3114. Enforcement through Unfair Trade Practices and Consumer
12 Protection Law.

13 Notwithstanding section 3113(b) (relating to remedies to be
14 liberally administered), a violation of this subpart shall
15 constitute an unfair trade practice as defined under the act of
16 December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade
17 Practices and Consumer Protection Law, shall be deemed unlawful
18 and may be enforced by the Attorney General.

19 Section 2. Title 68 is amended by adding a chapter to read:

CHAPTER 35

PRE-1980 CONDOMINIUMS

Subchapter

A. Preliminary Provisions

B. General Provisions

C. Administrative Provisions

D. Declarations, Reservations of Charges Under Declaration,
Conveyances, Mortgages and Leases

E. Recording

F. Removal of Property from this Chapter

G. Assessments, Taxation and Liens

H. Miscellaneous Provisions

SUBCHAPTER A

PRELIMINARY PROVISIONS

3501. Scope.

3502. Definitions.

3503. Applicability.

§ 3501. Scope.

This chapter applies to condominiums created prior to October 29, 1980, that were subject to the former act of July 3, 1963 (P.L.196, No.117), known as the Unit Property Act.

§ 3502. Definitions.

The following words and phrases as used in this chapter shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

"Building." A multiunit building or buildings or complex thereof, whether in vertical or horizontal arrangement, as well as other improvements comprising a part of the property and used or intended for use for residential, commercial or industrial purposes or for any other lawful purpose or for any combination

1 of such uses.

2 "Code of regulations." Such governing regulations as are
3 adopted pursuant to this chapter for the regulation and
4 management of property, including such amendments as may be
5 adopted from time to time.

6 "Common elements." The term includes:

7 (1) Land on which a building is located and portions of
8 a building which are not included in a unit.

9 (2) Foundations, structural parts, supports, main walls,
10 roofs, basements, halls, corridors, lobbies, stairways and
11 entrances and exits of a building.

12 (3) Yards, parking areas and driveways.

13 (4) Portions of land and building used exclusively for
14 the management, operation or maintenance of common elements.

15 (5) Installations of all central services and utilities.

16 (6) All apparatus and installations existing for common
17 use.

18 (7) All other elements of a building necessary or
19 convenient to its existence, management, operation,
20 maintenance and safety or normally in common use.

21 (8) Such facilities as are designated in a declaration
22 as common elements.

23 "Common expenses." The term includes:

24 (1) Expenses of administration, maintenance, repair and
25 replacement of common elements.

26 (2) Expenses agreed upon as common by all unit owners.

27 (3) Expenses declared common by provisions of this
28 chapter or by a declaration or code of regulations.

29 "Council." A board of natural individuals of the number
30 stated in a code of regulations who:

1 (1) Are residents of this Commonwealth.

2 (2) Need not be unit owners.

3 (3) Manage the business, operation and affairs of the
4 property on behalf of the unit owners and in compliance with
5 and subject to this chapter.

6 "Declaration." The instrument by which an owner of property
7 submits it to this chapter.

8 "Declaration plan." A survey of property prepared in
9 accordance with section 3542 (relating to declaration plan).

10 "Majority" or "majority of the unit owners." The owners of
11 more than 50% in the aggregate in interest of the undivided
12 ownership of common elements as specified in a declaration.

13 "Person." A natural individual, corporation, partnership,
14 association, trustee or other legal entity.

15 "Property." The term includes the land, the building, all
16 improvements thereon, all owned in fee simple, and all
17 easements, rights and appurtenances belonging thereto which have
18 been or are intended to be subject to this chapter.

19 "Recorded." Action whereby an instrument has been duly
20 entered of record in the office of the recorder of deeds or
21 department of records of the county in which property is
22 situate.

23 "Recorder." The recorder of deeds or commissioner of records
24 of the county in which property is situate.

25 "Revocation." An instrument signed by all unit owners and by
26 all holders of liens against the units by which property is
27 removed from this chapter.

28 "Unit." A part of property designed or intended for any type
29 of independent use, which has a direct exit to:

30 (1) a public street or way;

1 (2) a common element or common elements leading to a
2 public street or way; or

3 (3) an easement or right-of-way leading to a public
4 street or way,

5 and includes the proportionate undivided interest in the common
6 elements, which is assigned to the unit in the declaration or
7 any amendments.

8 "Unit designation." The number, letter or combination of
9 numbers or letters designating a unit in a declaration plan.

10 "Unit owner." The person or persons owning a unit in fee
11 simple.

12 § 3503. Applicability.

13 This chapter shall be applicable only to real property, the
14 sole owner or all the owners of which submit the same to the
15 provisions of this chapter or submitted to the former act of
16 July 3, 1963 (P.L.196, No.117), known as the Unit Property Act,
17 by a duly recorded declaration.

18 SUBCHAPTER B

19 GENERAL PROVISIONS

20 Sec.

21 3511. Status of units and ownership.

22 3512. Common elements.

23 3513. Invalidity of contrary agreements.

24 § 3511. Status of units and ownership.

25 Each unit, together with its proportionate undivided interest
26 in the common elements, is for all purposes real property and
27 the ownership of each unit, together with its proportionate
28 undivided interest in the common elements, is for all purposes
29 the ownership of real property.

30 § 3512. Common elements.

1 3523. Contents of code of regulations.
2 3524. Compliance with code of regulations, administrative
3 provisions, covenants, etc.
4 3525. Noncompliance with code of regulations, administrative
5 provisions, covenants, etc.
6 3526. Duties of council.
7 3527. Powers of council.
8 3528. Work on common elements.
9 3529. Certain work prohibited.
10 3530. Easements for work.
11 3531. Common profits and expenses.
12 3532. Voting by unit owners.
13 3533. Books of receipts and expenditures and availability for
14 examination.

15 § 3521. Code of regulations.

16 The administration of every property shall be governed by a
17 code of regulations, a true and correct copy of which, and all
18 adopted amendments of which, shall be recorded.

19 § 3522. Adoption, amendment, etc., of code of regulations.

20 The first members of council shall establish and adopt the
21 original code of regulations. Thereafter, no amendment or change
22 of the code of regulations shall be effective unless it is
23 adopted at a meeting of the unit owners by the affirmative vote
24 of at least those unit owners who represent a majority of the
25 votes entitled to be cast at that meeting.

26 § 3523. Contents of code of regulations.

27 The code of regulations shall provide for at least the
28 following and may include other lawful provisions:

29 (1) Identification of the property by reference to the
30 place of record of the declaration and the declaration plan.

1 (2) The method of calling meetings of unit owners and
2 meetings of the council.

3 (3) The number of unit owners and the number of members
4 of council which shall constitute a quorum for the
5 transaction of business.

6 (4) The number and qualification of members of council,
7 the duration of the term of such members and the method of
8 filling vacancies.

9 (5) The annual election by the council of a president,
10 secretary, treasurer and any other officers which the code of
11 regulations may specify.

12 (6) The duties of each officer, the compensation and
13 removal of officers and the method of filling vacancies.

14 (7) Maintenance, repair and replacement of the common
15 elements and payment of the cost thereof.

16 (8) The manner of collecting common expenses from unit
17 owners.

18 (9) The method of adopting and amending rules governing
19 the details of the use and operation of the property and the
20 use of the common elements.

21 § 3524. Compliance with code of regulations, administrative
22 provisions, covenants, etc.

23 Each unit owner shall comply with the code of regulations and
24 with such rules governing the details of the use and operation
25 of the property and the use of the common elements as may be in
26 effect from time to time and with the covenants, conditions and
27 restrictions set forth in the declaration or in the deed to his
28 unit or in the declaration plan.

29 § 3525. Noncompliance with code of regulations, administrative
30 provisions, covenants, etc.

1 Failure to comply with the code of regulations and with such
2 rules governing the details of the use and operation of the
3 property and the use of the common elements as may be in effect
4 from time to time and with the covenants, conditions and
5 restrictions set forth in the declaration or in deeds of units
6 or in the declaration plan shall be grounds for an action for
7 the recovery of damages or for injunctive relief, or both,
8 maintainable by any member of the council on behalf of the
9 council or the unit owners or, in a proper case, by an aggrieved
10 unit owner or by any person who holds a mortgage lien upon a
11 unit and is aggrieved by any such noncompliance.

12 § 3526. Duties of council.

13 The duties of the council shall include the following:

14 (1) The maintenance, repair and replacement of the
15 common elements.

16 (2) The assessment and collection of funds from unit
17 owners for common expenses and the payment of such common
18 expenses.

19 (3) The promulgation, distribution and enforcement of
20 rules governing the details of the use and operation of the
21 property and the use of the common elements, subject to the
22 right of a majority of the unit owners to change any such
23 rules.

24 (4) Any other duties which may be set forth in the
25 declaration or code of regulations.

26 § 3527. Powers of council.

27 Subject to the limitations and restrictions contained in this
28 chapter, the declaration and the code of regulations, the
29 council shall have, on behalf of the unit owners:

30 (1) The power to manage the business, operation and

1 affairs of the property and for such purposes to engage
2 employees and appoint agents and define their duties and fix
3 their compensation, enter into contracts and other written
4 instruments or documents and authorize the execution of the
5 contracts and other written instruments or documents by
6 officers elected by the council.

7 (2) Such incidental powers as may be appropriate to the
8 performance of their duties.

9 § 3528. Work on common elements.

10 The maintenance, repair and replacement of the common
11 elements and the making of improvements or additions to the
12 common elements shall be carried on only as provided in the code
13 of regulations.

14 § 3529. Certain work prohibited.

15 No unit owner shall do any work which would jeopardize the
16 soundness or safety of the property or impair any easement or
17 hereditament without the unanimous consent of the unit owners
18 affected by the work.

19 § 3530. Easements for work.

20 The council shall have an easement to enter any unit to
21 maintain, repair or replace the common elements, as well as to
22 make repairs to units if such repairs are reasonably necessary
23 for public safety or to prevent damage to other units or to the
24 common elements.

25 § 3531. Common profits and expenses.

26 The common profits of the property shall be distributed among
27 and the common expenses shall be charged to the unit owners
28 according to the percentage of the undivided interest of each in
29 the common elements as set forth in the declaration and any
30 amendments.

1 § 3532. Voting by unit owners.

2 At any meeting of unit owners, each unit owner shall be
3 entitled to the same number of votes as the percentage of
4 ownership in the common elements assigned to his unit in the
5 declaration and any amendments.

6 § 3533. Books of receipts and expenditures and availability for
7 examination.

8 The treasurer shall keep detailed records of all receipts and
9 expenditures, including expenditures affecting the common
10 elements, specifying and itemizing the maintenance, repair and
11 replacement expenses of the common elements and any other
12 expenses incurred. The records shall be available for
13 examination by the unit owners during regular business hours. In
14 accordance with the actions of the council assessing common
15 expenses against the units and unit owners, the treasurer shall
16 keep an accurate record of such assessments and of the payment
17 of assessments by each unit owner.

18 SUBCHAPTER D

19 DECLARATIONS, RESERVATIONS OF CHARGES UNDER DECLARATION,
20 CONVEYANCES, MORTGAGES AND LEASES

21 Sec.

22 3541. Contents of declaration.

23 3542. Declaration plan.

24 3543. Contents of deeds of units.

25 3544. Mortgages and other liens of record affecting property
26 at time of first conveyance of each unit.

27 3545. Sales, conveyances or leases of or liens upon
28 separate units.

29 § 3541. Contents of declaration.

30 (a) General rule.--A declaration shall contain the

1 following:

2 (1) A reference to this chapter and an expression of the
3 intention to submit the property to this chapter.

4 (2) A description of the land and building.

5 (3) The name by which the property will be known.

6 (4) A statement that the property is to consist of units
7 and common elements as shown in a declaration plan.

8 (5) A description of the common elements and the
9 proportionate undivided interest, expressed as a percentage,
10 assigned to each unit, which percentages shall aggregate
11 100%.

12 (6) A statement that the proportionate undivided
13 interest in the common elements may be altered by the
14 recording of an amendment duly executed by all unit owners
15 affected by the amendment.

16 (7) A statement of the purposes or uses for which each
17 unit is intended and the restrictions, if any, as to use.

18 (8) The names of the first members of council.

19 (9) Any further details in connection with the property
20 which the party or parties executing the declaration may deem
21 appropriate.

22 (b) Construction.--Any reference in the declaration to the
23 former act of July 3, 1963 (P.L.196, No.117), known as the Unit
24 Property Act, shall be deemed a reference to this chapter or
25 relevant provisions of this chapter.

26 § 3542. Declaration plan.

27 The declaration plan shall bear the verified statement of a
28 registered architect or licensed professional engineer
29 certifying that the declaration plan fully and accurately:

30 (1) Shows the property, the location of the building

1 thereon, the building and the layout of the floors of the
2 building, including the units and the common elements.

3 (2) Sets forth the name by which the property will be
4 known and the unit designation for each unit in the property.

5 § 3543. Contents of deeds of units.

6 Deeds of units shall include the following:

7 (1) The name by which the property is identified in the
8 declaration plan and the name of the political subdivision
9 and the ward, if any, and the name of the county in which the
10 building is situate, together with a reference to the
11 declaration and the declaration plan, including reference to
12 the place where both instruments and any amendments are
13 recorded.

14 (2) The unit designation of the unit in the declaration
15 plan and any other data necessary for its proper
16 identification.

17 (3) A reference to the last unit deed if the unit was
18 previously conveyed.

19 (4) The proportionate undivided interest, expressed as a
20 percentage, in the common elements which is assigned to the
21 unit in the declaration and any amendments thereof.

22 (5) In addition to paragraphs (1) through (4), the first
23 deed conveying each unit shall contain the following specific
24 provision:

25 The grantee, for and on behalf of the grantee and the
26 grantee's heirs, personal representatives, successors and
27 assigns, by the acceptance of this deed covenants and agrees
28 to pay such charges for the maintenance of, repairs to,
29 replacement of and expenses in connection with the common
30 elements as may be assessed from time to time by the council

1 in accordance with 68 Pa.C.S. Ch. 35 (relating to pre-1980
2 condominiums) and further covenants and agrees that the unit
3 conveyed by this deed shall be subject to a charge for all
4 amounts so assessed and that, except in so far as 68 Pa.C.S.
5 §§ 3575 (relating to unpaid assessments at time of execution
6 sale against a unit) and 3576 (relating to unpaid assessments
7 at time of voluntary sale of a unit) may relieve a subsequent
8 unit owner of liability for prior unpaid assessments, this
9 covenant shall run with and bind the land or unit hereby
10 conveyed and all subsequent owners thereof.

11 (6) Any further details which the grantor and grantee
12 may deem appropriate and which are consistent with the
13 declaration, the code of regulations, the declaration plan
14 and this chapter.

15 § 3544. Mortgages and other liens of record affecting property
16 at time of first conveyance of each unit.

17 At the time of the first conveyance of each unit following
18 the recording of the original declaration, every mortgage and
19 other lien of record affecting the entire building or property
20 or a greater portion thereof than the unit being conveyed shall
21 be paid and satisfied of record, or the unit being conveyed
22 shall be released therefrom by partial release duly recorded.

23 § 3545. Sales, conveyances or leases of or liens upon separate
24 units.

25 Units may be sold, conveyed, mortgaged, leased or otherwise
26 dealt with in the same manner as like dealings are conducted
27 with respect to real property and interests in the real
28 property. Every written instrument dealing with a unit shall
29 specifically set forth the name by which the property is
30 identified and the unit designation identifying the unit

1 involved.

2 SUBCHAPTER E

3 RECORDING

4 Sec.

5 3551. Instruments recordable.

6 3552. Recording a prerequisite to effectiveness of certain
7 instruments.

8 3553. Place of recording.

9 3554. Indexing by recording officer.

10 3555. Recording fees.

11 § 3551. Instruments recordable.

12 All instruments relating to the property or any unit,
13 including the instruments provided for in this chapter, shall be
14 entitled to be recorded, provided that they are acknowledged or
15 proved in the manner provided by law.

16 § 3552. Recording a prerequisite to effectiveness of certain
17 instruments.

18 No declaration, declaration plan or code of regulations or
19 any amendments shall be effective until duly recorded.

20 § 3553. Place of recording.

21 The recorder shall record declarations, deeds of units, codes
22 of regulations and revocations in the same records as are
23 maintained for the recording of deeds of real property.

24 Mortgages relating to units shall be recorded in the same
25 records as are maintained by the recorder for the recording of
26 real estate mortgages. Declaration plans, and any and all
27 amendments, shall be recorded in the same records as are
28 maintained for the recording of subdivision plans.

29 § 3554. Indexing by recording officer.

30 The recorder shall index each declaration against the maker

1 of the declaration as the grantor and the name by which the
2 property is identified in the declaration as the grantee. The
3 recorder shall index each declaration plan and code of
4 regulations and any revocation in the name by which the property
5 is identified therein in both the grantor index and the grantee
6 index. The recorder shall index each unit deed and mortgage and
7 lease covering a unit in the same manner as like instruments are
8 indexed.

9 § 3555. Recording fees.

10 The recorder shall be entitled to charge the same fees for
11 recording instruments which are recordable under this chapter as
12 the recorder is entitled to charge for like services with
13 respect to the recording of instruments.

14 SUBCHAPTER F

15 REMOVAL OF PROPERTY FROM THIS CHAPTER

16 Sec.

17 3561. Removal.

18 3562. Effect of removal.

19 3563. Resubmission.

20 § 3561. Removal.

21 Property may be removed from this chapter by a revocation
22 expressing the intention to remove property previously made
23 subject to this chapter. No revocation shall be effective unless
24 it is executed by all of the unit owners and by the holders of
25 all mortgages, judgments or other liens affecting the units and
26 is duly recorded.

27 § 3562. Effect of removal.

28 When property subject to this chapter has been removed as
29 provided in section 3561 (relating to removal), the former unit
30 owners shall, at the time such removal becomes effective, become

1 tenants in common of the property. The undivided interest in the
2 property owned in common which shall appertain to each unit
3 owner at the time of removal shall be the percentage of
4 undivided interest previously owned by the unit owner in the
5 common elements.

6 § 3563. Resubmission.

7 The removal of property from the provisions of this chapter
8 shall not preclude such property from being resubmitted to this
9 chapter in the manner provided in this chapter.

10 SUBCHAPTER G

11 ASSESSMENTS, TAXATION AND LIENS

12 Sec.

13 3571. Assessments and taxes.

14 3572. Assessment of charges.

15 3573. Method of enforcing charges.

16 3574. Mechanics' liens against units.

17 3575. Unpaid assessments at time of execution sale against a
18 unit.

19 3576. Unpaid assessments at time of voluntary sale of a unit.

20 § 3571. Assessments and taxes.

21 Each unit and its proportionate undivided interest in the
22 common elements as determined by the declaration and any
23 amendments thereof shall be assessed and taxed for all purposes
24 as a separate parcel of real estate entirely independent of the
25 building or property of which the unit is a part. Neither the
26 building, the property nor any of the common elements shall be
27 assessed or taxed separately after the declaration and
28 declaration plan are recorded, nor shall the building, property
29 or any of the common elements be subject to assessment or
30 taxation, except as the units and their proportionate undivided

1 interests in the common elements are assessed and taxed pursuant
2 to this section.

3 § 3572. Assessment of charges.

4 All sums assessed by resolutions duly adopted by the council
5 against any unit for the share of common expenses chargeable to
6 that unit shall constitute the personal liability of the owner
7 of the unit so assessed and shall, until fully paid, together
8 with interest thereon at the rate of 6% per year from the 30th
9 day following the adoption of such resolutions, constitute a
10 charge against the unit which shall be enforceable as provided
11 in section 3573 (relating to method of enforcing charges).

12 § 3573. Method of enforcing charges.

13 A charge assessed against a unit may be enforced by suit by
14 the council acting on behalf of the unit owners in a civil
15 action provided that each suit when filed shall refer to this
16 chapter and to the unit against which the assessment is made and
17 the owner of the unit and shall be indexed by the prothonotary
18 as lis pendens. Any judgment against a unit and its owner shall
19 be enforceable in the same manner as is otherwise provided by
20 law.

21 § 3574. Mechanics' liens against units.

22 A mechanics' lien arising as a result of repairs to or
23 improvements of a unit by a unit owner shall be a lien only
24 against that unit. A mechanics' lien arising as a result of
25 repairs to or improvements of the common elements, if authorized
26 in writing pursuant to a duly adopted resolution of the council,
27 shall be paid by the council as a common expense and until so
28 paid shall be a lien against each unit in a percentage equal to
29 the proportionate share of the common elements relating to that
30 unit.

1 § 3575. Unpaid assessments at time of execution sale against a
2 unit.

3 In the event that title to a unit is transferred by sheriff's
4 sale pursuant to execution upon any lien against the unit, the
5 council may give notice in writing to the sheriff of any unpaid
6 assessments for common expenses which are a charge against the
7 unit but have not been reduced to lien pursuant to section 3573
8 (relating to method of enforcing charges), and the sheriff shall
9 pay the assessments of which the sheriff has the notice out of
10 any proceeds of the sale which remain in the sheriff's hands for
11 distribution after payment of all other claims which the sheriff
12 is required by law to pay, but prior to any distribution of the
13 balance to the former unit owner against whom the execution was
14 issued. The purchaser at the sheriff's sale and the unit
15 involved shall not be liable for unpaid assessments for common
16 expenses which become due prior to the sheriff's sale of the
17 unit. Any unpaid assessments which cannot be promptly collected
18 from the former unit owner may be reassessed by the council as a
19 common expense to be collected from all of the unit owners,
20 including the purchaser who acquired title at the sheriff's
21 sale, the purchaser's successors and assigns. To protect its
22 right to collect unpaid assessments which are a charge against a
23 unit, the council may, on behalf of the unit owners, purchase
24 the unit at sheriff's sale provided such action is authorized by
25 the affirmative vote of a majority of the members of council,
26 and if it does purchase the unit, the council shall thereafter
27 have the power to sell, convey, mortgage or lease the unit to
28 any person.

29 § 3576. Unpaid assessments at time of voluntary sale of a unit.

30 (a) General rule.--Subject to subsection (b), upon the

1 voluntary sale or conveyance of a unit, the grantee shall be
2 jointly and severally liable with the grantor for all unpaid
3 assessments for common expenses which are a charge against the
4 unit as of the date of the sale or conveyance, but such joint
5 and several liability shall be without prejudice to the
6 grantee's right to recover from the grantor the amount of any
7 such unpaid assessments which the grantee may pay, and until any
8 such assessments are paid, they shall continue to be a charge
9 against the unit which may be enforced in the manner set forth
10 in section 3573 (relating to method of enforcing charges).

11 (b) Right to treasurer's statement.--

12 (1) A person who shall have entered into a written
13 agreement to purchase a unit shall be entitled to obtain a
14 written statement from the treasurer setting forth the amount
15 of unpaid assessments charged against the unit and its
16 owners. If such statement does not reveal the full amount of
17 the unpaid assessments as of the date it is rendered, neither
18 the purchaser nor the unit shall be liable for the payment of
19 an amount in excess of the unpaid assessments shown on the
20 statement.

21 (2) Any such excess which cannot be promptly collected
22 from the former unit owner may be reassessed by the council
23 as a common expense to be collected from all of the unit
24 owners, including the purchaser, the purchaser's successors
25 and assigns.

26 SUBCHAPTER H

27 MISCELLANEOUS PROVISIONS

28 3581. Insurance.

29 3582. Repair or reconstruction.

30 3583. Eminent domain.

1 3584. Enforcement through Unfair Trade Practices and Consumer
2 Protection Law.

3 § 3581. Insurance.

4 The council shall, if required by the declaration, the code
5 of regulations or a majority of the unit owners, insure the
6 building against loss or damage by fire and such other hazards
7 as shall be required or requested, without prejudice to the
8 right of each unit owner to insure his own unit for his own
9 benefit. The premiums for such insurance on the building shall
10 be deemed common expenses.

11 § 3582. Repair or reconstruction.

12 (a) General rule.--Except as otherwise provided in
13 subsection (b), damage to or destruction of a building or of one
14 or more of several buildings which comprise the property shall
15 be promptly repaired and restored by the council using the
16 proceeds of insurance held by the council, if any, for that
17 purpose, and the unit owners directly affected by it shall be
18 liable for assessment for any deficiency in proportion to their
19 respective undivided ownership of the common elements.

20 (b) Exception.--If there is substantially total destruction
21 of the building or of one or more of several buildings which
22 comprise the property or if at least 75% of the unit owners
23 directly affected by it resolve not to proceed with repair or
24 restoration, then, and in that event, the salvage value of the
25 property or of the substantially destroyed building or buildings
26 shall be subject to partition at the suit of any unit owner
27 directly affected by it, in which event the net proceeds of
28 sale, together with the net proceeds of insurance policies held
29 by the council, if any, shall be considered as one fund and
30 shall be divided among all the unit owners directly affected by

1 it in proportion to their respective undivided ownership of the
2 common elements, after discharging, out of the respective shares
3 of unit owners directly affected by it, to the extent sufficient
4 for the purpose, all liens against the units of such unit
5 owners.

6 § 3583. Eminent domain.

7 Whenever all or part of the common elements shall be taken,
8 injured or destroyed by eminent domain, each unit owner shall be
9 entitled to notice thereof and to participate in the proceedings
10 incident thereto, but in any proceeding for the determination of
11 damages, such damages shall be determined for such taking,
12 injury or destruction as a whole and not for each unit owner's
13 interest in the common elements. After such determination, each
14 unit owner shall be entitled to a share in the damages in the
15 same proportion as that unit owner's individual interest in the
16 common elements.

17 § 3584. Enforcement through Unfair Trade Practices and Consumer
18 Protection Law.

19 A violation of this chapter shall constitute an unfair trade
20 practice as defined under the act of December 17, 1968
21 (P.L.1224, No.387), known as the Unfair Trade Practices and
22 Consumer Protection Law, shall be deemed unlawful and may be
23 enforced by the Attorney General.

24 Section 3. Title 68 is amended by adding sections to read:

25 § 4114. Enforcement through Unfair Trade Practices and Consumer
26 Protection Law.

27 Notwithstanding the provisions of section 4113(b) (relating
28 to remedies to be liberally administered), a violation of this
29 subpart shall constitute an unfair trade practice as defined
30 under the act of December 17, 1968 (P.L.1224, No.387), known as

1 the Unfair Trade Practices and Consumer Protection Law, shall be
2 deemed unlawful and may be enforced by the Attorney General.

3 § 5115. Enforcement through Unfair Trade Practices and Consumer
4 Protection Law.

5 Notwithstanding the provisions of section 5114(b) (relating
6 to remedies to be liberally administered), a violation of this
7 subpart shall constitute an unfair trade practice as defined
8 under the act of December 17, 1968 (P.L.1224, No.387), known as
9 the Unfair Trade Practices and Consumer Protection Law, shall be
10 deemed unlawful and may be enforced by the Attorney General.

11 Section 4. The addition of 68 Pa.C.S. Ch. 35 is a
12 continuation of the former act of July 3, 1963 (P.L.196,
13 No.117), known as the Unit Property Act. The following apply:

14 (1) Except as otherwise provided in 68 Pa.C.S. Ch. 35,
15 all activities initiated under the Unit Property Act, shall
16 continue and remain in full force and effect and may be
17 completed under 68 Pa.C.S. Ch.35. Resolutions, orders,
18 regulations, rules and decisions which were made under the
19 Unit Property Act and which are in effect on the effective
20 date of this section shall remain in full force and effect
21 until revoked, vacated or modified under 68 Pa.C.S. Ch. 35.
22 Contracts, obligations and agreements entered into under the
23 Unit Property Act are not affected nor impaired by the repeal
24 of the Unit Property Act.

25 (2) Except as set forth in paragraph (3), any difference
26 in language between 68 Pa.C C. Ch. 35 and the Unit Property
27 Act is intended only to conform to the style of the
28 Pennsylvania Consolidated Statutes and is not intended to
29 change or affect the legislative intent, judicial
30 construction or administrative interpretation and

1 implementation of the Unit Property Act.

2 (3) Paragraph (2) does not apply to 68 Pa.C.S. §§ 3501,
3 3541(b) and 3584.

4 Section 5. The act of July 3, 1963 (P.L.196, No.117), known
5 as the Unit Property Act is repealed.

6 Section 6. This act shall take effect in 60 days.