

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 31

Session of
2007

INTRODUCED BY DINNIMAN, COSTA, EARLL, FONTANA, MUSTO, ORIE,
RAFFERTY, O'PAKE, C. WILLIAMS AND FERLO, FEBRUARY 5, 2007

REFERRED TO URBAN AFFAIRS AND HOUSING, FEBRUARY 5, 2007

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, further providing, in
3 condominiums, cooperatives and planned communities, for
4 contents of declarations, for public offering statements and
5 for resales.

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

8 Section 1. Sections 3205(9) and 3402(a)(5) of Title 68 of
9 the Pennsylvania Consolidated Statutes are amended to read:

10 § 3205. Contents of declaration; all condominiums.

11 The declaration for a condominium must contain:

12 * * *

13 (9) (i) Any restrictions created by the declarant on
14 use, occupancy and alienation of the units[.], including
15 any restrictions on the display of religious symbols by
16 unit owners on units and common elements.

17 (ii) Where one or more restrictions on the display
18 of religious symbols contained in the declaration,
19 bylaws, rules or regulations are in effect on the

1 effective date of this subparagraph, the declarant or
2 unit owners' association, as appropriate, shall provide a
3 written copy of such restrictions to each unit owner
4 within 30 days.

5 (iii) No restriction on the display of religious
6 symbols contained in the declaration, bylaws or
7 regulations that is adopted after the effective date of
8 this subparagraph may apply to any current unit owner at
9 the time the restriction is adopted or any purchaser who
10 did not receive actual notice of the restriction in the
11 public offering statement from the declarant or, in the
12 case of a resale by a unit owner, in the certificate from
13 the unit owner.

14 * * *

15 § 3402. Public offering statement; general provisions.

16 (a) General rule.--Except as provided in subsection (b), a
17 public offering statement must contain or fully and accurately
18 disclose:

19 * * *

20 (5) Copies and a brief narrative description of the
21 significant features of the declaration (other than the plats
22 and plans), and the bylaws, rules and regulations, the
23 agreement of sale, copies of any contracts and leases to be
24 signed by the purchasers prior to or at closing and a brief
25 narrative description of any other contracts or leases or
26 agreements of a material nature to the condominium that will
27 or may be subject to cancellation by the association under
28 section 3305 (relating to termination of contracts and leases
29 of declarant). The narrative description shall include any
30 restriction on the display of religious symbols by unit

1 owners on units and common elements, and the restriction
2 shall be placed on a separate page or in a separate section
3 that is identified by a caption that states "restrictions on
4 the display of religious symbols."

5 * * *

6 Section 2. Section 3407(a) of Title 68 is amended by adding
7 a paragraph to read:

8 § 3407. Resales of units.

9 (a) Information supplied by unit owner.--In the event of a
10 resale of a unit by a unit owner other than a declarant, the
11 unit owner shall furnish to a purchaser before execution of any
12 contract for sale of a unit, or otherwise before conveyance, a
13 copy of the declaration (other than the plats and plans), the
14 bylaws, the rules or regulations of the association and a
15 certificate containing:

16 * * *

17 (18) A statement of whether the declaration contains
18 restrictions on displays of religious symbols by unit owners
19 on units or common elements.

20 * * *

21 Section 3. Sections 4205(a)(10) and 4403(a)(4) of Title 68
22 are amended to read:

23 § 4205. Contents of declaration.

24 (a) General rule.--The declaration for a cooperative must
25 contain:

26 * * *

27 (10) Any restrictions on:

28 (i) Use and occupancy of the units.

29 (ii) Alienation or encumbering of the cooperative
30 interests.

1 (iii) The amount for which a cooperative interest
2 may be sold or the amount that may be received by a
3 proprietary lessee upon sale, condemnation or casualty
4 loss to the unit or the cooperative or termination of the
5 cooperative.

6 (iv) (A) The display of religious symbols by
7 proprietary lessees on units and common elements.

8 (B) Where one or more restrictions on the
9 display of religious symbols contained in the
10 declaration, bylaws, rules or regulations are in
11 effect on the effective date of this subparagraph,
12 the declarant or proprietary lessees' association, as
13 appropriate, shall provide a written copy of such
14 restrictions to each proprietary lessee within 30
15 days.

16 (C) No restriction on the display of religious
17 symbols contained in the declaration, bylaws, rules
18 or regulations that is adopted after the effective
19 date of this subparagraph may apply to any current
20 proprietary lessee at the time the restriction is
21 adopted or any purchaser who did not receive actual
22 notice of the restriction in the public offering
23 statement from the declarant or, in the case of a
24 resale by a proprietary lessee, in the certificate
25 from the proprietary lessee.

26 * * *

27 § 4403. Public offering statement; general provisions.

28 (a) General rule.--Except as provided in subsection (b), a
29 public offering statement must contain or fully and accurately
30 disclose:

1 * * *

2 (4) Copies and a brief narrative description of the
3 significant features of the declaration, any other recorded
4 covenants, conditions, restrictions and reservations
5 affecting the cooperative, the bylaws, the agreement of sale
6 and any rules or regulations of the association; copies and a
7 brief narrative description of any contracts, leases or
8 agreements to be signed by purchasers prior to or at closing;
9 and a brief narrative description of any other contracts,
10 leases or agreements of a material nature to the cooperative.
11 The narrative description shall include any restriction on
12 the display of religious symbols by proprietary lessees on
13 units and common elements, and the restriction shall be
14 placed on a separate page or in a separate section that is
15 identified by a caption that indicates restrictions on the
16 display of religious symbols.

17 * * *

18 Section 4. Section 4409(a) of Title 68 is amended by adding
19 a paragraph to read:

20 § 4409. Resales of cooperative interests.

21 (a) Information supplied by proprietary lessee.--Except in
22 the case of a sale where delivery of a public offering statement
23 is required or unless the transaction is exempt under section
24 4401(b) (relating to applicability; waiver), a proprietary
25 lessee shall furnish to a purchaser before execution of any
26 contract of sale of a cooperative interest or, if there is no
27 contract of sale, before the time of conveyance a copy of the
28 declaration (other than the plats and plans), the bylaws and the
29 rules or regulations of the association, including all
30 amendments to such documents to the date of their delivery to

1 the purchaser, and a certificate containing:

2 * * *

3 (22) A statement of whether the declaration or bylaws
4 contain restrictions on the display of religious symbols by
5 proprietary lessees on units and common elements.

6 * * *

7 Section 5. Sections 5205(10) and 5402(a)(5) of Title 68 are
8 amended to read:

9 § 5205. Contents of declaration; all planned communities.

10 The declaration for a planned community must contain:

11 * * *

12 (10) (i) Any restrictions created by the declarant on
13 use, occupancy and alienation of the units and any
14 easement or license rights that unit owners are to have
15 with respect to the use or enjoyment of any of the common
16 elements and that are not contained in other documents
17 which are recorded[.], including any restrictions on the
18 display of religious symbols by unit owners on units and
19 common elements.

20 (ii) Where one or more restrictions on the display
21 of religious symbols contained in the declaration,
22 bylaws, rules or regulations are in effect on the
23 effective date of this subparagraph, the declarant or
24 unit owners' association, as appropriate, shall provide a
25 written copy of such restrictions to each unit owner
26 within 30 days.

27 (iii) No restriction on the display of religious
28 symbols contained in the declaration, bylaws, rules or
29 regulations that is adopted after the effective date of
30 this subparagraph may apply to any current unit owner at

1 the time the restriction is adopted or any purchaser who
2 did not receive actual notice of the restriction in the
3 public offering statement from the declarant or, in the
4 case of a resale by a unit owner, in the declaration from
5 the unit owner.

6 * * *

7 § 5402. Public offering statement; general provisions.

8 (a) General rule.--Except as provided in subsection (b), a
9 public offering statement must contain or fully and accurately
10 disclose:

11 * * *

12 (5) A brief narrative description of any options
13 reserved by a declarant to withdraw withdrawable real estate
14 under section 5206(1) (relating to contents of declaration
15 for flexible planned communities) and the expected effect
16 that withdrawal would have on the remaining portion of the
17 planned community. The narrative shall include any
18 restriction on the display of religious symbols by unit
19 owners on units and common elements, and the restriction
20 shall be placed on a separate page or in a separate section
21 that is identified by a caption that indicates restrictions
22 on the display of religious symbols.

23 * * *

24 Section 6. Section 5407(a) of Title 68 is amended by adding
25 a paragraph to read:

26 § 5407. Resales of units.

27 (a) Information supplied by unit owner.--In the event of a
28 resale of a unit by a unit owner other than a declarant, the
29 unit owner shall furnish to a purchaser before execution of any
30 contract for sale of a unit or otherwise before conveyance a

1 copy of the declaration other than the plats and plans, the
2 bylaws, the rules or regulations of the association and a
3 certificate containing:

4 * * *

5 (18) A statement of whether the declaration contains
6 restrictions on displays of religious symbols by unit owners
7 on units or common elements.

8 * * *

9 Section 7. This act shall take effect in 60 days.