

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1110 Session of  
2007

INTRODUCED BY C. WILLIAMS, RAFFERTY, TARTAGLIONE, M. WHITE,  
STOUT, O'PAKE, EARLL, HUGHES AND FONTANA, OCTOBER 15, 2007

REFERRED TO URBAN AFFAIRS AND HOUSING, OCTOBER 15, 2007

AN ACT

1 Amending Title 68 (Real and Personal Property) of the  
2 Pennsylvania Consolidated Statutes, providing for the  
3 definition of "property manager"; and further providing for  
4 assessments for common expenses.

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

7 Section 1. Section 3103 of Title 68 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a definition to read:  
9 § 3103. Definitions.

10 The following words and phrases when used in this subpart and  
11 in the declaration and bylaws shall have the meanings given to  
12 them in this section unless specifically provided otherwise or  
13 unless the context clearly indicates otherwise:

14 \* \* \*

15 "Property manager." An individual that meets all of the  
16 following:

17 (1) Is one of the following:

18 (i) Licensed as a real estate broker under the act  
19 of February 19, 1980 (P.L.15, No.9), known as the Real

Estate Licensing and Registration Act.

(ii) Licensed under the Real Estate Licensing and Registration Act and is overseen by an employing licensed real estate broker.

(2) Is contracted by a unit owners' association for the leasing, managing, marketing and overall maintenance of real property in the condominium.

\* \* \*

Section 2. Section 3314 of Title 68 is amended by adding a subsection to read:

§ 3314. Assessments for common expenses.

\* \* \*

(a.1) Separate accounts.--The following provisions shall apply if an association employs a property manager:

(1) The property manager shall establish and maintain a separate account that is in the sole name of the association. Additional accounts may be established in the sole name of the association to the extent appropriate for the separate payment of general common expenses and limited common expenses.

(2) The property manager shall not commingle the proceeds of an account of the association with any of the following:

(i) The proceeds of any account not in the sole name of the association that is managed by the property manager.

(ii) The proceeds of any account if the property manager owns an interest in the account.

\* \* \*

Section 3. Section 4103 of Title 68 is amended by adding a

1 definition to read:

2 § 4103. Definitions.

3 Subject to additional definitions contained in subsequent  
4 provisions of this subpart which are applicable to specific  
5 provisions of this subpart, the following words and phrases when  
6 used in this subpart and in the declaration and bylaws shall  
7 have the meanings given to them in this section unless the  
8 context clearly indicates otherwise:

9 \* \* \*

10 "Property manager." An individual that meets all of the  
11 following:

12 (1) Is one of the following:

13 (i) Licensed as a real estate broker under the act  
14 of February 19, 1980 (P.L.15, No.9), known as the Real  
15 Estate Licensing and Registration Act.

16 (ii) Licensed under the Real Estate Licensing and  
17 Registration Act and is overseen by an employing licensed  
18 real estate broker.

19 (2) Is contracted by a proprietary lessees' association  
20 for the leasing, managing, marketing and overall maintenance  
21 of real property in the cooperative.

22 \* \* \*

23 Section 4. Section 4314 of Title 68 is amended by adding a  
24 subsection to read:

25 § 4314. Assessments for common expenses.

26 \* \* \*

27 (a.1) Separate accounts.--The following provisions shall  
28 apply if an association employs a property manager:

29 (1) The property manager shall establish and maintain a  
30 separate account that is in the sole name of the association.

Additional accounts may be established in the sole name of the association to the extent appropriate for the separate payment of general common expenses and limited common expenses.

(2) The property manager shall not commingle the proceeds of an account of the association with any of the following:

(i) The proceeds of any account not in the sole name of the association that is managed by the property manager.

(ii) The proceeds of any account if the property manager owns an interest in the account.

\* \* \*

Section 5. Section 5103 of Title 68 is amended by adding a definition to read:

§ 5103. Definitions.

The following words and phrases when used in this subpart and in the declaration and bylaws shall have the meanings given to them in this section unless specifically provided otherwise or unless the context clearly indicates otherwise:

\* \* \*

"Property manager." An individual that meets all of the following:

(1) Is one of the following:

(i) Licensed as a real estate broker under the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act.

(ii) Licensed under the Real Estate Licensing and Registration Act and is overseen by an employing licensed real estate broker.

1       (2) Is contracted by a unit owners' association for the  
2       leasing, managing, marketing and overall maintenance of real  
3       property in the planned community.

4       \* \* \*

5       Section 6. Section 5314 of Title 68 is amended by adding a  
6 subsection to read:

7       § 5314. Assessments for common expenses.

8       \* \* \*

9       (a.1) Separate accounts.--The following provisions shall  
10      apply if an association employs a property manager:

11       (1) The property manager shall establish and maintain a  
12       separate account that is in the sole name of the association.  
13       Additional accounts may be established in the sole name of  
14       the association to the extent appropriate for the separate  
15       payment of general common expenses and limited common  
16       expenses.

17       (2) The property manager shall not commingle the  
18       proceeds of an account of the association with any of the  
19       following:

20           (i) The proceeds of any account not in the sole name  
21           of the association that is managed by the property  
22           manager.

23           (ii) The proceeds of any account if the property  
24           manager owns an interest in the account.

25       \* \* \*

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