

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2133 Session of 2014

INTRODUCED BY GINGRICH, MILLARD, THOMAS, SWANGER, KAUFFMAN, DeLUCA, DENLINGER, BOBACK, MURT, WATSON, PETRI, EVERETT AND CALTAGIRONE, MARCH 31, 2014

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 4, 2014

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, in general provisions,
3 further providing for definitions; and, in seller
4 disclosures, further providing for application of chapter and <--
5 for disclosure form.

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

8 Section 1. Section 7102 of Title 68 of the Pennsylvania
9 Consolidated Statutes is amended by adding a definition to read:

10 § 7102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this part which are applicable to specific
13 provisions of this part, the following words and phrases when
14 used in this part shall have the meanings given to them in this
15 section unless the context clearly indicates otherwise:

16 * * *

17 "Storm water facility." A basin, pond, ditch, drain, swale,
18 culvert, pipe or other manmade feature of land which was

1 ~~constructed to temporarily or permanently convey or store IN~~ <--
2 ~~ACCORDANCE WITH FEDERAL, STATE OR LOCAL LAW OR REGULATION TO~~
3 ~~TEMPORARILY OR PERMANENTLY CONVEY OR MANAGE storm water.~~

4 ~~Section 2. Section 7302(a)(2) of Title 68 is amended to~~ <--
5 ~~read:~~

6 ~~§ 7302. Application of chapter.~~

7 ~~(a) General rule. This chapter shall apply to all~~
8 ~~residential real estate transfers except the following:~~

9 * * *

10 ~~(2) Transfers of new residential construction that has~~
11 ~~not been previously occupied when:~~

12 ~~(i) the buyer has received a one year or longer~~
13 ~~written warranty covering such construction;~~

14 ~~(ii) the dwelling has been inspected for compliance~~
15 ~~with the applicable building code or, if there is no~~
16 ~~applicable code, for compliance with a nationally~~
17 ~~recognized model building code; [and]~~

18 ~~(iii) a certificate of occupancy or a certificate of~~
19 ~~code compliance has been issued for the dwelling[.]; and~~

20 ~~(iv) the dwelling is not located on a property~~
21 ~~containing any part of a storm water facility.~~

22 * * *

23 ~~Section 3 2. Section 7304(b)(13) of Title 68 is amended and~~ <--
24 ~~subsection (b) is amended by adding a paragraph to read:~~

25 ~~§ 7304. Disclosure form.~~

26 * * *

27 ~~(b) Contents of property disclosure statement.--The form of~~
28 ~~property disclosure statement promulgated by the State Real~~
29 ~~Estate Commission shall call for disclosures with respect to all~~
30 ~~of the following subjects:~~

1 * * *

2 (13) Soils, drainage [and], boundaries and sinkholes.

3 * * *

4 ~~(17) Location and condition~~ CONDITION, IF KNOWN, AND THE <--

5 LOCATION of all storm water facilities, including a statement

6 disclosing whether ongoing maintenance of the storm water

7 facilities is the responsibility of the property owner or the

8 responsibility of another person or entity.

9 * * *

10 Section 3. For the purpose of implementing the amendment or
11 addition of 68 Pa.C.S. § 7304(b) (13) and (17), revisions to the
12 property disclosure statement shall be promulgated by the State
13 Real Estate Commission within 120 days of the effective date of
14 this section as a final-omitted regulation under the act of June
15 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act,
16 with notice of proposed rulemaking omitted under section 204 of
17 the act of July 31, 1968 (P.L.769, No.240), referred to as the
18 Commonwealth Documents Law.

19 Section 4. This act shall take effect immediately.