
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 62 Session of
2023

INTRODUCED BY MERCURI, CIRESI, JOZWIAK, M. MACKENZIE AND SMITH,
MARCH 7, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 7, 2023

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, in protection of
3 purchasers relating to condominiums, further providing for
4 public offering statement and general provisions and for
5 resales of units; in protection of cooperative interest
6 purchasers, further providing for public offering statement
7 and general provisions and for resales of cooperative
8 interests; and, in protection of purchasers relating to
9 planned communities, further providing for public offering
10 statement and general provisions and for resales of units.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 3402(a) introductory paragraph of Title
14 68 of the Pennsylvania Consolidated Statutes is amended and the
15 subsection is amended by adding a paragraph to read:

16 § 3402. Public offering statement; general provisions.

17 (a) General rule.--Except as provided in subsection (b), a
18 declarant shall furnish to a purchaser, prior to the execution
19 of any contract for sale of a unit, a public offering statement.
20 The public offering statement must be current and contain or
21 fully and accurately disclose:

22 * * *

1 (27) A statement, in a font four times greater than the
2 font in any other statement in the certificate, which shall
3 be acknowledged and signed by the purchaser and in the
4 following form:

5 I have received a copy of the governing documents of
6 the community to review and I understand the bylaws.
7 I understand that the bylaws and declaration of this
8 community are the governing documents and a binding
9 contract between myself and the community, and I must
10 abide by all bylaws, rules and regulations outlined
11 in the documents. I also understand that this
12 community is governed by an elected board of unit
13 owners. I understand that disputes, concerns or legal
14 issues that may arise in my time as a unit owner
15 would, in most cases, be civil legal concerns; except
16 in extreme circumstances of fraud and abuse, are
17 otherwise noted as applicable provisions for
18 complaints to the Bureau of Consumer Protection in
19 the Office of Attorney General or have specific
20 stated penalties.

21 * * *

22 Section 2. Section 3407(a) introductory paragraph and (b) of
23 Title 68 are amended and subsection (a) is amended by adding a
24 paragraph to read:

25 § 3407. Resales of units.

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

1 bylaws, the rules or regulations of the association and a
2 current certificate containing:

3 * * *

4 (18) A statement, in a font four times greater than the
5 font in any other statement in the certificate, which shall
6 be acknowledged and signed by the purchaser and in the
7 following form:

8 I have received a copy of the governing documents of
9 the community to review and I understand the bylaws.
10 I understand that the bylaws and declaration of this
11 community are the governing documents and a binding
12 contract between myself and the community, and I must
13 abide by all bylaws, rules and regulations outlined
14 in the documents. I also understand that this
15 community is governed by an elected board of unit
16 owners. I understand that disputes, concerns or legal
17 issues that may arise in my time as a unit owner
18 would, in most cases, be civil legal concerns; except
19 in extreme circumstances of fraud and abuse, are
20 otherwise noted as applicable provisions for
21 complaints to the Bureau of Consumer Protection in
22 the Office of Attorney General or have specific
23 stated penalties.

24 (b) Information supplied by association.--The association,
25 within ten days after a request by a unit owner, shall furnish a
26 certificate containing the information under subsection (a) and
27 copies of documents necessary to enable the unit owner to comply
28 with this section. Except for the actual costs incurred to
29 furnish the certificate and the copies of the necessary
30 documents, the association may not impose a fee on a unit owner

1 for the certificate and the copies of the necessary documents to
2 comply with the deadline specified under this subsection. A unit
3 owner providing a certificate pursuant to subsection (a) is not
4 liable to the purchaser for any erroneous information provided
5 by the association and included in the certificate. If the
6 association fails to furnish the certificate and the copies of
7 the necessary documents by the deadline specified under this
8 subsection, the purchaser shall not be subject to any fees
9 imposed by the association.

10 * * *

11 Section 3. Section 4403(a) introductory paragraph of Title
12 68 is amended and the subsection is amended by adding a
13 paragraph to read:

14 § 4403. Public offering statement; general provisions.

15 (a) General rule.--Except as provided in subsection (b), a
16 declarant shall furnish to a purchaser, prior to the execution
17 of any contract for sale of a unit, a public offering statement.
18 The public offering statement must be current and contain or
19 fully and accurately disclose:

20 * * *

21 (28) A statement, in a font four times greater than the
22 font in any other statement in the certificate, which shall
23 be acknowledged and signed by the purchaser and in the
24 following form:

25 I have received a copy of the governing documents of
26 the community to review and I understand the bylaws.
27 I understand that the bylaws and declaration of this
28 community are the governing documents and a binding
29 contract between myself and the community, and I must
30 abide by all bylaws, rules and regulations outlined

1 in the documents. I also understand that this
2 community is governed by an elected board of unit
3 owners. I understand that disputes, concerns or legal
4 issues that may arise in my time as a unit owner
5 would, in most cases, be civil legal concerns; except
6 in extreme circumstances of fraud and abuse, are
7 otherwise noted as applicable provisions for
8 complaints to the Bureau of Consumer Protection in
9 the Office of Attorney General or have specific
10 stated penalties.

11 * * *

12 Section 4. Section 4409(a) introductory paragraph and (b) of
13 Title 68 are amended and subsection (a) is amended by adding a
14 paragraph to read:

15 § 4409. Resales of cooperative interests.

16 (a) Information supplied by proprietary lessee.--Except in
17 the case of a sale where delivery of a public offering statement
18 is required or unless the transaction is exempt under section
19 4401(b) (relating to applicability; waiver), a proprietary
20 lessee shall furnish to a purchaser before execution of any
21 contract of sale of a cooperative interest or, if there is no
22 contract of sale, before the time of conveyance a copy of the
23 declaration (other than the plats and plans), the bylaws and the
24 rules or regulations of the association, including all
25 amendments to such documents to the date of their delivery to
26 the purchaser, and a current certificate containing:

27 * * *

28 (22) A statement, in a font four times greater than the
29 font in any other statement in the certificate, which shall
30 be acknowledged and signed by the purchaser and in the

1 following form:

2 I have received a copy of the governing documents of
3 the community to review and I understand the bylaws.
4 I understand that the bylaws and declaration of this
5 community are the governing documents and a binding
6 contract between myself and the community, and I must
7 abide by all bylaws, rules and regulations outlined
8 in the documents. I also understand that this
9 community is governed by an elected board of unit
10 owners. I understand that disputes, concerns or legal
11 issues that may arise in my time as a unit owner
12 would, in most cases, be civil legal concerns; except
13 in extreme circumstances of fraud and abuse, are
14 otherwise noted as applicable provisions for
15 complaints to the Bureau of Consumer Protection in
16 the Office of Attorney General or have specific
17 stated penalties.

18 (b) Information supplied by association.--The association,
19 within ten days after a request by a proprietary lessee, shall
20 furnish the documents and a certificate containing the
21 information under subsection (a) necessary to enable the
22 proprietary lessee to comply with this section. Except for the
23 actual costs incurred to furnish the documents and the
24 certificate, the association may not impose a fee on a
25 proprietary lessee for the documents and the certificate to
26 comply with the deadline specified under this subsection. A
27 proprietary lessee providing a certificate pursuant to
28 subsection (a) is not liable to the purchaser for any erroneous
29 information provided by the association and included in or
30 delivered with the certificate. If the association fails to

1 furnish the documents and the certificate by the deadline
2 specified under this subsection, the purchaser shall not be
3 subject to any fees imposed by the association.

4 * * *

5 Section 5. Section 5402(a) introductory paragraph of Title
6 68 is amended and the subsection is amended by adding a
7 paragraph to read:

8 § 5402. Public offering statement; general provisions.

9 (a) General rule.--Except as provided in subsection (b), a
10 declarant shall furnish to a purchaser, prior to the execution
11 of any contract for sale of a unit, a public offering statement.
12 The public offering statement must be current and contain or
13 fully and accurately disclose:

14 * * *

15 (30) A statement, in a font four times greater than the
16 font in any other statement in the certificate, which shall
17 be acknowledged and signed by the purchaser and in the
18 following form:

19 I have received a copy of the governing documents of
20 the community to review and I understand the bylaws.
21 I understand that the bylaws and declaration of this
22 community are the governing documents and a binding
23 contract between myself and the community, and I must
24 abide by all bylaws, rules and regulations outlined
25 in the documents. I also understand that this
26 community is governed by an elected board of unit
27 owners. I understand that disputes, concerns or legal
28 issues that may arise in my time as a unit owner
29 would, in most cases, be civil legal concerns; except
30 in extreme circumstances of fraud and abuse, are

1 otherwise noted as applicable provisions for
2 complaints to the Bureau of Consumer Protection in
3 the Office of Attorney General or have specific
4 stated penalties.

5 * * *

6 Section 6. Section 5407(a) introductory paragraph and (b) of
7 Title 68 are amended and subsection (a) is amended by adding a
8 paragraph to read:

9 § 5407. Resales of units.

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

17 * * *

18 (18) A statement, in a font four times greater than the
19 font in any other statement in the certificate, which shall
20 be acknowledged and signed by the purchaser and in the
21 following form:

22 I have received a copy of the governing documents of
23 the community to review and I understand the bylaws.
24 I understand that the bylaws and declaration of this
25 community are the governing documents and a binding
26 contract between myself and the community, and I must
27 abide by all bylaws, rules and regulations outlined
28 in the documents. I also understand that this
29 community is governed by an elected board of unit
30 owners. I understand that disputes, concerns or legal

1 issues that may arise in my time as a unit owner
2 would, in most cases, be civil legal concerns; except
3 in extreme circumstances of fraud and abuse, are
4 otherwise noted as applicable provisions for
5 complaints to the Bureau of Consumer Protection in
6 the Office of Attorney General or have specific
7 stated penalties.

8 (b) Information supplied by association.--The association,
9 within ten days after a request by a unit owner, shall furnish a
10 certificate containing the information under subsection (a) and
11 copies of documents necessary to enable the unit owner to comply
12 with this section. Except for the actual costs incurred to
13 furnish the certificate and the copies of the necessary
14 documents, the association may not impose a fee on a unit owner
15 for the certificate and the copies of the necessary documents to
16 comply with the deadline specified under this subsection. A unit
17 owner providing a certificate pursuant to subsection (a) is not
18 liable to the purchaser for any erroneous information provided
19 by the association and included in the certificate. If the
20 association fails to furnish the certificate and the copies of
21 the necessary documents by the deadline specified under this
22 subsection, the purchaser shall not be subject to any fees
23 imposed by the association.

24 * * *

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