

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 1122

Sponsor:

Printer's No. 1831

1 Amend Bill, page 1, line 3, by inserting after "FOR"

2 contents of declaration for all condominiums, for

3 Amend Bill, page 1, line 4, by striking out "AND" where it

4 occurs the first time and inserting

5 for

6 Amend Bill, page 1, line 5, by inserting after "DECLARATION"

7 ; in protection of purchasers, further providing for

8 declarant's obligation to complete and restore

9 Amend Bill, page 1, line 6, by inserting after "for"

10 contents of declaration for all planned communities, for

11 Amend Bill, page 1, lines 11 through 13, by striking out all

12 of said lines and inserting

13 Section 1. Sections 3205(12) and (13), 3206(2), 3219(a),
14 3414(c), 5205(13) and (14), 5206(2) and 5219(a)(3) of Title 68
15 of the Pennsylvania Consolidated Statutes are amended to read:

16 § 3205. Contents of declaration; all condominiums.

17 The declaration for a condominium must contain:

18 * * *

19 (12) If the declarant wishes to retain the special
20 declarant right to cause section 3222 (relating to master
21 associations) to become applicable to a condominium, then:

22 (i) an explicit reservation of such right;

23 (ii) a statement of the time limit, not exceeding
24 seven years after the recordation of the declaration,
25 upon which the option reserved under subparagraph (i)

26 will lapse, together with a statement of any
27 circumstances that will terminate the option before the
28 expiration of the time limit[; and], the time limit shall
29 not exceed the later of:

30 (A) ten years after the recording of the
31 declaration; or

32 (B) in the case of a preliminary plat calling for

1 the installation of improvements in sections, 120 days
2 after municipal approval or denial of each particular
3 section's final plat which was filed prior to the
4 deadline approved or modified by the municipal governing
5 body pursuant to section 508(4)(v) of the act of July 31,
6 1968 (P.L.805, No.247), known as the Pennsylvania
7 Municipalities Planning Code, or, in the event of an
8 appeal from the municipal approval or denial of such
9 final plat, 120 days after a final judgment on appeal;
10 and

11 (iii) the information required to be included in the
12 declaration by the provisions of section 3222.

13 (13) If the declarant wishes to retain the special
14 declarant right to merge or consolidate the condominium
15 pursuant to section 3223 (relating to merger or consolidation
16 of condominiums), then:

17 (i) an explicit reservation of such right;

18 (ii) a statement of the time limit, [not exceeding
19 seven years after the recording of the declaration,] upon
20 which any option reserved under subparagraph (i) will
21 lapse, together with a statement of any circumstances
22 that will terminate the option before the expiration of
23 the time limit[;], the time limit shall not exceed the
24 later of:

25 (A) ten years after the recording of the
26 declaration; or

27 (B) the case of a preliminary plat calling for
28 the installation of improvements in sections, 120
29 days after municipal approval or denial of each
30 particular section's final plat which was filed prior
31 to the deadline approved or modified by the municipal
32 governing body pursuant to section 508(4)(v) of the
33 Pennsylvania Municipalities Planning Code, or, in the
34 event of an appeal from the municipal approval or
35 denial of such final plat, 120 days after a final
36 judgment on appeal;

37 * * *

38 Amend Bill, page 3, line 14, by striking out "TO" and
39 inserting

40 by

41 Amend Bill, page 4, line 15, by striking out "SECTION" and
42 inserting

43 sections 3205(12) and (13) (relating to contents of
44 declaration; all condominiums) and

45 Amend Bill, page 4, by inserting between lines 18 and 19
46 § 3414. Declarant's obligation to complete and restore.

1 * * *

2 (c) Substantial completion prerequisite to conveyance.--A
3 unit which is part of or constitutes a structure shall not be
4 conveyed to a person other than a successor to any special
5 declarant rights unless all structural components and common
6 element mechanical systems of the structure containing or
7 constituting such unit or units are substantially completed to
8 the extent required of declarant so as to permit the use of such
9 unit or units and any limited common elements appurtenant
10 thereto for their intended use. Such substantial completion
11 shall be evidenced by a recorded certification of completion
12 executed by an independent registered surveyor, architect or
13 professional engineer with regard to any such structure.

14 * * *

15 § 5205. Contents of declaration; all planned communities.

16 The declaration for a planned community must contain:

17 * * *

18 (13) If the declarant wishes to retain the special
19 declarant right to cause section 5222 (relating to master
20 associations) to become applicable to a planned community,
21 then:

22 (i) an explicit reservation of such right;

23 (ii) a statement of the time limit, [not exceeding
24 seven years after the recording of the declaration,] upon
25 which the option reserved under subparagraph (i) will
26 lapse, together with and a statement of any circumstances
27 that will terminate the option before the expiration of
28 the time limit[; and], the time limit shall not exceed
29 the later of:

30 (A) ten years after the recording of the
31 declaration; or

32 (B) In the case of a preliminary plat calling
33 for the installation of improvements in sections, 120
34 days after municipal approval or denial of each
35 particular section's final plat which was filed prior
36 to the deadline approved or modified by the municipal
37 governing body pursuant to section 508(4)(v) of the
38 act of July 31, 1968 (P.L.805, No.247), known as the
39 Pennsylvania Municipalities Planning Code, or, in the
40 event of an appeal from the municipal approval or
41 denial of such final plat, 120 days after a final
42 judgment on appeal; and

43 (iii) the information required to be included in the
44 declaration by the provisions of section 5222.

45 (14) If the declarant wishes to retain the special
46 declarant right to merge or consolidate the planned community
47 pursuant to section 5223 (relating to merger or consolidation
48 of planned community), then all of the following:

49 (i) An explicit reservation of such right.

50 (ii) A statement of the time limit, [not exceeding
51 seven years after the recording of the declaration,] upon

1 which any option reserved under subparagraph (i) will
2 lapse, together with a statement of any circumstances
3 that will terminate the option before the expiration of
4 the time limit[.], the time limit shall not exceed the
5 later of:

6 (A) ten years after the recording of the
7 declaration; or

8 (B) in the case of a preliminary plat calling
9 for the installation of improvements in sections, 120
10 days after municipal approval or denial of each
11 particular section's final plat which was filed prior
12 to the deadline approved or modified by the municipal
13 governing body pursuant to section 508(4)(v) of the
14 Pennsylvania Municipalities Planning Code, or, in the
15 event of an appeal from the municipal approval or
16 denial of such final plat, 120 days after a final
17 judgment on appeal.

18 * * *

19 Amend Bill, page 6, line 16, by striking out "section" and
20 inserting

21 sections 5205(13) and (14) (relating to contents of
22 declaration; all planned communities) and

23 Amend Bill, page 6, line 21, by striking out "68 PA.C.S. §§"
24 and inserting

25 68 PA.C.S. §§ 3205(12) and (13),

26 Amend Bill, page 6, line 21, by inserting after "3206(2)"
27 , 5205(13) and (14)

28 Amend Bill, page 6, lines 27 through 30, by striking out all
29 of said lines and inserting

- 30 (i) 68 Pa.C.S. § 3205(12) and (13).
31 (ii) 68 Pa.C.S. § 3206(2).
32 (iii) 68 Pa.C.S. § 3219(a).
33 (iv) 68 Pa.C.S. § 5205(13) and (14).
34 (v) 68 Pa.C.S. § 5206(2).
35 (vi) 68 Pa.C.S. § 5219(a)(3).