

Dauphin County, Pennsylvania

James M. Zugay, Esq.

Recorder of Deeds

(717) 780-6560

jzugay@dauphinc.org

Location:

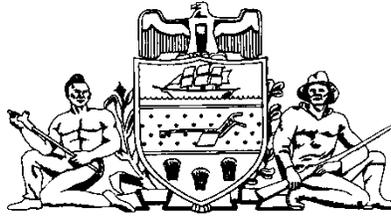
Dauphin County Court House

Room 102

101 Market Street

Harrisburg, PA 17101-2029

www.dauphinc.org/deeds



Recorder of Deeds

Harrisburg, Pennsylvania

Candace E. Meck
Deputy

Colleen Washinger
Second Deputy

PUBLIC HEARING COMMENTS SENATE BILL 802 JAMES M. ZUGAY, ESQUIRE DAUPHIN COUNTY RECORDER OF DEEDS NOVEMBER 20, 2019

My name is Jim Zugay. I am the Recorder of Deeds for Dauphin County, and I am pleased to appear before you today to discuss SB 802. While the bill does not reference the Recorder of Deeds office in any way, I understand it has often been argued that because the bylaws and development plans for community associations are filed with our offices, it should be relatively easy for counties to compile the information required under this legislation. While it is true that bylaws and development plans must be filed in our office, I want to discuss with you today the ways in which this data can and cannot be extracted.

There is a misconception that because many counties have an electronic filing system, that by means of a few simple keystrokes we can enter a query that will pull the appropriate declarations and compile all this data for us. There is a similar misconception that counties that have implemented the Uniform Parcel Identifier, or UPI system that some counties including Dauphin have implemented can gather, identify and sort by type of property. Rather, the UPI system was designed and used as an indexing system based on location of property. Prior to the UPI indexing system, a particular property was searched by the name of who owned it at any time. Obviously over time the name of who owned the property changed but the dimensions and location did not. This required a searcher to check the various names of the persons who owned the property. During a normal land title search, which goes back 60 years, this could involve the searching of names of lots of different people. The UPI system allows a searcher to search one number (the parcel identifier number) and all the transactions associated with that property will be listed. This saves a tremendous amount of time and cuts down on possible errors in missing a document regarding that property.

In addition, nothing in our UPI indexing system identifies a document as being associated with a homeowner's association. In my county's case, the first two numerals of a parcel number reflect the municipality in which the parcel is located, the second three identify the page or area within that municipality and the last three identify the exact parcel on that page or area. For example, the Main Capitol building is UPI 04-042-007.

I have for you today included the cover sheet and table of contents of a declaration filed in our county. While you can see the list of units on the cover page, our system does not have the ability to identify those unit numbers and "count" them – someone would have to pull all the declarations and manually count the units in each. In addition, plans are often recorded in phases and so the declarations could be amended later to add the new units (this particular association has made 14 amendments since 2010, although it is unlikely all of these add new units), and so someone would need to be sure they have all of the included units in the association, and that they are not double counting units from one declaration to the other.

These declarations do not necessarily list their infrastructure in a way that can be extracted, either. This particular community association includes language in its declaration as follows:

"The Declarant shall construct or provide for the construction of certain improvements for the common benefit of the Community, such as roads, water and sewer service lines, storm water drainage facilities, and other infrastructure and/or common improvements as described herein or as depicted on the Plats and Plans. Such improvements may be Common Elements, may be dedicated to the public, or may be conveyed to a third party."

Further, even though, as the Joint State Government Commission report notes, all development plans may pass through the county planning offices, there are two important points here. One, the planning office would see all proposed plans, and so it would not make sense to evaluate each plan they see, but only the final recorded plan. Second, even on the final plan, there is no summary of the information required under SB 802 that can be easily reviewed and compiled. Someone would have to go through each plan, note whether it is intended to be covered by a homeowner's association, and assess the number of parcels and presence of roads and other infrastructure. This would be an extremely complex and labor-intensive process.

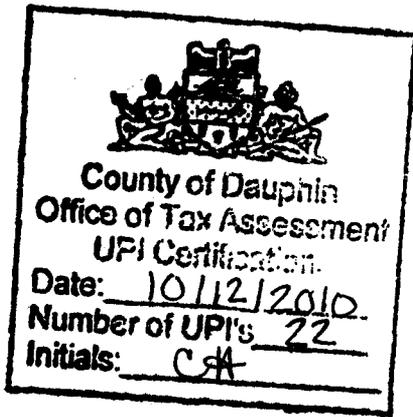
Also, just because there are roads running through a community does *not* mean that those roads belong to or are maintained by the association, as referenced in the declaration language. For instance, on the plan for the community referenced in the attached declaration, there is a note indicating that the "roads and sidewalks depicted herein are intended to be offered for dedication to Lower Paxton Township." This adds significantly to the complexity of interpreting these plans to catalog the infrastructure within communities.

While the bill only requires counties to report the information “if available,” the problem is that the information is technically available. As noted, storm water features and infrastructure are on development plans, and parcels are listed on community association bylaws. Therefore, it seems counties will be on the hook to create these reports regardless, with, as you will hear, no discernible benefit to land use planning or the provision of emergency services.

Thank you for your consideration of these comments, and I will be happy to answer any questions.

Prepared by and return to:
Erik M. Hume, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
Harrisburg, PA 17101
email: ehume@mwn.com

- Unit 1 UPI No. 35-004-512
- Unit 2 UPI No. 35-004-513
- Unit 3 UPI No. 35-004-514
- Unit 4 UPI No. 35-004-515
- Unit 5 UPI No. 35-004-516
- Unit 6 UPI No. 35-004-517
- Unit 7 UPI No. 35-004-518
- Unit 8 UPI No. 35-004-519
- Unit 14 UPI No. 35-004-520
- Unit 15 UPI No. 35-004-521
- Unit 16 UPI No. 35-004-522
- Unit 17 UPI No. 35-004-523
- Unit 18 UPI No. 35-004-587
- Unit 19 UPI No. 35-004-588
- Unit 20 UPI No. 35-004-589
- Unit 21 UPI No. 35-004-590
- Unit 40 UPI No. 35-004-538
- Unit 41 UPI No. 35-004-539
- Unit 52 UPI No. 35-004-550
- Unit 53 UPI No. 35-004-551
- Unit 54 UPI No. 35-004-552
- Unit 55 UPI No. 35-004-553



DECLARATION OF COVENANTS AND RESTRICTIONS
FOR
AUTUMN OAKS, A PLANNED COMMUNITY

Pursuant to the provisions of the
Pennsylvania Uniform Planned Community Act,
68 Pa. C.S. § 5101 *et seq.* (the "Act")

Date: October 8, 2010