

No. 2015-38

AN ACT

SB 688

Amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in general provisions for condominiums, further providing for applicability of local ordinances, regulations and building codes.

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

Section 1. Section 3106 of Title 68 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3106. Applicability of local ordinances, regulations and building codes.

(a) **General rule.**—A zoning, subdivision, building code or other real estate use law, ordinance or regulation may not prohibit the condominium form of ownership or impose any requirement upon a condominium which it would not impose upon a physically identical development under a different form of ownership. **[Otherwise]**

(b) **Current law unaffected.**—**Except as provided in subsection (a)**, no provision of this subpart invalidates or modifies any provision of any zoning, subdivision, **land development**, building code or other real estate use law, ordinance or regulation. **[Without limiting the other provisions of this section, the]**

(c) **Status.**—**The** creation of a condominium pursuant to section 3201 (relating to creation of condominium) out of an entire lot, parcel or tract of real estate **which has previously received approval for land development or subdivision, as those terms are defined in section 107 of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, or the conveyance of units in the condominium**, shall not, in and of itself, constitute a subdivision or land development, for the purposes of **[these] subdivision, land development or other** laws, ordinances and regulations.

(d) **Compliance with zoning regulations.**—

(1) **Use of the condominium shall comply with zoning regulations applicable to the parcel of land or tract of real estate on which the condominium is created.**

(2) **Any person creating a condominium out of a vacant parcel or tract of real estate which has not been subject to subdivision or land development approval shall submit a copy of the condominium declaration and condominium plan to all municipalities in which the parcel or tract of real estate is located, unless the creation of the condominium is for an estate planning purpose of conveying units to family members or an entity controlled by family members so that the conveyance would not be subject to realty transfer taxes pursuant to Article XI-C of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.**

(3) **Construction of any structure or building on any unit or common facility shall be subject to the provisions of any zoning,**

subdivision, land development, building code or other real estate law, ordinance or regulation.

Section 2. This act shall take effect in 60 days.

APPROVED—The 10th day of July, A.D. 2015

TOM WOLF