

No. 2008-49

AN ACT

HB 2295

Amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in management of condominiums, further providing for application of subpart relating to condominiums created by prior statutory law and for lien for assessments.

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

Section 1. Sections 3102(b) and 3315(b)(2)(i) of Title 68 of the Pennsylvania Consolidated Statutes are amended to read:

§ 3102. Applicability of subpart.

* * *

(b) Prior statutory law.—The provisions of the act of July 3, 1963 (P.L.196, No.117), known as the Unit Property Act, do not apply to condominiums created after the effective date of this subpart and do not invalidate any amendment to the declaration, code of regulations or declaration plan of any condominium created before the effective date of this subpart if the amendment would be permitted by this subpart. The amendment must be adopted in conformity with the procedures and requirements specified by those instruments and by the provisions of the Unit Property Act. If the amendment grants to any person any rights, powers or privileges permitted by this subpart, all correlative obligations, liabilities and restrictions in this subpart also apply to that person. By amendment to the declaration, code of regulations and declaration plan, a condominium created pursuant to the Unit Property Act may be made subject to all of the provisions of this subpart in lieu of the provisions of the Unit Property Act, effective as of the date of recordation of such amendments and without in any way terminating the condominium status of the property or in any way affecting any lien or encumbrance on the property, if the terms of such amended documents conform to the requirements of this subpart and if such amendments have been approved by [all] 67% of the persons whose actions would have been required to effect a removal of the property from the Unit Property Act pursuant to section 601 thereof. No amendment of:

(1) the declaration, code of regulations or declaration plan of a condominium created pursuant to the Unit Property Act; or

(2) the declaration, bylaws or plats and plans of a condominium created pursuant to this subpart;

may increase the obligations or responsibilities of a declarant (as such and not as a unit owner) without the joinder of the declarant in such amendment.

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§ 3315. Lien for assessments.

* * *

(b) Priority of lien.—

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(2) Limited nondivestiture.—The association's lien for assessments shall be divested by a judicial sale of the unit:

(i) As to unpaid common expense assessments made under section 3314(b) (relating to assessments for common expenses) that come due during the six months immediately preceding the date of a judicial sale of a unit in an action to enforce collection of a lien against a unit[.] ***by a judicial sale, only to the extent that the six months' unpaid assessments are paid out of the proceeds of the sale.***

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Section 2. This act shall take effect immediately.

APPROVED—The 4th day of July, A.D. 2008.

EDWARD G. RENDELL