

## **BUILDER ALERT Act 162 of 2016**

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For the last years, amending a condominium or planned community declaration to create units out of convertible real estate or to provide needed adjustments to the declaration was an expensive proposition. Starting with Montgomery County, Recorders of Deeds in many Pennsylvania counties began charging fees of \$10 to \$15 per parcel to record an amendment to a declaration. Using this per parcel levy, Recorders of Deeds were able to charge recording fees that often amounted to thousands of dollars and far exceeded any reasonable recovery of costs by the Recorder of Deeds' office for staff time and other administrative expenses. The fees essentially became a tax through which the counties brought in substantial additional revenue.

For nearly five years, Carl Weiner, Co-Chair of the HRMM&L Real Estate Department, has worked closely with the Community Associations Institute and has spent considerable time in Harrisburg educating lawmakers about the excessive charges for recording condominium and planned community declaration amendments. As a result of these efforts, on November 4, 2016, Governor Wolf signed Senate Bill 1282, now known as Act 162 of 2016, which limits recording fees to a base fee charged by the Recorder of Deeds with no separate charge for individual parcels. The Recorder of Deeds, in conjunction with County Boards of Assessment, may establish a master parcel number for each association. Declaration amendments will then be indexed against those master parcel numbers. While recorders can request that declaration amendments be recorded against individual parcels, there can be no charge for that process.

Act 162 of 2016, which passed over the strenuous objection of the Pennsylvania Recorder of Deeds Association and the County Commissioners Association of Pennsylvania, becomes effective as of January 3, 2017 and will save developers and associations tens of thousands of dollars in recording fees.