
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2149 Session of
2024

INTRODUCED BY MADSEN, KINSEY, McNEILL, SANCHEZ, DELLOSO,
SHUSTERMAN, ROZZI, GUENST, D. WILLIAMS, CIRESI AND DALEY,
MARCH 25, 2024

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND
UTILITIES, MARCH 25, 2024

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, in creation, alteration
3 and termination of planned communities, further providing for
4 amendment of declaration; and, in management of planned
5 community, further providing for executive board members and
6 officers, for bylaws, for meetings, for voting and proxies,
7 for association records and for complaints filed with Bureau
8 of Consumer Protection.

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

11 Section 1. Sections 5219(f), 5303(b) and (e) (1), 5306(a) (3)
12 and (6) (ii) and (c) and 5308(a) and (e) of Title 68 of the
13 Pennsylvania Consolidated Statutes are amended to read:

14 § 5219. Amendment of declaration.

15 * * *

16 (f) Technical corrections.--Except as otherwise provided in
17 the declaration, if any amendment to the declaration is
18 necessary in the judgment of the executive board to do any of
19 the following:

20 (1) cure an ambiguity;

1 (2) correct or supplement any provision of the
2 declaration, including the plats and plans, that is
3 defective, missing or inconsistent with any other provision
4 of the declaration or with this subpart;

5 (3) conform to the requirements of any agency or entity
6 that has established national or regional standards with
7 respect to loans secured by mortgages or deeds of trust or
8 units in planned community or so-called "PUD" projects, such
9 as Federal National Mortgage Association and the Federal Home
10 Loan Mortgage Corporation; or

11 (4) comply with any statute, regulation, code or
12 ordinance which may now or hereafter be made applicable to
13 the planned community or association, or to make a reasonable
14 accommodation or permit a reasonable modification in favor of
15 handicapped, as may be defined by prevailing Federal or State
16 laws or regulations applicable to the association, unit
17 owners, residents, tenants or employees;

18 then, at any time, the executive board may, at its discretion,
19 effect an appropriate corrective amendment without the approval
20 of the unit owners or the holders of liens on all or any part of
21 the planned community, upon receipt of an opinion from legal
22 counsel who is independent from the declarant to the effect that
23 the proposed amendment is permitted by the terms of this
24 subsection. The vote by the executive board to amend the
25 declaration under this subsection shall only be taken at a
26 scheduled meeting and after notice to the unit owners as
27 provided under section 5308 (relating to meetings) that was
28 advertised 30 days in advance to the unit owners. The notice
29 shall include each proposed amendment and an opinion from the
30 legal counsel of the executive board.

1 § 5303. Executive board members and officers.

2 * * *

3 (b) Limitation on authority.--The executive board may not
4 act on behalf of the association to amend the declaration under
5 section 5219 (relating to amendment of declaration), to
6 terminate the planned community under section 5220 (relating to
7 termination of planned community) or to elect members of the
8 executive board or determine the qualifications, powers and
9 duties or terms of office of executive board members under
10 subsection (e), but the executive board may fill vacancies in
11 its membership for the unexpired portion of any term. The
12 executive board shall deliver to all unit owners copies of each
13 budget approved by the executive board and notice of any capital
14 expenditure approved by the executive board promptly after such
15 approval. In addition to other rights conferred by the
16 declaration, bylaws or this subpart, the unit owners, by
17 majority or any larger vote specified in the declaration, may
18 reject any budget or capital expenditure approved by the
19 executive board within 30 days after [approval.] the unit owners
20 receive copies of the budget or capital expenditure approved by
21 the executive board.

22 * * *

23 (e) Election of members and officers following declarant
24 control.--

25 (1) Not later than the termination of any period of
26 declarant control, the unit owners shall elect an executive
27 board of at least three members, at least a majority of whom
28 shall be unit owners in good standing, provided that the
29 executive board may consist of two members in good standing,
30 both of whom shall be unit owners in good standing, if the

1 planned community consists of two units. The executive board
2 shall elect the officers. The executive board members and
3 officers shall take office upon election.

4 * * *

5 § 5306. Bylaws.

6 (a) Mandatory provisions.--The bylaws of the association
7 shall provide for all of the following:

8 * * *

9 (3) The qualifications, powers and duties, terms of
10 office and manner of electing executive board members and
11 officers and removing executive board members and officers
12 under section 5303(f) (relating to executive board members
13 and officers) and filling vacancies. The following apply:

14 (i) The bylaws shall require that executive board
15 members be unit owners in good standing prior to being
16 elected or appointed to fill vacancies.

17 (ii) The bylaws shall require that when more than
18 one individual owns a unit, only one individual from that
19 unit shall be eligible to serve on the executive board at
20 a time.

21 (iii) The bylaws shall require that meetings of the
22 executive board be open to all unit owners. The executive
23 board shall provide notice of a meeting of the executive
24 board as specified under section 5308 (relating to
25 meetings) with seven days' advanced notice of the
26 meeting. The executive board shall allow unit owners to
27 participate in meetings of the executive board by remote
28 technology in accordance with section 5308(c).

29 (iv) The bylaws shall require the executive board to
30 maintain and make available the agendas and minutes of

1 each meeting of the executive board.

2 (v) The bylaws shall require the executive board to
3 provide, in writing, advisory opinions on the executive
4 board's interpretation of the declaration, association
5 bylaws or rules and regulations. The executive board
6 shall make each advisory opinion available to all unit
7 owners.

8 * * *

9 (6) The method of amending the bylaws. The following
10 apply:

11 * * *

12 (ii) The vote may be taken only at a scheduled
13 meeting and following notice to the unit owners as
14 provided under section 5308 [(relating to meetings)] that
15 was advertised 14 days in advance to the unit owners. The
16 notice shall include the amendatory language, including
17 the rationale for the amendatory language. Absentee
18 voting shall be permitted to unit owners provided that
19 the ballots must be submitted to an independent reviewer
20 by the commencement of the scheduled meeting.

21 * * *

22 (c) Corrective amendments.--Except as otherwise provided in
23 the bylaws or code of regulations, if any amendment to the
24 bylaws or code of regulations is necessary in the judgment of
25 the executive board to cure any ambiguity or to correct or
26 supplement any provision of the bylaws or code of regulations
27 that is defective, missing or inconsistent with any other
28 provision thereof, with the declaration or with this subpart or
29 if an amendment is necessary in the judgment of the executive
30 board to conform to the requirements of any agency or entity

1 that has established national or regional standards with respect
2 to loans secured by mortgages or deeds of trust on units in
3 planned communities or so-called "PUD projects," cooperative
4 projects (such as the Federal National Mortgage Association and
5 the Federal Home Loan Mortgage Corporation), to comply with any
6 statute, regulation, code or ordinance which may now or
7 hereafter be made applicable to the planned community or
8 association, or to make a reasonable accommodation or permit a
9 reasonable modification in favor of handicapped, as may be
10 defined by prevailing Federal or State laws or regulations
11 applicable to the association, unit owners, residents, tenants
12 or employees, then, at any time and from time to time, the
13 executive board may at its discretion effect an appropriate
14 corrective amendment without the approval of the unit owners or
15 the holders of any liens on all or any part of the planned
16 community or association, upon receipt by the executive board of
17 an opinion from legal counsel who is independent from the
18 declarant to the effect that the proposed amendment is permitted
19 by the terms of this subsection. The vote by the executive board
20 to effect an amendment under this subsection shall only be taken
21 at a scheduled meeting and after notice to the unit owners as
22 provided under section 5308 that was advertised 30 days in
23 advance to the unit owners. The notice shall include each
24 proposed amendment and an opinion from the legal counsel of the
25 executive board.

26 § 5308. Meetings.

27 (a) Timing and notice.--The bylaws shall require that
28 meetings of the association be held at least once each year and
29 shall provide for special meetings. The bylaws shall specify
30 which of the association's officers, not less than ten nor more

1 than 60 days in advance of any meeting, shall cause notice to be
2 hand delivered or sent prepaid by United States mail to the
3 mailing address of each unit or to any other mailing address
4 designated in writing by the unit owner. The notice of a meeting
5 may be delivered by electronic means if the unit owner has
6 agreed in writing to accept the notice by electronic means or
7 where the bylaws permit electronic notices. The notice of any
8 meeting must state the time and place of the meeting and the
9 items on the agenda, including the amendatory language and the
10 general nature of any proposed amendment to the declaration or
11 bylaws; any budget or assessment changes; and, where the
12 declaration or bylaws require approval of unit owners, any
13 proposal to remove a director or officer.

14 * * *

15 (e) Recorded meeting.--[Unless the bylaws provide
16 otherwise,] All meetings of the association may be recorded by
17 the executive board or unit owners via audio or video
18 technology, provided that an announcement is made by the
19 presiding officer or a unit owner at the commencement of the
20 meeting that the meeting will be recorded. A recorded meeting by
21 the executive board under this subsection shall be maintained
22 and available to unit owners for a period of no less than six
23 months after the date of the meeting.

24 Section 2. Section 5310(e) of Title 68 is amended by adding
25 a paragraph to read:

26 § 5310. Voting; proxies.

27 * * *

28 (e) Approved methods of voting.--Methods of voting shall be
29 in accordance with the following:

30 * * *

1 (2.1) A unit owner may request that a vote by unit
2 owners be submitted by the unit owners to an independent
3 reviewer, who shall tally the results of the vote, certify
4 the results to the executive board and all unit owners and
5 keep the identity of the votes anonymous.

6 * * *

7 Section 3. Sections 5316(a) and 5322(a) of Title 68 are
8 amended to read:

9 § 5316. Association records.

10 (a) Financial records.--The association shall keep financial
11 records sufficiently detailed to enable the association to
12 comply with section 5407 (relating to resales of units). All
13 financial and other records, including records of assessments,
14 finances, violations and contracts, shall be made reasonably
15 available for examination by any unit owner and authorized
16 agents.

17 * * *

18 § 5322. Complaints filed with Bureau of Consumer Protection.

19 (a) General rule.--A unit owner in good standing may file a
20 complaint with the Bureau of Consumer Protection in the Office
21 of the Attorney General in the event of a violation by the
22 declarant or the association of sections 5306 (relating to
23 bylaws), 5308 (relating to meetings), 5309 (relating to quorums)
24 and 5310 (relating to voting; proxies).

25 * * *

26 Section 4. This act shall take effect in 30 days.