
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 499 Session of
2023

INTRODUCED BY SMITH, MARCH 17, 2023

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 17, 2023

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in general provisions relating to area
3 government and intergovernmental cooperation, further
4 providing for definitions and providing for agreements with
5 community associations.

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

8 Section 1. Section 2302 of Title 53 of the Pennsylvania
9 Consolidated Statutes is amended by adding a definition to read:

10 § 2302. Definitions.

11 The following words and phrases when used in this subchapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Community association." A person or incorporated community
15 under 68 Pa.C.S. Pt. II Subpts. B (relating to condominiums), C
16 (relating to cooperatives) and D (relating to planned
17 communities) or a common interest community.

18 * * *

19 Section 2. Title 53 is amended by adding a section to read:

20 § 2310.1. Agreements with community associations.

1 (a) General rule.--A municipality may, by ordinance or
2 resolution, enter into a joint agreement with a community
3 association for the joint purchases of materials, supplies and
4 equipment or any other lawful purpose. The ordinance or
5 resolution shall require that the community association shall be
6 bound by the terms and conditions of purchasing agreements which
7 the local government prescribes and that the community
8 association be responsible for payment directly to the vendor
9 under each purchase contract. In the case of an agreement
10 authorizing joint purchases or contracts to provide for the
11 construction, repair or maintenance of public and private
12 streets, real property, stormwater facilities or utilities, all
13 of the following shall apply:

14 (1) Purchases under the agreement shall be exempt from
15 any existing statutory requirements governing competitive
16 bidding.

17 (2) Costs shall be reasonably apportioned between the
18 municipality and community association according to the
19 benefit provided.

20 (3) Only the portion of the project appropriated to the
21 municipality under the agreement shall constitute a public
22 work for the purposes of the act of August 15, 1961 (P.L.987,
23 No.442), known as the Pennsylvania Prevailing Wage Act.

24 (b) Ethical standards.--An elected or appointed municipal
25 official or municipal employee may not have an interest in a
26 contract or purchase under this section to the extent prohibited
27 in 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial
28 disclosure).

29 Section 3. This act shall take effect in 60 days.