

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1795 Session of 2021

INTRODUCED BY R. BROWN, RADER, HELM, M. MACKENZIE, CIRESI AND GAYDOS, AUGUST 17, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 14, 2022

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, in general provisions
3 relating to condominiums, further providing for definitions;
4 in management of the condominium, further providing for
5 executive board members and officers, for bylaws and for
6 meetings; in protection of purchasers, further providing for <--
7 effect of violations on rights of action; in general
8 provisions relating to cooperatives, further providing for
9 definitions; in creation, alteration and termination of
10 cooperatives, further providing for master associations; in
11 management of cooperatives, further providing for bylaws and
12 for meetings; in protection of cooperative interest <--
13 purchasers, further providing for effect of violations on
14 rights of action; in general provisions relating to planned
15 communities, further providing for definitions; in creation,
16 alteration and termination of planned communities, further
17 providing for master associations; AND, in management of <--
18 planned community, further providing for bylaws and for
19 meetings; and, in protection of purchasers, further providing <--
20 for effect of violations on rights of action.

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

23 Section 1. Section 3103 of Title 68 of the Pennsylvania
24 Consolidated Statutes is amended by adding definitions to read:

25 § 3103. Definitions.

26 The following words and phrases when used in this subpart and

1 in the declaration and bylaws shall have the meanings given to  
2 them in this section unless specifically provided otherwise or  
3 unless the context clearly indicates otherwise:

4 \* \* \*

5 "Independent reviewer." A person who is selected by the  
6 declarant or a majority of the unit owners of a condominium and  
7 satisfies all of the following:

8 (1) Holds a certificate issued by the Commonwealth as a  
9 certified public accountant, is licensed to practice law in  
10 this Commonwealth or is a vote management system.

11 (2) Is not a unit owner, directly or indirectly.

12 (3) Has no IMMEDIATE family relationship with the <--  
13 declarant, a unit owner or a condominium manager.

14 (4) Has no financial interest shared with the declarant,  
15 a unit owner or a condominium manager.

16 (5) If compensated by the declarant, a director, the  
17 association or a condominium manager, has disclosed the terms  
18 of the compensation to all unit owners AT A SCHEDULED <--  
19 MEETING.

20 \* \* \*

21 "Vote management system." A third-party vendor who operates  
22 a digital or subscription service that securely manages the  
23 conduct of elections and voting procedures.

24 \* \* \*

25 Section 2. Section 3303(d) and (e) of Title 68 are amended  
26 and the section is amended by adding a subsection to read:

27 § 3303. Executive board members and officers.

28 \* \* \*

29 (d) Election of members during transfer of declarant  
30 control.--

1           (1) Not later than 60 days after conveyance of 25% of  
2           the units to unit owners other than a declarant, not less  
3           than 25% of the members of the executive board shall be  
4           elected by unit owners other than the declarant.

5           (2) Not later than 60 days after conveyance of 50% of  
6           the units to unit owners other than a declarant, not less  
7           than 33 1/3% of the members of the executive board shall be  
8           elected by unit owners other than the declarant.

9           (3) A vote by a unit owner must be submitted by the unit  
10          owner to an independent reviewer who shall tally the results  
11          of the election and certify the results to the declarant, the  
12          executive board and unit owners. IN ORDER TO BE ELIGIBLE TO <--  
13          VOTE IN THE ELECTION, A UNIT OWNER SHALL BE IN GOOD STANDING  
14          WITH THE ASSOCIATION. IF A THIRD-PARTY VENDOR CONDUCTS THE  
15          ELECTION, THE EXECUTIVE BOARD MAY PRESENT THE OFFICIAL  
16          ELECTION RESULTS BASED ON THE CERTIFIED ELECTION REPORT FROM  
17          THE INDEPENDENT REVIEWER AT A MEETING OF THE UNIT OWNERS AND  
18          SHALL ENTER THE RESULTS IN THE MEETING RECORDS. THE EXECUTIVE  
19          BOARD SHALL ENSURE THAT ALL MAILINGS RELATING TO THE ELECTION  
20          USE THE RETURN ADDRESS OF THE THIRD-PARTY VENDOR THAT  
21          CONDUCTS THE ELECTION. All votes by unit owners under this  
22          paragraph shall be submitted to the independent reviewer in  
23          either an electronic or a paper format. The interchangeable <--  
24          submission of votes by unit owners in an electronic and a  
25          paper format in the same election shall be prohibited. IF <--  
26          VOTES ARE SUBMITTED IN AN ELECTRONIC FORMAT, THE ASSOCIATION  
27          SHALL PROVIDE REASONABLE ACCOMMODATIONS TO A UNIT OWNER WHO  
28          DOES NOT HAVE ACCESS TO ELECTRONIC MEANS TO SUBMIT THE UNIT  
29          OWNER'S VOTE. This paragraph shall only apply to a  
30          condominium with at least 100 units. If a condominium has

1 more than 100 units and less than 500 units, the association  
2 may opt out of the requirements under this paragraph by  
3 amending the association's bylaws in accordance with section <--  
4 3306 (relating to bylaws) A MAJORITY VOTE OF UNIT OWNERS. <--

5 (e) Election of members and officers following declarant  
6 control.--

7 (1) Not later than the termination of any period of  
8 declarant control, the unit owners shall elect an executive  
9 board of at least three members at least a majority of whom  
10 must be unit owners, except that the executive board may  
11 consist of two members, both of whom must be unit owners, if  
12 the condominium consists of two units. The executive board  
13 shall elect the officers. The persons elected shall take  
14 office upon election.

15 (2) In the event that the election of the executive  
16 board by the unit owners fails to take place not later than  
17 the termination of a period of declarant control as provided  
18 in this section, then a special meeting of the unit owners  
19 may be called for such purpose by any member of the executive  
20 board elected by the unit owners or, if there is no such  
21 member of the executive board, the unit owners entitled to  
22 cast at least 10% of the votes in the association.

23 (3) A vote by a unit owner must be submitted by the unit  
24 owner to an independent reviewer who shall tally the results  
25 of the election and certify the results to the executive  
26 board and unit owners. IN ORDER TO BE ELIGIBLE TO VOTE IN THE <--  
27 ELECTION, A UNIT OWNER SHALL BE IN GOOD STANDING WITH THE  
28 ASSOCIATION. IF A THIRD-PARTY VENDOR CONDUCTS THE ELECTION,  
29 THE EXECUTIVE BOARD MAY PRESENT THE OFFICIAL ELECTION RESULTS  
30 BASED ON THE CERTIFIED ELECTION REPORT FROM THE INDEPENDENT

1 REVIEWER AT A MEETING OF THE UNIT OWNERS AND SHALL ENTER THE  
2 RESULTS IN THE MEETING RECORDS. THE EXECUTIVE BOARD SHALL  
3 ENSURE THAT ALL MAILINGS RELATING TO THE ELECTION USE THE  
4 RETURN ADDRESS OF THE THIRD-PARTY VENDOR THAT CONDUCTS THE  
5 ELECTION. All votes by unit owners under this paragraph shall  
6 be submitted to the independent reviewer in either an  
7 electronic or a paper format. ~~The interchangeable submission~~ <--  
8 ~~of votes by unit owners in an electronic and a paper format~~  
9 ~~in the same election shall be prohibited.~~ IF VOTES ARE <--  
10 SUBMITTED IN AN ELECTRONIC FORMAT, THE ASSOCIATION SHALL  
11 PROVIDE REASONABLE ACCOMMODATIONS TO A UNIT OWNER WHO DOES  
12 NOT HAVE ACCESS TO ELECTRONIC MEANS TO SUBMIT THE UNIT  
13 OWNER'S VOTE. This paragraph shall only apply to a  
14 condominium with at least 100 units. If a condominium has  
15 more than 100 units and less than 500 units, the association  
16 may opt out of the requirements under this paragraph by  
17 amending the association's bylaws ~~in accordance with section~~ <--  
18 ~~3306~~ BY A MAJORITY VOTE OF UNIT OWNERS. <--

19 \* \* \*

20 ~~(g) Penalties. A person who attempts to interfere with the~~ <--  
21 ~~votes or election process under subsection (d) or (e) is guilty~~  
22 ~~of a misdemeanor of the first degree and, upon conviction, shall~~  
23 ~~be sentenced to pay a fine not exceeding \$10,000 or to undergo~~  
24 ~~imprisonment of not more than five years, or both, in the~~  
25 ~~discretion of the court.~~

26 Section 3. ~~Sections 3306(a) (6), 3308 and 3412 of Title 68~~  
27 ~~are amended to read:~~

28 (G) REMOVAL OF MEMBER OF EXECUTIVE BOARD.--NOTWITHSTANDING <--  
29 ANY PROVISION OF THE DECLARATION OR BYLAWS TO THE CONTRARY, THE  
30 UNIT OWNERS, BY A TWO-THIRDS VOTE OF ALL PERSONS PRESENT AND

1 ENTITLED TO VOTE AT ANY MEETING OF THE UNIT OWNERS AT WHICH A  
2 QUORUM IS PRESENT, MAY REMOVE ANY MEMBER OF THE EXECUTIVE BOARD  
3 WITH OR WITHOUT CAUSE, OTHER THAN A MEMBER APPOINTED BY THE  
4 DECLARANT, PROVIDED NOTICE OF THE INTENTION TO REMOVE A MEMBER  
5 OF THE EXECUTIVE BOARD IS GIVEN WITH THE NOTICE OF THE MEETING  
6 AT WHICH SUCH REMOVAL IS CONSIDERED.

7 SECTION 3. SECTIONS 3306(A) (3) AND (6) AND 3308 OF TITLE 68  
8 ARE AMENDED TO READ:

9 § 3306. Bylaws.

10 (a) Mandatory provisions.--The bylaws of the association  
11 must provide for:

12 \* \* \*

13 (3) THE QUALIFICATIONS, POWERS AND DUTIES, TERMS OF <--  
14 OFFICE AND MANNER OF ELECTING EXECUTIVE BOARD MEMBERS AND  
15 OFFICERS AND REMOVING EXECUTIVE BOARD MEMBERS AND OFFICERS  
16 UNDER SECTION 3303(G) (RELATING TO EXECUTIVE BOARD MEMBERS  
17 AND OFFICERS) AND FILLING VACANCIES.

18 \* \* \*

19 (6) The method of amending the bylaws. The following  
20 apply:

21 (i) The bylaws may be amended only by vote, VOTE BY <--  
22 PROXY or agreement of unit owners of units to which at  
23 least:

24 (A) fifty-one percent of the votes in the <--  
25 association is allocated as provided under section  
26 3208 (relating to allocation of common element  
27 interests, votes and common expense liabilities) ARE <--  
28 COLLECTED FROM UNIT OWNERS IN PERSON, ELECTRONICALLY  
29 OR BY ABSENTEE BALLOT;

30 (B) any larger majority as specified in the

1           bylaws; or  
2                   (C) a smaller number as specified in the bylaws  
3           if all of the units are restricted exclusively to  
4           nonresidential use.

5           (ii) The vote may be taken only at a scheduled  
6           meeting as provided under section 3308 (relating to  
7           meetings) that was advertised seven days in advance to  
8           the unit owners. Absentee voting shall be permitted to  
9           unit owners provided that the ballots must be submitted  
10          to an independent reviewer during a time period           <--  
11          consistent with the absentee voting provisions under  
12          Article XIII of the act of June 3, 1937 (P.L.1333,  
13          No.320), known as the Pennsylvania Election Code WITHIN   <--  
14          FIVE DAYS AFTER THE SCHEDULED MEETING.

15          \* \* \*

16 § 3308. Meetings.

17          (a) Association IN-PERSON ASSOCIATION meetings.--The bylaws   <--  
18          must require that IN-PERSON meetings of the association be held   <--  
19          at least once each year and provide for special meetings. The  
20          bylaws must specify which of the association's officers, not  
21          less than ten nor more than 60 days in advance of any meeting,  
22          shall cause notice to be hand delivered or sent prepaid by  
23          United States mail to the mailing address of each unit or to any  
24          other mailing address designated in writing by the unit owner.  
25          The notice of **[any]** AN IN-PERSON meeting must state the time and   <--  
26          place of the meeting and the items on the agenda, including the  
27          general nature of any proposed amendment to the declaration or  
28          bylaws, any budget or assessment changes and, where the  
29          declaration or bylaws require approval of unit owners, any  
30          proposal to remove an executive board member or officer.

1 (A.1) VIRTUAL ASSOCIATION MEETINGS.-- <--

2 (1) THE BYLAWS MUST REQUIRE THAT NOTICE OF VIRTUAL  
3 MEETINGS OF THE ASSOCIATION BE GIVEN BY:

4 (I) FIRST CLASS OR EXPRESS MAIL, POSTAGE PREPAID, OR  
5 COURIER SERVICE, CHARGES PREPAID, TO THE MAILING ADDRESS  
6 OF EACH UNIT OR TO ANY OTHER MAILING ADDRESS DESIGNATED  
7 IN WRITING BY THE UNIT OWNER. NOTICE UNDER THIS  
8 SUBPARAGRAPH SHALL BE DEEMED TO HAVE BEEN GIVEN TO A UNIT  
9 OWNER WHEN DEPOSITED IN THE UNITED STATES MAIL OR WITH A  
10 COURIER SERVICE FOR DELIVERY TO THE UNIT OWNER.

11 (II) FACSIMILE TRANSMISSION, E-MAIL OR OTHER  
12 ELECTRONIC COMMUNICATION TO THE UNIT OWNER'S FACSIMILE  
13 NUMBER OR ADDRESS FOR E-MAIL OR OTHER ELECTRONIC  
14 COMMUNICATIONS SUPPLIED BY THE UNIT OWNER FOR THE PURPOSE  
15 OF NOTICE. NOTICE UNDER THIS SUBPARAGRAPH SHALL BE DEEMED  
16 TO HAVE BEEN GIVEN TO THE UNIT OWNER WHEN SENT.

17 (2) (RESERVED).

18 (B) USE OF REMOTE TECHNOLOGY.--EXCEPT AS OTHERWISE PROVIDED  
19 IN THE BYLAWS, AN INDIVIDUAL MAY PARTICIPATE IN A MEETING OF THE  
20 EXECUTIVE BOARD OR ASSOCIATION BY MEANS OF A CONFERENCE  
21 TELEPHONE OR OTHER REMOTE ELECTRONIC TECHNOLOGY, INCLUDING THE  
22 INTERNET, WHICH ALLOWS PARTICIPANTS IN THE MEETING TO HEAR EACH  
23 OTHER. PARTICIPATION IN A MEETING AS AUTHORIZED UNDER THIS  
24 SUBSECTION SHALL BE DEEMED IN-PERSON ATTENDANCE AT THE MEETING.

25 ~~(b)~~ (C) Election sessions.--The bylaws must require that a <--  
26 special session of the association be held not later than seven  
27 days before the election of an executive board member or officer  
28 of the association to allow the unit owners to meet each  
29 candidate for an executive board position or officer position. A  
30 special session under this subsection may be held virtually or



1 in person. Each candidate for an executive board position or  
2 officer position with the association shall have equal time to  
3 address the unit owners during a special session under this  
4 subsection.

5 ~~§ 3412. Effect of violations on rights of action.~~ <--

6 ~~(a) General rule. If a declarant or [any other person] an~~  
7 ~~executive board member subject to this subpart violates any~~  
8 ~~provision thereof or any provision of the declaration or~~  
9 ~~bylaws[, any] in executing his or her duties as a declarant or~~  
10 ~~an executive board member:~~

11 ~~(1) Any person or class of persons adversely affected by~~  
12 ~~the violation has a claim for appropriate relief.~~

13 ~~(2) The violation shall constitute an unfair trade~~  
14 ~~practice as defined in and may be enforced by the Office of~~  
15 ~~Attorney General under the act of December 17, 1968~~  
16 ~~(P.L.1224, No.387), known as the Unfair Trade Practices and~~  
17 ~~Consumer Protection Law.~~

18 ~~(b) Punitive damages. Punitive damages may be awarded in~~  
19 ~~the case of a willful violation of the subpart and, if~~  
20 ~~appropriate, the prevailing party may be entitled to an award of~~  
21 ~~costs and reasonable attorney fees.~~

22 (D) RECORDED MEETING.--IF A MEETING OF THE ASSOCIATION WILL <--  
23 BE RECORDED VIA AUDIO OR VIDEO, AN ANNOUNCEMENT SHALL BE MADE AT  
24 THE COMMENCEMENT OF THE MEETING THAT THE MEETING WILL BE  
25 RECORDED. A RECORDED MEETING UNDER THIS SUBSECTION SHALL BE  
26 AVAILABLE TO UNIT OWNERS FOR A PERIOD OF SIX MONTHS AFTER THE  
27 DATE OF THE MEETING.

28 Section 4. Section 4103 of Title 68 is amended by adding  
29 definitions to read:

30 § 4103. Definitions.

1 Subject to additional definitions contained in subsequent  
2 provisions of this subpart which are applicable to specific  
3 provisions of this subpart, the following words and phrases when  
4 used in this subpart and in the declaration and bylaws shall  
5 have the meanings given to them in this section unless the  
6 context clearly indicates otherwise:

7 \* \* \*

8 "Independent reviewer." A person who is selected by the  
9 declarant or a majority of the proprietary lessees of a  
10 cooperative and satisfies all of the following:

11 (1) Holds a certificate as a certified public accountant  
12 issued by the Commonwealth, is licensed to practice law in  
13 this Commonwealth or is a vote management system.

14 (2) Is not a proprietary lessee of the cooperative,  
15 directly or indirectly.

16 (3) Has no IMMEDIATE family relationship with a <--  
17 proprietary lessee of the cooperative or a cooperative  
18 manager.

19 (4) Has no financial interest shared with a proprietary  
20 lessee of the cooperative or a cooperative manager.

21 (5) If compensated by the declarant, a director, the  
22 association or a cooperative manager, has disclosed the terms  
23 of the compensation to all proprietary lessees of the  
24 cooperative AT A SCHEDULED MEETING. <--

25 \* \* \*

26 "Vote management system." A third-party vendor who operates  
27 a digital or subscription service that securely manages the  
28 conduct of elections and voting procedures.

29 Section 5. Section 4219 of Title 68 is amended by adding  
30 ~~subsections~~ A SUBSECTION to read: <--

1 § 4219. Master associations.

2 \* \* \*

3 (e.1) Independent reviewer.--The certificate of  
4 incorporation or other instrument creating the master  
5 association and the declaration of each cooperative, the powers  
6 of which are assigned by the declaration or delegated to the  
7 master association, shall provide that a vote by a proprietary  
8 lessee in an election of the executive board of an association  
9 must be submitted by the proprietary lessee to an independent  
10 reviewer who shall tally the results of the election and certify  
11 the results to the executive board and proprietary lessees. IN <--  
12 ORDER TO BE ELIGIBLE TO VOTE IN THE ELECTION, A PROPRIETARY  
13 LESSEE SHALL BE IN GOOD STANDING WITH THE MASTER ASSOCIATION. IF  
14 A THIRD-PARTY VENDOR CONDUCTS THE ELECTION, THE EXECUTIVE BOARD  
15 MAY PRESENT THE OFFICIAL ELECTION RESULTS BASED ON THE CERTIFIED  
16 ELECTION REPORT FROM THE INDEPENDENT REVIEWER AT A MEETING OF  
17 THE PROPRIETARY LESSEES AND SHALL ENTER THE RESULTS IN THE  
18 MEETING RECORDS. THE EXECUTIVE BOARD SHALL ENSURE THAT ALL  
19 MAILINGS RELATING TO THE ELECTION USE THE RETURN ADDRESS OF THE  
20 THIRD-PARTY VENDOR THAT CONDUCTS THE ELECTION. All votes by  
21 proprietary lessees under this subsection shall be submitted to  
22 the independent reviewer in either an electronic or a paper  
23 format. The interchangeable submission of votes by proprietary <--  
24 lessees in an electronic and a paper format in the same election  
25 shall be prohibited. IF VOTES ARE SUBMITTED IN AN ELECTRONIC <--  
26 FORMAT, THE MASTER ASSOCIATION SHALL PROVIDE REASONABLE  
27 ACCOMMODATIONS TO A PROPRIETARY LESSEE WHO DOES NOT HAVE ACCESS  
28 TO ELECTRONIC MEANS TO SUBMIT THE PROPRIETARY LESSEE'S VOTE.  
29 This subsection shall only apply to a cooperative with at least  
30 100 units. If a cooperative has more than 100 units and less

1 than 500 units, the MASTER association may opt out of the <--  
2 requirements under this subsection by amending the association's <--  
3 bylaws in accordance with section 4306 (relating to bylaws) A <--  
4 MAJORITY VOTE OF PROPRIETARY LESSEES.

5 \* \* \*

6 ~~(h) Penalties. A person who attempts to interfere with the~~ <--  
7 ~~votes or election process under subsection (e.1) is guilty of a~~  
8 ~~misdemeanor of the first degree and, upon conviction, shall be~~  
9 ~~sentenced to pay a fine not exceeding \$10,000 or to undergo~~  
10 ~~imprisonment of not more than five years, or both, in the~~  
11 ~~discretion of the court.~~

12 Section 6. Sections ~~4306(a)(6), 4308 and 4415~~ 4306(A) (3) AND <--  
13 (6) AND 4308 of Title 68 are amended to read:

14 § 4306. Bylaws.

15 (a) Mandatory provisions.--The bylaws of the association  
16 must provide for:

17 \* \* \*

18 (3) THE QUALIFICATIONS, POWERS AND DUTIES, TERMS OF <--  
19 OFFICE AND MANNER OF ELECTING EXECUTIVE BOARD MEMBERS AND  
20 OFFICERS AND REMOVING EXECUTIVE BOARD MEMBERS AND OFFICERS  
21 UNDER SECTION 4303(G) (RELATING TO EXECUTIVE BOARD MEMBERS  
22 AND OFFICERS) AND FILLING VACANCIES.

23 \* \* \*

24 (6) The method of amending the bylaws. The following  
25 apply:

26 (i) The bylaws may be amended only by vote, VOTE BY <--  
27 PROXY or agreement of proprietary lessees of cooperative  
28 interests to which at least 51% of the votes in the <--  
29 association are allocated as provided under section 4207  
30 (relating to allocation of ownership interests, votes and

1 common expense liabilities) ARE COLLECTED FROM UNIT <--  
2 OWNERS IN PERSON, ELECTRONICALLY OR BY ABSENTEE BALLOT or  
3 any larger majority the declaration specifies. The  
4 declaration may specify a smaller number only if all of  
5 the units are restricted exclusively to nonresidential  
6 use.

7 (ii) The vote may be taken only at a scheduled  
8 meeting as provided under section 4308 (relating to  
9 meetings) that was advertised seven days in advance to  
10 the proprietary lessees. Absentee voting shall be  
11 permitted to proprietary lessees provided that the  
12 ballots must be submitted to an independent reviewer <--  
13 during a time period consistent with the absentee voting  
14 provisions under Article XIII of the act of June 3, 1937-  
15 (P.L.1333, No.320), known as the Pennsylvania Election  
16 Code WITHIN FIVE DAYS AFTER THE SCHEDULED MEETING. <--

17 \* \* \*

18 § 4308. Meetings.

19 (a) Association IN-PERSON ASSOCIATION meetings.--[A] AN IN- <--  
20 PERSON meeting of the association must be held at least once  
21 each year. Special meetings of the association may be called by  
22 the president, a majority of the executive board or by 20%, or  
23 any lower percentage specified in the bylaws, of the proprietary  
24 lessees. Not less than ten nor more than 60 days in advance of  
25 any meeting, the secretary or other officer specified in the  
26 bylaws shall cause notice to be hand delivered or sent prepaid  
27 by United States mail to the mailing address of each unit or to  
28 any other mailing address designated in writing by the  
29 proprietary lessee. The notice of any meeting must state the  
30 time and place of the meeting and the items on the agenda,

1 including the general nature of any proposed amendment to the  
2 declaration or bylaws, any budget or assessment changes and,  
3 where the declaration or bylaws require approval of the  
4 proprietary lessees, any proposal to remove an executive board  
5 member or officer.

6 (A.1) VIRTUAL ASSOCIATION MEETINGS.--

<--

7 (1) THE BYLAWS MUST REQUIRE THAT NOTICE OF VIRTUAL  
8 MEETINGS OF THE ASSOCIATION BE GIVEN BY:

9 (I) FIRST CLASS OR EXPRESS MAIL, POSTAGE PREPAID, OR  
10 COURIER SERVICE, CHARGES PREPAID, TO THE MAILING ADDRESS  
11 OF EACH UNIT OR TO ANY OTHER MAILING ADDRESS DESIGNATED  
12 IN WRITING BY THE PROPRIETARY LESSEE. NOTICE UNDER THIS  
13 SUBPARAGRAPH SHALL BE DEEMED TO HAVE BEEN GIVEN TO A  
14 PROPRIETARY LESSEE WHEN DEPOSITED IN THE UNITED STATES  
15 MAIL OR WITH A COURIER SERVICE FOR DELIVERY TO THE  
16 PROPRIETARY LESSEE.

17 (II) FACSIMILE TRANSMISSION, E-MAIL OR OTHER  
18 ELECTRONIC COMMUNICATION TO THE PROPRIETARY LESSEE'S  
19 FACSIMILE NUMBER OR ADDRESS FOR E-MAIL OR OTHER  
20 ELECTRONIC COMMUNICATIONS SUPPLIED BY THE PROPRIETARY  
21 LESSEE FOR THE PURPOSE OF NOTICE. NOTICE UNDER THIS  
22 SUBPARAGRAPH SHALL BE DEEMED TO HAVE BEEN GIVEN TO THE  
23 PROPRIETARY LESSEE WHEN SENT.

24 (2) (RESERVED).

25 (B) USE OF REMOTE TECHNOLOGY.--EXCEPT AS OTHERWISE PROVIDED  
26 IN THE BYLAWS, AN INDIVIDUAL MAY PARTICIPATE IN A MEETING OF THE  
27 EXECUTIVE BOARD OR ASSOCIATION BY MEANS OF A CONFERENCE  
28 TELEPHONE OR OTHER REMOTE ELECTRONIC TECHNOLOGY, INCLUDING THE  
29 INTERNET, WHICH ALLOWS PARTICIPANTS IN THE MEETING TO HEAR EACH  
30 OTHER. PARTICIPATION IN A MEETING AS AUTHORIZED UNDER THIS

1 SUBSECTION SHALL BE DEEMED IN-PERSON ATTENDANCE AT THE MEETING.

2 ~~(b) (C) Election sessions.--The bylaws must require that a~~ <--  
3 ~~special session of the association be held not later than seven~~ <--  
4 ~~days before the election AT LEAST SEVEN DAYS PRIOR TO THE~~ <--  
5 ~~ELECTION of an executive board member or officer of the~~  
6 ~~association to allow the proprietary lessees to meet each~~  
7 ~~candidate for an executive board position or officer position. A~~  
8 ~~special session under this subsection may be held virtually or~~  
9 ~~in person. Each candidate for an executive board position or~~  
10 ~~officer position with the association shall have equal time to~~  
11 ~~address the proprietary lessees during a special session under~~  
12 ~~this subsection.~~

13 ~~§ 4415. Effect of violations on rights of action.~~ <--

14 ~~(a) General rule. If a declarant or [any other person] an~~  
15 ~~executive board member subject to this subpart fails to comply~~  
16 ~~with any provision of this subpart or any provision of the~~  
17 ~~declaration or bylaws[, any] in executing his or her duties as a~~  
18 ~~declarant or an executive board member:~~

19 ~~(1) Any person or class of persons adversely affected by~~  
20 ~~the failure to comply has a claim for appropriate relief.~~

21 ~~(2) The violation shall constitute an unfair trade~~  
22 ~~practice as defined in and may be enforced by the Office of~~  
23 ~~Attorney General under the act of December 17, 1968~~  
24 ~~(P.L.1224, No.387), known as the Unfair Trade Practices and~~  
25 ~~Consumer Protection Law.~~

26 ~~(b) Punitive damages. Punitive damages may be awarded for a~~  
27 ~~willful failure to comply with this subpart. The court, in an~~  
28 ~~appropriate case, may award reasonable attorney fees.~~

29 (D) RECORDED MEETING.--IF A MEETING OF THE ASSOCIATION WILL <--  
30 BE RECORDED VIA AUDIO OR VIDEO, AN ANNOUNCEMENT SHALL BE MADE AT

1 THE COMMENCEMENT OF THE MEETING THAT THE MEETING WILL BE  
2 RECORDED. A RECORDED MEETING UNDER THIS SUBSECTION SHALL BE  
3 AVAILABLE TO PROPRIETARY LESSEES FOR A PERIOD OF SIX MONTHS  
4 AFTER THE DATE OF THE MEETING.

5 Section 7. Section 5103 of Title 68 is amended by adding  
6 definitions to read:

7 § 5103. Definitions.

8 The following words and phrases when used in this subpart and  
9 in the declaration and bylaws shall have the meanings given to  
10 them in this section unless specifically provided otherwise or  
11 unless the context clearly indicates otherwise:

12 \* \* \*

13 "Independent reviewer." A person who is selected by the  
14 declarant or a majority of the unit owners of a planned  
15 community and satisfies all of the following:

16 (1) Holds a certificate as a certified public accountant  
17 issued by the Commonwealth, is licensed to practice law in  
18 this Commonwealth or is a vote management system.

19 (2) Is not a unit owner of the planned community,  
20 directly or indirectly.

21 (3) Has no IMMEDIATE family relationship with a unit <--  
22 owner of the planned community or a planned community  
23 manager.

24 (4) Has no financial interest shared with a unit owner  
25 of the planned community or a planned community manager.

26 (5) If compensated by the declarant, a director, the  
27 association or a planned community manager, has disclosed the  
28 terms of the compensation to all unit owners of the planned  
29 community AT A SCHEDULED MEETING. <--

30 \* \* \*



1 "Vote management system." A third-party vendor who operates  
2 a digital or subscription service that securely manages the  
3 conduct of elections and voting procedures.

4 \* \* \*

5 Section 8. Section 5222 of Title 68 is amended by adding <--  
6 ~~subsections~~ A SUBSECTION to read: <--

7 § 5222. Master associations.

8 \* \* \*

9 (e.1) Independent reviewer.--The instrument creating the  
10 master association and the declaration of each planned community  
11 of the organizational documents of other associations, the  
12 powers of which are assigned pursuant to the declaration or  
13 organizational documents or delegated to the master association,  
14 shall also provide that a vote by a unit owner in an election of  
15 the members of the master association governing body must be  
16 submitted by the unit owner to an independent reviewer who shall  
17 tally the results of the election and certify the results to the  
18 executive board and unit owner. IN ORDER TO BE ELIGIBLE TO VOTE <--  
19 IN THE ELECTION, A UNIT OWNER SHALL BE IN GOOD STANDING WITH THE  
20 ASSOCIATION. IF A THIRD-PARTY VENDOR CONDUCTS THE ELECTION, THE  
21 EXECUTIVE BOARD MAY PRESENT THE OFFICIAL ELECTION RESULTS BASED  
22 ON THE CERTIFIED ELECTION REPORT FROM THE INDEPENDENT REVIEWER  
23 AT A MEETING OF THE UNIT OWNERS AND SHALL ENTER THE RESULTS IN  
24 THE MEETING RECORDS. THE EXECUTIVE BOARD SHALL ENSURE THAT ALL  
25 MAILINGS RELATING TO THE ELECTION USE THE RETURN ADDRESS OF THE  
26 THIRD-PARTY VENDOR THAT CONDUCTS THE ELECTION. All votes by unit  
27 owners under this subsection shall be submitted to the  
28 independent reviewer in either an electronic or a paper format.  
29 ~~The interchangeable submission of votes by unit owners in an <--~~  
30 ~~electronic and a paper format in the same election shall be~~

1 ~~prohibited.~~ IF VOTES ARE SUBMITTED IN AN ELECTRONIC FORMAT, THE <--  
2 MASTER ASSOCIATION SHALL PROVIDE REASONABLE ACCOMMODATIONS TO A  
3 UNIT OWNER WHO DOES NOT HAVE ACCESS TO ELECTRONIC MEANS TO  
4 SUBMIT THE UNIT OWNER'S VOTE. This subsection shall only apply  
5 to a planned community with at least 100 units. If a planned  
6 community has more than 100 units and less than 500 units, the  
7 MASTER association may opt out of the requirements under this <--  
8 subsection by amending the association's bylaws in accordance <--  
9 with section 5306 (relating to bylaws) A MAJORITY VOTE OF UNIT <--  
10 OWNERS.

11 \* \* \*

12 ~~(h) Penalties. A person who attempts to interfere with the <--~~  
13 ~~votes or election process under subsection (e.1) is guilty of a~~  
14 ~~misdemeanor of the first degree and, upon conviction, shall be~~  
15 ~~sentenced to pay a fine not exceeding \$10,000 or to undergo~~  
16 ~~imprisonment of not more than five years, or both, in the~~  
17 ~~discretion of the court.~~

18 Section 9. Sections ~~5306(a)(6), 5308 and 5412~~ 5306(A)(3) AND <--  
19 (6) AND 5308 of Title 68 are amended to read:

20 § 5306. Bylaws.

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

23 \* \* \*

24 (3) THE QUALIFICATIONS, POWERS AND DUTIES, TERMS OF <--  
25 OFFICE AND MANNER OF ELECTING EXECUTIVE BOARD MEMBERS AND  
26 OFFICERS AND REMOVING EXECUTIVE BOARD MEMBERS AND OFFICERS  
27 UNDER SECTION 5303(G) (RELATING TO EXECUTIVE BOARD MEMBERS  
28 AND OFFICERS) AND FILLING VACANCIES.

29 \* \* \*

30 (6) The method of amending the bylaws. The following

1 apply:

2 (i) The bylaws may be amended only by vote, VOTE BY <--  
3 PROXY or agreement of unit owners of units to which at  
4 least:

5 (A) fifty-one percent of votes in the <--  
6 association are allocated as provided under section  
7 5208 (relating to allocation of votes and common  
8 expense liabilities) ARE COLLECTED FROM UNIT OWNERS <--  
9 IN PERSON, ELECTRONICALLY OR BY ABSENTEE BALLOT;

10 (B) a larger percentage of the votes in the  
11 association as specified in the bylaws; or

12 (C) a smaller percentage of the votes in the  
13 association as specified in the bylaws if all units  
14 are restricted exclusively to nonresidential use.

15 (ii) The vote may be taken only at a scheduled  
16 meeting as provided under section 5308 (relating to  
17 meetings) that was advertised seven days in advance to  
18 the unit owners. Absentee voting shall be permitted to  
19 unit owners provided that the ballots must be submitted  
20 to an independent reviewer during a time period <--  
21 consistent with the absentee voting provisions under  
22 Article XIII of the act of June 3, 1937 (P.L.1333,  
23 No.320), known as the Pennsylvania Election Code WITHIN <--  
24 FIVE DAYS AFTER THE SCHEDULED MEETING.

25 \* \* \*

26 § 5308. Meetings.

27 (a) Association IN-PERSON ASSOCIATION meetings.--The bylaws <--  
28 shall require that IN-PERSON meetings of the association be held <--  
29 at least once each year and shall provide for special meetings.  
30 The bylaws shall specify which of the association's officers,

1 not less than ten nor more than 60 days in advance of any  
2 meeting, shall cause notice to be hand delivered or sent prepaid  
3 by United States mail to the mailing address of each unit or to  
4 any other mailing address designated in writing by the unit  
5 owner. The notice of any meeting must state the time and place  
6 of the meeting and the items on the agenda, including the  
7 general nature of any proposed amendment to the declaration or  
8 bylaws; any budget or assessment changes; and, where the  
9 declaration or bylaws require approval of unit owners, any  
10 proposal to remove a director or officer.

11 (A.1) VIRTUAL ASSOCIATION MEETINGS.--

<--

12 (1) THE BYLAWS MUST REQUIRE THAT NOTICE OF VIRTUAL  
13 MEETINGS OF THE ASSOCIATION BE GIVEN BY:

14 (I) FIRST CLASS OR EXPRESS MAIL, POSTAGE PREPAID, OR  
15 COURIER SERVICE, CHARGES PREPAID, TO THE MAILING ADDRESS  
16 OF EACH UNIT OR TO ANY OTHER MAILING ADDRESS DESIGNATED  
17 IN WRITING BY THE UNIT OWNER. NOTICE UNDER THIS  
18 SUBPARAGRAPH SHALL BE DEEMED TO HAVE BEEN GIVEN TO AN  
19 UNIT OWNER WHEN DEPOSITED IN THE UNITED STATES MAIL OR  
20 WITH A COURIER SERVICE FOR DELIVERY TO THE UNIT OWNER.

21 (II) FACSIMILE TRANSMISSION, E-MAIL OR OTHER  
22 ELECTRONIC COMMUNICATION TO THE UNIT OWNER'S FACSIMILE  
23 NUMBER OR ADDRESS FOR E-MAIL OR OTHER ELECTRONIC  
24 COMMUNICATIONS SUPPLIED BY THE UNIT OWNER FOR THE PURPOSE  
25 OF NOTICE. NOTICE UNDER THIS SUBPARAGRAPH SHALL BE DEEMED  
26 TO HAVE BEEN GIVEN TO THE UNIT OWNER WHEN SENT.

27 (2) (RESERVED).

28 (B) USE OF REMOTE TECHNOLOGY.--EXCEPT AS OTHERWISE PROVIDED  
29 IN THE BYLAWS, AN INDIVIDUAL MAY PARTICIPATE IN A MEETING OF THE  
30 EXECUTIVE BOARD OR ASSOCIATION BY MEANS OF A CONFERENCE

1 TELEPHONE OR OTHER REMOTE ELECTRONIC TECHNOLOGY, INCLUDING THE  
2 INTERNET, WHICH ALLOWS EACH PARTICIPANT IN THE MEETING TO HEAR  
3 EACH OTHER. PARTICIPATION IN A MEETING AS AUTHORIZED UNDER THIS  
4 SUBSECTION SHALL BE DEEMED IN-PERSON ATTENDANCE AT THE MEETING.

5 ~~(b)~~ (C) Election sessions.--The bylaws shall require that a <--  
6 special session of the association be held not later than seven  
7 days before the election of an executive board member or officer  
8 of the association to allow the unit owners to meet each  
9 candidate for an executive board position or officer position. A  
10 special session under this subsection may be held virtually or  
11 in person. Each candidate for an executive board position or  
12 officer position with the association shall have equal time to  
13 address the unit owners during a special session under this  
14 subsection.

15 ~~§ 5412. Effect of violations on rights of action.~~ <--

16 ~~(a) General rule.--If a declarant or [any other person] an~~  
17 ~~executive board member subject to this subpart violates any~~  
18 ~~provision of this subpart or any provisions of the declaration~~  
19 ~~or bylaws[, any] in executing his or her duties as a declarant~~  
20 ~~or an executive board member:~~

21 ~~(1) Any person or class of persons adversely affected by~~  
22 ~~the violation has a claim for appropriate relief.~~

23 ~~(2) The violation shall constitute an unfair trade~~  
24 ~~practice as defined in and may be enforced by the Office of~~  
25 ~~Attorney General under the act of December 17, 1968~~  
26 ~~(P.L.1224, No.387), known as the Unfair Trade Practices and~~  
27 ~~Consumer Protection Law.~~

28 ~~(b) Punitive damages.--Punitive damages may be awarded in~~  
29 ~~the case of a willful violation of the subpart and, if~~  
30 ~~appropriate, the prevailing party may be entitled to an award of~~

1 ~~costs and reasonable attorney fees.~~

2 (D) RECORDED MEETING.--IF A MEETING OF THE ASSOCIATION WILL <--  
3 BE RECORDED VIA AUDIO OR VIDEO, AN ANNOUNCEMENT SHALL BE MADE AT  
4 THE COMMENCEMENT OF THE MEETING THAT THE MEETING WILL BE  
5 RECORDED. A RECORDED MEETING UNDER THIS SUBSECTION SHALL BE  
6 AVAILABLE TO UNIT OWNERS FOR A PERIOD OF SIX MONTHS AFTER THE  
7 DATE OF THE MEETING.

8 Section 10. This act shall take effect in 60 days.