



Proposed Changes in the Law Addressing Open Board Meetings for Pennsylvanians who are Unit Owners of an Association

**Modifications to PA Law pertaining to Common Interest Communities
(CICs) AKA “Community Associations”**

Abstract

For most homeowners, their home is their largest and sometimes only asset. However, for those who live in associations, their boards and property management companies, often lacking training and accountability, can make decisions that negatively impact this asset without the homeowners’ knowledge, permission or simple remedy.

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Benefits of this Proposal

Boards of residential associations have the authority to make decisions without owner approval, assess both budgeted and unbudgeted fees, impose fines on owners, and place liens on the property of unit owners. These powers are at the same level as a township in Pennsylvania, but the township must operate in the light of day.

While these powers are necessary for the proper functioning of associations, owners should be able to attend all meetings except executive sessions. Many associations will not have the room for all owners to attend regular meetings. At a minimum, all owners must be able to attend meetings digitally. Where possible, some owners should be able to attend in person on a first-come, first-served basis until the available space is filled.

The ability of owners to be aware of decisions early in the process allows them to dispute them before they become permanent and potentially irreversible, impacting the property's value. If a township in Pennsylvania were to decide to eliminate a parking lot, a playground, or a swimming pool, the public would be well aware of it under the Sunshine Act and would have the opportunity to dispute it. Unit owners in residential associations should also have that right.

Recommendation for Change to Title 65 Chapter 7 Section 3

Title 65 Chapter 7 Section 3

703. Definitions.

"Political subdivision." Any county, city, borough, incorporated town, township, school district, intermediate unit, vocational school district or county institution district.

(NEW Addition to the above) *Any Association defined in Title 68 or any COMMON INTEREST COMMUNITIES (CICs) AKA "COMMUNITY ASSOCIATIONS" will be considered a "Political subdivision" for the purpose of Chapter 7. These non-profit corporations hold elections, levy assessments/fines, impose liens, and dictate property use. Their assessments are often larger than a local government. Their power to financially impact unit owners is greater than that of local governments.*