

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1179 Session of 2023

INTRODUCED BY BOROWSKI, VITALI, SANCHEZ, MADDEN, KHAN, PROBST,
PIELLI, HILL-EVANS, OTTEN, CERRATO, GREEN AND HOWARD,
MAY 19, 2023

AS REPORTED FROM COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT,
HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 21, 2024

AN ACT

1 Amending Title 68 (Real and Personal Property) of the <--
2 Pennsylvania Consolidated Statutes, in management of the
3 condominium, providing for solar access; in management of
4 cooperatives, providing for solar access; and, in management
5 of planned community, providing for solar access.

6 AMENDING TITLE 68 (REAL AND PERSONAL PROPERTY) OF THE <--
7 PENNSYLVANIA CONSOLIDATED STATUTES, IN MANAGEMENT OF THE
8 CONDOMINIUM, PROVIDING FOR OUTDOOR SOLAR ACCESS FOR DRYING
9 CLOTHES; IN MANAGEMENT OF COOPERATIVES, PROVIDING FOR OUTDOOR
10 SOLAR ACCESS FOR DRYING CLOTHES; AND, IN MANAGEMENT OF
11 PLANNED COMMUNITY, PROVIDING FOR OUTDOOR SOLAR ACCESS FOR
12 DRYING CLOTHES.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Title 68 of the Pennsylvania Consolidated <--
16 Statutes is amended by adding sections to read:

17 § 3323. Solar access.

18 (a) General rule. A unit owners' association shall be
19 prohibited from imposing any restriction that prohibits a person
20 who occupies a unit from solar access for drying clothes on a
21 clothesline or drying rack at the dwelling unit.

22 (b) Limitations. Clotheslines or drying racks shall be

1 ~~limited to backyard areas of a unit and out of view from the~~
2 ~~front of the building and may not obstruct public access.~~

3 ~~(c) Exception. Notwithstanding subsection (a), a unit~~
4 ~~owners' association may prohibit a clothesline or drying rack~~
5 ~~that poses a safety or fire hazard or impedes proper evacuation~~
6 ~~in the case of an emergency.~~

7 ~~(d) Construction. Nothing in this section shall be~~
8 ~~construed to supersede the legal authority of a unit owners'~~
9 ~~association to adopt and enforce any bylaw, rule or regulation~~
10 ~~on any matter other than the provision of solar access~~
11 ~~permitting the installation and use of a clothesline or drying~~
12 ~~rack.~~

13 ~~§ 4324. Solar access.~~

14 ~~(a) General rule. An association shall be prohibited from~~
15 ~~imposing any restriction that prohibits a proprietary lessee~~
16 ~~with a possessory interest in a unit from solar access for~~
17 ~~drying clothes on a clothesline or drying rack at the dwelling~~
18 ~~unit.~~

19 ~~(b) Limitations. Clotheslines or drying racks shall be~~
20 ~~limited to backyard areas of a unit and out of view from the~~
21 ~~front of the building and may not obstruct public access.~~

22 ~~(c) Exception. Notwithstanding subsection (a), an~~
23 ~~association may prohibit a clothesline or drying rack that poses~~
24 ~~a safety or fire hazard or impedes proper evacuation in the case~~
25 ~~of an emergency.~~

26 ~~(d) Construction. Nothing in this section shall be~~
27 ~~construed to supersede the legal authority of the association to~~
28 ~~adopt and enforce any bylaw, rule or regulation on any matter~~
29 ~~other than the provision of solar access and permitting the~~
30 ~~installation and use of a clothesline or drying rack.~~

1 ~~§ 5323. Solar access.~~

2 ~~(a) General rule. A unit owners' association shall be~~
3 ~~prohibited from imposing any restriction that prohibits a person~~
4 ~~who occupies a unit from solar access for drying clothes on a~~
5 ~~clothesline or drying rack at the dwelling unit.~~

6 ~~(b) Limitations. Clotheslines or drying racks shall be~~
7 ~~limited to backyard areas of a unit and out of view from the~~
8 ~~front of the building and may not obstruct public access.~~

9 ~~(c) Exception. Notwithstanding subsection (a), a unit~~
10 ~~owners' association may prohibit a clothesline or drying rack~~
11 ~~that poses a safety or fire hazard or impedes proper evacuation~~
12 ~~in the case of an emergency.~~

13 ~~(d) Construction. Nothing in this section shall be~~
14 ~~construed to supersede the legal authority of the unit owners'~~
15 ~~association to adopt and enforce any bylaw, rule or regulation~~
16 ~~on any matter other than the provision of solar access~~
17 ~~permitting the installation and use of a clothesline or drying~~
18 ~~rack.~~

19 ~~Section 2. This act shall take effect in 60 days.~~

20 SECTION 1. TITLE 68 OF THE PENNSYLVANIA CONSOLIDATED
21 STATUTES IS AMENDED BY ADDING SECTIONS TO READ:

22 § 3323. OUTDOOR SOLAR ACCESS FOR DRYING CLOTHES.

23 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN THE DECLARATION, AN
24 ASSOCIATION SHALL BE PROHIBITED FROM IMPOSING ANY UNREASONABLE
25 RESTRICTION THAT PROHIBITS A PERSON WHO OCCUPIES A UNIT FROM
26 OUTDOOR SOLAR ACCESS FOR DRYING CLOTHES WITHIN THE BOUNDARIES OF
27 A UNIT OR THE LIMITED COMMON ELEMENTS ASSIGNED TO THE UNIT.

28 (B) LIMITATIONS.--THE DRYING OF CLOTHES OUTDOORS SHALL BE
29 LIMITED TO ASSOCIATION-APPROVED AREAS OF A UNIT OR THE LIMITED
30 COMMON ELEMENTS ASSIGNED TO THE UNIT AND SHALL BE OUT OF VIEW

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1 FROM THE FRONT ENTRANCES OR PUBLIC AREAS OF THE ASSOCIATION.

2 (C) RULES AND REGULATIONS.--AN ASSOCIATION MAY ADOPT
3 REASONABLE RULES AND REGULATIONS DETAILING THE TIME, PLACE AND
4 MANNER OF THE DRYING OF CLOTHES OUTDOORS AND PROHIBIT THE DRYING
5 OF CLOTHES OUTDOORS IF THE DRYING OF CLOTHES POSES A SAFETY OR
6 FIRE HAZARD, IMPEDES PROPER EVACUATION IN THE CASE OF AN
7 EMERGENCY OR OBSTRUCTS THE VIEW FROM, OR ACCESS TO, OTHER UNITS.

8 (D) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
9 CONSTRUED TO SUPERSEDE THE LEGAL AUTHORITY OF AN ASSOCIATION TO
10 ADOPT AND ENFORCE ANY BYLAW, RULE OR REGULATION ON ANY MATTER
11 OTHER THAN THE PROVISION OF OUTDOOR SOLAR ACCESS FOR DRYING
12 CLOTHES AS SPECIFIED UNDER THIS SECTION.

13 § 4324. OUTDOOR SOLAR ACCESS FOR DRYING CLOTHES.

14 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN THE DECLARATION, AN
15 ASSOCIATION SHALL BE PROHIBITED FROM IMPOSING ANY UNREASONABLE
16 RESTRICTION THAT PROHIBITS A PROPRIETARY LESSEE WITH A
17 POSSESSORY INTEREST IN A UNIT FROM OUTDOOR SOLAR ACCESS FOR
18 DRYING CLOTHES WITHIN THE BOUNDARIES OF A UNIT OR THE LIMITED
19 COMMON ELEMENTS ASSIGNED TO THE UNIT.

20 (B) LIMITATIONS.--THE DRYING OF CLOTHES OUTDOORS SHALL BE
21 LIMITED TO ASSOCIATION-APPROVED AREAS OF A UNIT OR THE LIMITED
22 COMMON ELEMENTS ASSIGNED TO THE UNIT AND SHALL BE OUT OF VIEW
23 FROM THE FRONT ENTRANCES OR PUBLIC AREAS OF THE ASSOCIATION.

24 (C) RULES AND REGULATIONS.--AN ASSOCIATION MAY ADOPT
25 REASONABLE RULES AND REGULATIONS DETAILING THE TIME, PLACE AND
26 MANNER OF THE DRYING OF CLOTHES OUTDOORS AND PROHIBIT THE DRYING
27 OF CLOTHES OUTDOORS IF THE DRYING OF CLOTHES POSES A SAFETY OR
28 FIRE HAZARD, IMPEDES PROPER EVACUATION IN THE CASE OF AN
29 EMERGENCY OR OBSTRUCTS THE VIEW FROM, OR ACCESS TO, OTHER UNITS.

30 (D) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE

1 CONSTRUED TO SUPERSEDE THE LEGAL AUTHORITY OF AN ASSOCIATION TO
2 ADOPT AND ENFORCE ANY BYLAW, RULE OR REGULATION ON ANY MATTER
3 OTHER THAN THE PROVISION OF OUTDOOR SOLAR ACCESS FOR DRYING
4 CLOTHES AS SPECIFIED UNDER THIS SECTION.

5 § 5323. OUTDOOR SOLAR ACCESS FOR DRYING CLOTHES.

6 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN THE DECLARATION, AN
7 ASSOCIATION SHALL BE PROHIBITED FROM IMPOSING ANY UNREASONABLE
8 RESTRICTION THAT PROHIBITS A PERSON WHO OCCUPIES A UNIT FROM
9 OUTDOOR SOLAR ACCESS FOR DRYING CLOTHES WITHIN THE BOUNDARIES OF
10 A UNIT OR THE LIMITED COMMON ELEMENTS ASSIGNED TO THE UNIT.

11 (B) LIMITATIONS.--THE DRYING OF CLOTHES OUTDOORS SHALL BE
12 LIMITED TO ASSOCIATION-APPROVED AREAS OF A UNIT OR THE LIMITED
13 COMMON ELEMENTS ASSIGNED TO THE UNIT AND SHALL BE OUT OF VIEW
14 FROM THE FRONT ENTRANCES OR PUBLIC AREAS OF THE ASSOCIATION.

15 (C) RULES AND REGULATIONS.--AN ASSOCIATION MAY ADOPT
16 REASONABLE RULES AND REGULATIONS DETAILING THE TIME, PLACE AND
17 MANNER OF THE DRYING OF CLOTHES OUTDOORS AND PROHIBIT THE DRYING
18 OF CLOTHES OUTDOORS IF THE DRYING OF CLOTHES POSES A SAFETY OR
19 FIRE HAZARD, IMPEDES PROPER EVACUATION IN THE CASE OF AN
20 EMERGENCY OR OBSTRUCTS THE VIEW FROM, OR ACCESS TO, OTHER UNITS.

21 (D) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
22 CONSTRUED TO SUPERSEDE THE LEGAL AUTHORITY OF AN ASSOCIATION TO
23 ADOPT AND ENFORCE ANY BYLAW, RULE OR REGULATION ON ANY MATTER
24 OTHER THAN THE PROVISION OF OUTDOOR SOLAR ACCESS FOR DRYING
25 CLOTHES AS SPECIFIED UNDER THIS SECTION.

26 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.