

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1736 Session of  
2023

INTRODUCED BY RADER, OCTOBER 3, 2023

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 3, 2023

AN ACT

1 Amending Title 68 (Real and Personal Property) of the  
2 Pennsylvania Consolidated Statutes, in creation, alteration  
3 and termination of condominiums, further providing for  
4 amendment of declaration; in creation, alteration and  
5 termination of cooperatives, further providing for amendment  
6 of declaration; and, in creation, alteration and termination  
7 of planned communities, further providing for amendment of  
8 declaration.

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

11 Section 1. Sections 3219(a)(1), 4216(a) and 5219(a)(1) of  
12 Title 68 of the Pennsylvania Consolidated Statutes are amended  
13 to read:

14 § 3219. Amendment of declaration.

15 (a) Number of votes required.--

16 (1) The declaration, including the plats and plans, may  
17 be amended only by vote or agreement of unit owners of units  
18 to which at least:

19 (i) sixty-seven percent of the votes [in the  
20 association are allocated] collected are in favor;

21 (ii) any larger majority of the votes as specified

1           in the declaration [specifies]; or

2           (iii) a smaller number of the votes as specified in  
3 the declaration if all of the units are restricted  
4 exclusively to nonresidential use.

5           \* \* \*

6 § 4216. Amendment of declaration.

7           (a) Number of votes required.--Except in cases of amendments  
8 that may be executed by a declarant under section 4209 (relating  
9 to exercise of development rights), the association under  
10 section 4107 (relating to eminent domain), 4206(c) (relating to  
11 leasehold cooperatives), 4208(c) (relating to limited common  
12 elements), 4211(a) (relating to relocation of boundaries between  
13 adjoining units) or 4212 (relating to subdivision of units), the  
14 executive board of the association under subsection (f) or  
15 certain proprietary lessees under section 4208(b), 4211(a),  
16 4212(b) or 4217(b) (relating to termination of cooperative  
17 ownership), and except as limited by subsection (d) and section  
18 4218 (relating to rights of secured lenders and secured  
19 creditors), the declaration may be amended only by vote or  
20 agreement of proprietary lessees of cooperative interests to  
21 which at least [67% of the votes in the association are  
22 allocated or]:

23           (1) sixty-seven percent of the votes collected are in  
24 favor;

25           (2) any larger majority of the votes as specified in the  
26 declaration [specifies. The declaration may specify]; or

27           (3) a smaller number of votes only if all of the units  
28 are restricted exclusively to nonresidential use.

29           \* \* \*

30 § 5219. Amendment of declaration.

1 (a) Number of votes required.--

2 (1) The declaration, including the plats and plans, may  
3 be amended only by vote or agreement of unit owners of units  
4 to which at least:

5 (i) 67% of the votes [in the association are  
6 allocated] collected are in favor; [or]

7 (ii) a larger percentage of the votes in the  
8 association as specified in the declaration; or

9 (iii) a smaller percentage of the votes in the  
10 association as specified in the declaration if all units  
11 are restricted exclusively to nonresidential use.

12 \* \* \*

13 Section 2. This act shall take effect in 60 days.