ISSUE #1

Section 20.0l(c) - Sample Provision Excerpt (Public Preview)

shall be amended to read as follows: (c) The period of Declarant control shall terminate in any event one hundred twenty (120) days after conveyance of seventy-five percent (75%) of the Units to Unit Owners other than Declarant; and 8.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 20.0l(c) (p. 1): Declaration general amendment threshold of 75% exceeds the 67% maximum threshold permitted for residential communities under 68 Pa.C.S. § 5219(a), (d), (f) (UPCA).

Statutory / Legal Reference: 68 Pa.C.S. § 5219(a), (d), (f) (UPCA)

Statutory Comparison: Under 68 Pa.C.S. § 5219(a), (d), (f) (UPCA), the declaration may be amended only by vote or agreement of unit owners of units to which at least 67% of the votes in the association are allocated (except for unanimous-consent matters under subsection (d)). Under subsection (f), the executive board may only adopt a corrective amendment to cure a statutory defect or typographical error after obtaining a formal written opinion from independent legal counsel licensed in Pennsylvania and providing notice to all unit owners.

CURRENT WORDING IN DOCUMENT:

shall be amended to read as follows: (c) The period of Declarant control shall terminate in any event one hundred twenty (120) days after conveyance of seventy-five percent (75%) of the Units to Unit Owners other than Declarant; and 8.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to 68 Pa.C.S. § 5219(a), (d), (f) (UPCA), except to the extent expressly permitted for technical corrective amendments supported by an independent written legal opinion under subsection (f) (or where unanimous consent is required under subsection (d)), this Declaration may be amended only by the vote or written agreement of Unit Owners of Units to which at least sixty-seven percent (67%) of the votes in the Association are allocated.