ISSUE #1

Section XV - Sample Provision Excerpt (Public Preview)

Except as otherwise provided herein, orinthe Declaration, these By-Laws may be adopted, amended or repealed by the vote of members entitled to cast at least seventy-five percent (75%) of the votes which all members present are entitled to cast thereon at any regular or special meeting duly convened after notice to the members of that purpose.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. XV (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)).

CURRENT WORDING IN DOCUMENT:

Except as otherwise provided herein, orinthe Declaration, these By-Laws may be adopted, amended or repealed by the vote of members entitled to cast at least seventy-five percent (75%) of the votes which all members present are entitled to cast thereon at any regular or special meeting duly convened after notice to the members of that purpose.

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.