

Pennsylvania 1174 Session of 2025

Notes here submitted by Patrick Johansen, HLRNG.

~~Red~~ writing indicates words I think should be added

~~Red~~ crossed out, words that should be deleted.

Blue is just comments.

Yellow highlight is just to draw attention to those words.

We highly recommend that in all the laws you propose, add the related part of the HRLNG Proposed Legislation and use that as a base for your proposed bills.

PRINTER'S NO. 1311

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1174 Session of

2025

INTRODUCED BY WEBSTER, STAATS, GAYDOS, GIRAL, BURGOS, MADDEN,

OTTEN, SANCHEZ, HILL-EVANS, PROBST, HANBIDGE, NEILSON AND

CERRATO, APRIL 9, 2025

REFERRED TO COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT,

APRIL 9, 2025

AN ACT

Amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in management of the condominium, further providing for meetings; in management of cooperatives, further providing for meetings; and, in management of planned community, further providing for meetings.

The General Assembly of the Commonwealth of Pennsylvania

hereby enacts as follows:

Section 1. Sections 3308, 4308 and 5308 of Title 68 of the Pennsylvania Consolidated Statutes are amended to read:

Chapter 33. Management of the Condominium

§ 3308. Meetings.

4308 and 5308 seem to be copies of 3308. Why not consolidate the laws rather than rewriting the same laws over and over.

(a) Timing and notice.--~~The bylaws must require that~~

By stating what the bylaws must require, offenses of these actions are reduced to a violation of the bylaws vs a violation of the laws. All HOA requirements should be laws.

meetings of the association be held at least once each year and provide for special meetings.

Assuming this means member meetings, this should be at least two, one voting for officers and one voting on the budget.

The bylaws must specify which of the association's officers, not less than [~~ten~~ 14 nor more than 60]

Ten day notice is pretty short, we suggest at least 14.

21 days in advance of any annual or regularly scheduled meeting, shall cause notice to be hand delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address, including email addresses, designated in writing by the unit owner.

Notice of any other meeting of the association may be provided

by the association's officers not less than ~~ten~~¹⁴ nor more than 60 days in advance of the meeting. The notice of a meeting may be delivered by electronic means if the unit owner has agreed in writing to accept the notice by electronic means or where the bylaws permit electronic notices. The notice of any meeting must state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the declaration or bylaws, any budget or assessment changes and, where the declaration or bylaws require approval of unit owners, any proposal to remove an executive board member or officer. In the event of cancellation of an annual meeting of the unit owners' association at which directors are elected, the notice of a subsequent meeting scheduled to elect the directors shall include a statement that the meeting is scheduled for the purpose of the election of directors.

(b) Delivery of notice.--~~The bylaws must require that~~ notice of virtual meetings of the association be given by:

(1) First class or express mail, postage prepaid, or courier service, charges prepaid, to the mailing address of each unit or to any other mailing address designated in writing by the unit owner. Notice under this paragraph shall be deemed to have been given to a unit owner when deposited in the United States mail or with a courier service for delivery to the unit owner and certified in writing by the appointed officer or an agent thereof as having been delivered.

(2) Facsimile transmission, e-mail or other electronic communication to the unit owner's facsimile number or address for e-mail or other electronic communications supplied by the 20250HB1174PN1311 - 2 -

unit owner, provided that the unit owner has agreed in writing to accept the notice by electronic means ~~or where the bylaws expressly permit means of delivering electronic notice.~~ Notice under this paragraph shall be deemed to have been given to the unit owner when sent and certified in writing by the appointed officer or an agent thereof as having been sent

.
(c) Use of remote technology.--~~Except as otherwise provided in the bylaws,~~ an individual may participate in a meeting of the executive board or association by means of a conference telephone or other remote electronic technology, including the Internet, which allows participants in the meeting to hear each other. Participation in a meeting as authorized under this subsection shall be deemed in-person attendance at the meeting.

(d) Pre-election sessions.--~~The bylaws must require that,~~ in the event that there are more candidates than open positions on the executive board, then, upon request of one or more of the candidates, the association shall hold a special session at least seven days before the election of an executive board member to allow the unit owners to meet each candidate for an executive board position. Each candidate for an executive board

position shall have equal time to address the unit owners during a special session under this subsection.

(e) Recorded meeting.--~~Unless the bylaws provide otherwise,~~
[meetings] a meeting of the association required to be open under subsection (g) may be recorded by the executive board or any unit owner via audio or video technology, provided that an announcement is made by the presiding officer and any recording unit owner at the commencement of the meeting that the meeting will be recorded. A recorded meeting under this subsection shall

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be maintained, ~~and posted on the website along with the HOA Financial information~~ and available to unit owners ~~within 30 days of the meeting~~, for a period of no

less than six months after the date of the meeting. The executive board or subcommittee, or other committee of the executive board conducting the meeting, may adopt rules governing the placement and use of equipment necessary for recording a meeting to prevent interference with the proceedings.

(f) Executive board meetings.-

(1) The executive board or a subcommittee, or other committee of the executive board, may convene in executive session to:

(i) consider personnel matters;

(ii) consult with legal counsel;

(iii) discuss and consider ~~pending~~ contracts, probable or pending litigation and ~~matters involving violations of~~

~~the condominium instruments or rules and regulations promulgated pursuant to such condominium instruments for which a unit owner, the unit owner's family members, tenants, guests or other invitees are responsible;~~

Matters involving homeowner violations, the related fines and the end resolution, including foreclosure activity should be public, just as similar issues are in relation to other governments for all the same reasons. Transparency is important. How will homeowners know if the Board is practicing SELECTIVE ENFORCEMENT, if they cant see the covenant violations records?

or

(iv) discuss and consider the personal liability of unit owners to the unit owners' association

Does anyone know what this means???

upon the affirmative vote in an open meeting to assemble in executive session.

(2) The motion shall state specifically the purpose for the executive session. Reference to the motion and the stated purpose for the executive session shall be included in the minutes. The executive board shall restrict the consideration of matters during the executive session to only those purposes specifically exempted and stated in the motion.

And what happens if the HOA does not follow these laws?

(3) No contract, motion or other action adopted, passed

or agreed to in executive session shall become effective unless the executive board or subcommittee, or other committee of the executive board following the executive session, reconvenes in open meeting and takes a vote on the contract, motion or other action, which shall have its substance reasonably identified in the open meeting.

Once the contract is signed, it shall be posted on the members only portion of the website and maintained there for 7 years after the contract ends.

(4) The requirements of this subsection shall not be construed to require the disclosure of information in violation of law.

(g) ~~Executive~~ board meeting access and notice.-

(1) ~~Except as otherwise provided in the condominium instruments,~~

We need to get rid of all these “except as otherwise” verbiage. The laws should be the laws and not allow developers to choose not to follow them.

There should be three types of meetings defined as follows:

Member meeting. This is a meeting of the Members, run by the Members, and no Board Member should be involved in the running of the meeting other than to give reports and information. The first order of business at a Member meeting should be for the Members to elect a chair for that meeting. There should be at least 2 of these per year, one to vote for Board Members and vote on changes to the covenants, rules, etc. and other member business. The other should be to discuss, modify and vote on the Budget and any other Member business that Members want to discuss at the time.

Board Meeting. The is for members of the Board to meet and make business decisions as allowed by the laws and governing documents, about the business of the HOA

Executive Board Meetings or Sessions. This is the only situation where the Board Members can decide on certain restricted types of HOA Business where there is need for secrecy. These can

only be held at Board Meetings and are the only part of the meeting where Members, other than Board Members are not allowed.

The Executive Board members are the officers of the HOA such as Pres, VP, Secretary, Treasurer.

The Members elect the Board Members, the Board Members elect the Executive Board Members.

this subsection shall apply to an ~~executive~~ board meeting at which business of the unit owners' association is transacted or discussed. A meeting of the unit owners' association or the ~~executive~~ board, including a subcommittee or other committee of the association or board, shall be open to all unit owners of record. The ~~executive~~ board may not use a work session or other informal gathering of the ~~executive~~ board or email conversations, etc, to circumvent the open meeting requirements of this section.

(2) Notice of the time, date and place of a meeting of the ~~executive~~ board, or of a subcommittee or other committee of the ~~executive~~ board, and of each meeting of a subcommittee or other committee of the unit owners' association, shall be published ~~where it is reasonably calculated to be available to a majority of the unit owners~~ on the member portion of the website.

(3) All Members will be notified of all Member Meetings and all Board Meetings. All unit owner may make a request to be notified on a continual basis of ~~any meeting of any of the committees~~, which request shall be made ~~at least once a year in writing and to~~ include the unit owner's name, address, zip code and any email address, as

appropriate. Notifications of committee meetings maybe cancelled by the Member at any time by sending written or email notice to the HOA Office. Notice of the time, date and place shall be sent

to any unit owner requesting notice by first class mail, or email in the case of a meeting of the **executive** board, or by email in the case of a meeting of a subcommittee or other committee of the **executive** board or of a subcommittee or other committee of the unit owners' association.

(4) Notice, reasonable under the circumstances, of a special or emergency meeting shall be given contemporaneously with the notice provided to members of the executive board or a subcommittee or other committee of the board or subcommittee or other committee of the unit owners' association conducting the meeting.

(5) Voting by secret or written ballot in an open meeting is a violation of this section, except for the election of officers.

That could be quite a problem in HOAs that have 3000 or 10,000 members. Maybe votes should be cast in writing or electronically in member meetings with the names and how they vote on each motion posted on the website.

I am not disagreeing with the exception for election of officers but I would be interested to know why people feel this should be kept secret.

(h) Unit owner comments.-

(1) Subject to reasonable rules adopted by the executive board, the executive board shall provide a designated period during a meeting to allow unit owners an opportunity to comment on any matter relating to the unit owners'

association. If it is that the members don't feel the time allotted is enough, any member may make a motion to increase the time at each meeting, or to have additional board meetings to make enough time for Members to discuss their issues with the Board.

(2) During a meeting at which the agenda is limited to specific topics, or at a special meeting, the executive board may limit the comments of unit owners to the topics listed on the meeting agenda.

How can members be guaranteed to get their issues discussed at a Board Meeting?

Members may email a motion to the Board at any time at least 14 days before any meeting, or a request for a topic to be discussed. That motion or topic must be included in the agenda and the agenda must be emailed to all members AND mailed to members who requested mailed notifications, at least 7 days before the meeting. The member suggesting the motion or topic must be allowed to make that motion or bring up that topic at the beginning of the New Business portion of the meeting.

Chapter 43. Management of Cooperatives

§ 4308. Meetings. Most of this seems to be a duplicate of above. Why not consolidate the laws rather than rewriting the same laws over and over then put in a separate chapter just to address the unique laws need for each. Like for condos, include a section just for the unique needs of condos such as laws about the sharing of walls, ceilings, floors, and utility lines as well as other unique requirements.

For meetings they should all be the same. Please consider the changes suggested above in 3308 should apply to 4308 and 5308.

(a) Timing and notice.--A meeting of the association must be held at least ~~once~~ twice each year. Special meetings of the association may be called by the president, a majority of the

executive board or by 2% of the members or 50 members, whichever is less ~~20%, or any lower percentage specified in~~

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~~the bylaws, of the proprietary lessees.~~ Not less than [~~ten-14~~ nor more than 60] ~~21~~ days in advance of any annual or regularly scheduled meeting, the secretary or other officer specified in the bylaws shall cause notice to be hand delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the proprietary lessee. Notice of any other meeting shall be delivered by the secretary or other officer specified in the bylaws not less than ~~ten-14~~ nor more than 60 days in advance of the meeting. The notice of a meeting may be delivered by electronic means if the unit owner has agreed in writing to accept the notice by electronic means or where the bylaws permit electronic notices. The notice of any meeting must state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the declaration or bylaws, any budget or assessment changes and, where the declaration or bylaws require approval of the proprietary lessees, any proposal to remove an executive board member or officer. In the event of cancellation of an annual meeting of the association at which directors are elected, the notice of a subsequent meeting scheduled to elect the directors shall include a statement that the meeting is scheduled for the purpose of the election of directors.

(b) Delivery of notice.--~~The bylaws must require that~~ notice of virtual meetings of the association **shall** be given by:

(1) First class or express mail, postage prepaid, or courier service, charges prepaid, to the mailing address of each unit or to any other mailing address designated in writing by the proprietary lessee. Notice under this paragraph shall be deemed to have been given to a proprietary

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lessee when deposited in the United States mail or with a courier service for delivery to the proprietary lessee and certified in writing by the secretary or an agent thereof as having been delivered

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(2) Facsimile transmission, e-mail or other electronic communication to the proprietary lessee's facsimile number or address for e-mail or other electronic communications supplied by the proprietary lessee, provided that the unit owner has agreed in writing to accept the notice by electronic means ~~or where the bylaws expressly permit means of delivering electronic notice~~. Notice under this paragraph shall be deemed to have been given to the proprietary lessee when sent and certified in writing by the secretary or an agent thereof as having been sent

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(c) Use of remote technology.--Except as otherwise provided in the bylaws, an individual may participate in a meeting of the

executive board or association by means of a conference telephone or other remote electronic technology, including the Internet, which allows participants in the meeting to hear each other. Participation in a meeting as authorized under this subsection shall be deemed in-person attendance at the meeting.

(d) Pre-election sessions.--The bylaws must require that, in the event that there are more candidates than open positions on the executive board, then, upon request of one or more of the candidates, the association shall hold a special session at least seven days prior to the election of an executive board member to allow the proprietary lessees to meet each candidate for an executive board position. Each candidate for an executive board position shall have equal time to address the proprietary lessees during a special session under this subsection.

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(e) Recorded meeting.--Unless the bylaws provide otherwise, [meetings] a meeting of the association required to be open under subsection (g) may be recorded by the executive board or any proprietary lessee via audio or video technology, provided that an announcement is made by the presiding officer and any recording proprietary lessee at the commencement of the meeting that the meeting will be recorded. A recorded meeting under this subsection shall be maintained and available to proprietary lessees for a period of no less than six months after the date of the meeting. The executive board or subcommittee, or other committee of the executive board conducting the meeting, may

adopt rules governing the placement and use of equipment necessary for recording a meeting to prevent interference with the proceedings.

(f) Executive board meetings.-

(1) The executive board or a subcommittee, or other committee of the executive board, may convene in executive session to:

(i) consider personnel matters;

(ii) consult with legal counsel;

(iii) discuss and consider **pending** contracts, probable or pending litigation and matters involving violations of the cooperative instruments or rules and regulations promulgated pursuant to such cooperative instruments for which a proprietary lessee, the proprietary lessee's family members, tenants, guests or other invitees are responsible; or

(iv) discuss and consider the personal liability of proprietary lessees to the association upon the affirmative vote in an open meeting to assemble in

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executive session.

(2) The motion shall state specifically the purpose for

the executive session. Reference to the motion and the stated purpose for the executive session shall be included in the minutes. The executive board shall restrict the consideration of matters during the executive session to only those purposes specifically exempted and stated in the motion.

(3) No contract, motion or other action adopted, passed or agreed to in executive session shall become effective unless the executive board or subcommittee, or other committee of the executive board following the executive session, reconvenes in open meeting and takes a vote on the contract, motion or other action, which shall have its substance reasonably identified in the open meeting.

(4) The requirements of this subsection shall not be construed to require the disclosure of information in violation of law.

(g) Executive board meeting access and notice.-

(1) Except as otherwise provided in the cooperative instruments, the provisions of this subsection shall apply to executive board meetings at which business of the association is transacted or discussed. All meetings of the association or the executive board, including a subcommittee or other committee of the association or board, shall be open to all proprietary lessees of record. The executive board may not use a work session or other informal gathering of the executive board to circumvent the open meeting requirements of this section.

(2) Notice of the time, date and place of a meeting of
the executive board, or of a subcommittee or other committee

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of the executive board, and of each meeting of a subcommittee or other committee of the association, shall be published where it is reasonably calculated to be available to a majority of the unit proprietary lessees.

(3) A proprietary lessee may make a request to be notified on a continual basis of any meeting, which request shall be made at least once a year in writing and include the proprietary lessee's name, address, zip code and any email address, as appropriate. Notice of the time, date and place shall be sent to a proprietary lessee requesting notice by first class mail, or email in the case of a meeting of the executive board, or by email in the case of a meeting of a subcommittee or other committee of the executive board or of a subcommittee or other committee of the association.

(4) Notice, reasonable under the circumstances, of a special or emergency meeting shall be given contemporaneously with the notice provided to members of the executive board or a subcommittee or other committee of the board or subcommittee or other committee of the association conducting

the meeting.

(5) Voting by secret or written ballot in an open meeting is a violation of this section, except for the election of officers.

(h) Proprietary lessee comments.-

(1) Subject to reasonable rules adopted by the executive board, the executive board shall provide a designated period during a meeting to allow proprietary lessees an opportunity to comment on any matter relating to the association.

(2) During a meeting at which the agenda is limited to specific topics, or at a special meeting, the executive board

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may limit the comments of proprietary lessees to the topics
listed on the meeting agenda.

Chapter 53. Management of Planned Community

§ 5308. Meetings.

(a) Timing and notice.--The bylaws shall require that
meetings of the association be held at least once each year and
shall provide for special meetings. The bylaws shall specify
which of the association's officers, not less than ~~ten-14~~ nor more
than 60] 21 days in advance of any annual or regularly scheduled
meeting, shall cause notice to be hand delivered or sent prepaid

by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit owner. Notice of any other meeting shall be delivered in this manner by the association's officers not less than ~~ten~~ 14 nor more than 60 days in advance of the meeting. The notice of a meeting may be delivered by electronic means if the unit owner has agreed in writing to accept the notice by electronic means or where the bylaws permit electronic notices. The notice of any meeting must state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the declaration or bylaws; any budget or assessment changes; and, where the declaration or bylaws require approval of unit owners, any proposal to remove a director or officer. In the event of cancellation of an annual meeting of the unit owners' association at which directors are elected, the notice of a subsequent meeting scheduled to elect the directors shall include a statement that the meeting is scheduled for the purpose of the election of directors.

(b) Delivery of notice.--~~The bylaws must require that~~ notice of virtual meetings of the association be given by:

(1) First class or express mail, postage prepaid, or

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each unit or to any other mailing address designated in writing by the unit owner. Notice under this paragraph shall be deemed to have been given to a unit owner when deposited in the United States mail or with a courier service for delivery to the unit owner and certified in writing by the appointed officer or an agent thereof as having been delivered

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(2) Facsimile transmission, e-mail or other electronic communication to the unit owner's facsimile number or address for e-mail or other electronic communications supplied by the unit owner, provided that the unit owner has agreed in writing to accept the notice by electronic means or where the bylaws expressly permit means of delivering electronic notice. Notice under this paragraph shall be deemed to have been given to the unit owner when sent and certified in writing by the appointed officer or an agent thereof as having been sent

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(c) Use of remote technology.--Except as otherwise provided in the bylaws, an individual may participate in a meeting of the

executive board or association by means of a conference telephone or other remote electronic technology, including the Internet, which allows each participant in the meeting to hear each other. Participation in a meeting as authorized under this subsection shall be deemed in-person attendance at the meeting.

(d) Pre-election sessions.--The bylaws must require that, in the event that there are more candidates than open positions on the executive board, then, upon request of one or more of the candidates, the association shall hold a special session at least seven days before the election of an executive board

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member to allow the unit owners to meet each candidate for an executive board position. Each candidate for an executive board position shall have equal time to address the unit owners during a special session under this subsection.

(e) Recorded meeting.--Unless the bylaws provide otherwise, [meetings] a meeting of the association required to be open under subsection (g) may be recorded by the executive board or any unit owner via audio or video technology, provided that an announcement is made by the presiding officer and any recording unit owner at the commencement of the meeting that the meeting will be recorded. A recorded meeting under this subsection shall be maintained and available to unit owners for a period of no less than six months after the date of the meeting. The executive board or subcommittee, or other committee of the executive board conducting the meeting, may adopt rules

governing the placement and use of equipment necessary for recording a meeting to prevent interference with the proceedings.

(f) Executive board meetings.-

(1) The executive board or a subcommittee, or other committee of the executive board, may convene in executive session to:

(i) consider personnel matters;

(ii) consult with legal counsel;

(iii) discuss and consider **pending** contracts, probable or pending litigation and matters involving violations of the community instruments or rules and regulations promulgated pursuant to such community instruments for which a unit owner, the unit owner's family members, tenants, guests or other invitees are responsible; or

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(iv) discuss and consider the personal liability of unit owners to the unit owners' association upon the affirmative vote in an open meeting to assemble in executive session.

(2) The motion shall state specifically the purpose for the executive session. Reference to the motion and the stated

purpose for the executive session shall be included in the minutes. The executive board shall restrict the consideration of matters during the executive session to only those purposes specifically exempted and stated in the motion.

(3) No contract, motion or other action adopted, passed or agreed to in executive session shall become effective unless the executive board or subcommittee, or other committee of the executive board following the executive session, reconvenes in open meeting and takes a vote on the contract, motion or other action, which shall have its substance reasonably identified in the open meeting.

(4) The requirements of this subsection shall not be construed to require the disclosure of information in violation of law.

(g) Executive board meeting access and notice.-

(1) Except as otherwise provided in the community instruments, this subsection shall apply to an executive board meeting at which business of the unit owners' association is transacted or discussed. A meeting of the unit owners' association or the executive board, including a subcommittee or other committee of the association or board, shall be open to all unit owners of record. The executive board may not use a work session or other informal gathering of the executive board to circumvent the open meeting

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requirements of this section.

(2) Notice of the time, date and place of a meeting of the executive board, or of a subcommittee or other committee of the executive board, and of each meeting of a subcommittee or other committee of the unit owners' association, shall be published where it is reasonably calculated to be available to a majority of the unit owners.

(3) A unit owner may make a request to be notified on a continual basis of any meeting, which request shall be made at least once a year in writing and include the unit owner's name, address, zip code and any email address, as appropriate. Notice of the time, date and place shall be sent to any unit owner requesting notice by first class mail, or email in the case of a meeting of the executive board, or by email in the case of a meeting of a subcommittee or other committee of the executive board or of a subcommittee or other committee of the unit owners' association.

(4) Notice, reasonable under the circumstances, of a special or emergency meeting shall be given contemporaneously with the notice provided to members of the executive board or a subcommittee or other committee of the board or subcommittee or other committee of the unit owners' association conducting the meeting.

(5) Voting by secret or written ballot in an open meeting is a violation of this section, except for the election of officers.

(h) Unit owner comments.-

(1) Subject to reasonable rules adopted by the executive board, the executive board shall provide a designated period during a meeting to allow unit owners an opportunity to

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comment on any matter relating to the unit owners'

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association.

(2) During a meeting at which the agenda is limited to specific topics, or at a special meeting, the executive board may limit the comments of unit owners to the topics listed on the meeting agenda.

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

