

AN ACT

Amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in general provisions relating to condominiums, cooperatives and planned communities, providing for complaints filed with Bureau of Consumer Protection.

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

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

§ 3321. Complaints filed with Bureau of Consumer Protection.

(a) General rule.--A unit owner may file a complaint with the Bureau of Consumer Protection in the Office of the Attorney General in the event of a violation by the declarant or the association of Section 3308 (relating to meetings); Section 3309 (relating to quorums); Section 3310 (relating to voting and proxies); and Section 3316 (relating to association records).

(b) Condition of Filing Complaints.--No complaint may be filed by a unit owner with the Bureau of Consumer Protection unless and until the unit owner exhausts any grievance or alternative dispute resolution procedure available to the unit owner under the association's declaration, bylaws and/or rules and regulations.

(c) Construction.--Nothing in this section shall be construed to affect or impair the right of a unit owner, declarant or association to pursue a private cause of action or seek other relief, as authorized by law.

§ 3412. Effect of violations on rights of action.--

If a Declarant or any other person subject to this subpart violates any provision thereof or any provision of the declaration or bylaws, any person or class of persons adversely

affected by the violation has a claim for appropriate relief. Punitive damages may be awarded in the case of a willful violation of the subpart, and if appropriate, the prevailing party may be entitled to an award of costs and reasonable attorneys' fees.

§ 4322. Complaints filed with Bureau of Consumer Protection.

(a) General rule.--A proprietary lessee may file a complaint with the Bureau of Consumer Protection in the Office of the Attorney General in the event of a violation by the declarant or the association of Section 4308 (relating to meetings); Section 4309 (relating to quorums); Section 4310 (relating to voting and proxies); and Section 4317 (relating to association records).

(b) Condition of Filing Complaints.--No complaint may be filed by a proprietary lessee with the Bureau of Consumer Protection unless and until the proprietary lessee exhausts any grievance or alternative dispute resolution procedure available to the proprietary lessee under the association's declaration, bylaws and/or rules and regulations.

(c) Construction.--Nothing in this section shall be construed to affect or impair the right of a proprietary lessee, declarant or association to pursue a private cause of action or seek other relief, as authorized by law.

§ 5321. Complaints filed with Bureau of Consumer Protection.

(a) General rule.--A unit owner may file a complaint with the Bureau of Consumer Protection in the Office of the Attorney General in the event of a violation by the declarant or the association of Section 5308 (relating to meetings); Section 5309 (relating to quorums); Section 5310 (relating to voting and proxies); and Section 5316 (relating to association records).

(b) Condition of Filing Complaints.--No complaint may be filed by a unit owner with the Bureau of Consumer Protection unless and until the unit owner exhausts any grievance or alternative dispute resolution procedure available to the unit owner under the association's declaration, bylaws and/or rules and regulations.

(c) Construction.--Nothing in this section shall be construed to affect or impair the right of a unit owner, declarant or association to pursue a private cause of action or seek other relief, as authorized by law.

§ 5316. Association records.

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~~FILING OF COMPLAINTS.--If an association subject to subsection (a) fails to provide a copy of the annual financial statements and, if applicable, the report of an independent accountant as required under subsection (b) to the requesting unit owner within 30 days of the unit owner's written request or if the financial records of the association which substantiate an association's financial statements are not made reasonably available by any association for examination by any unit owner and authorized agents, the unit owner may file a complaint with the Bureau of Consumer Protection in the Office of the Attorney General.~~

§ 5412. Effect of violations on rights of action.--

If a Declarant or any other person subject to this subpart violates any provision thereof or any provision of the declaration or bylaws, any person or class of persons adversely affected by the violation has a claim for appropriate relief. Punitive damages may be awarded in the case of a willful

violation of the subpart, and if appropriate, the prevailing party may be entitled to an award of costs and reasonable attorneys' fees.

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