
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1254 Session of
2013

INTRODUCED BY O'NEILL, R. BROWN, CARROLL, COHEN, D. COSTA,
DAVIS, FREEMAN, GODSHALL, C. HARRIS, MOLCHANY, MOUL, MUNDY,
PEIFER, PETRI, SCAVELLO, SWANGER AND TOEPEL, APRIL 24, 2013

REFERRED TO COMMITTEE ON URBAN AFFAIRS, APRIL 24, 2013

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, in management of the
3 condominium, cooperatives and planned community, further
4 providing for quorums; and providing for management of
5 condominiums, cooperatives and planned communities.

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

8 Section 1. Section 3309 of Title 68 of the Pennsylvania
9 Consolidated Statutes is amended by adding a subsection to read:

10 § 3309. Quorums.

11 * * *

12 (c) Committees and commissions.--Unless the bylaws specify a
13 different percentage, a quorum is deemed present throughout a
14 meeting of a committee, commission or entity that is a
15 subdivision of the executive board if at least 50% of the
16 designated members of the committee, commission or entity are
17 present at the beginning of the meeting.

18 Section 2. Title 68 is amended by adding a section to read:

19 § 3321. Management of condominiums.

1 (a) Scope.--

2 (1) A condominium established after the effective date
3 of this section shall adopt bylaws in compliance with the
4 provisions of this section.

5 (2) A condominium established on or before the effective
6 date of this section may adopt bylaws in compliance with the
7 provisions of this section.

8 (b) Unfair trade practice.--Notwithstanding the provisions
9 of section 3113 (relating to remedies to be liberally
10 administered), a violation of this subpart involving a
11 condominium that has not adopted bylaws in compliance with the
12 provisions of this section shall constitute an unfair trade
13 practice, shall be deemed unlawful and may be enforced by the
14 Attorney General.

15 (c) Mediation and arbitration.--

16 (1) The bylaws shall establish procedures for mediation
17 and arbitration of disputes between:

18 (i) two or more unit owners; or

19 (ii) a unit owner and the association.

20 Mediation or arbitration shall be limited to disputes where
21 all parties agree to either mediation or arbitration.

22 (2) Costs and fees associated with mediation, excluding
23 attorney fees, shall be assessed equally against all parties
24 to a dispute.

25 (3) Costs and fees associated with arbitration shall be
26 assessed against all parties to a dispute at the discretion
27 of the arbitrator.

28 (d) Meetings.--The bylaws shall, in addition to the
29 provisions of section 3308 (relating to meetings), provide that:

30 (1) A meeting of the association, executive board or any

1 committee, commission or entity that is a subdivision of the
2 executive board, except an executive session under paragraph
3 (4), shall be open to all unit owners and that an appropriate
4 officer of the association shall provide notice as follows:

5 (i) Notice of an association meeting shall be
6 provided pursuant to section 3308.

7 (ii) Notice of any other meeting, except an
8 executive session under paragraph (4) or emergency
9 meeting under paragraph (5), shall be provided as
10 specified in the bylaws and shall, at a minimum, include
11 the time and place of the meeting and the items on the
12 agenda.

13 All official action shall be taken at a meeting under this
14 paragraph or an emergency meeting under paragraph (5).

15 (2) (i) Except during an executive session under
16 paragraph (4), written minutes shall be kept of any
17 association or executive board meeting, including the
18 time and date of the meeting, the number of unit owners
19 in attendance, the substance of all official actions
20 taken at the meeting and a record of votes on official
21 action by individual executive board members or officers.

22 (ii) Approved minutes of any association or
23 executive board meeting, except executive sessions under
24 paragraph (4), shall be made reasonably available for
25 examination by any unit owner and authorized agents no
26 later than 45 days after the meeting or 15 days after a
27 subsequent association or board meeting, whichever is
28 greater.

29 (3) All unit owners shall be provided at any meeting,
30 except an executive session under paragraph (4), with a

1 reasonable opportunity to comment on matters of concern,
2 deliberation or official action that are or may be under
3 consideration at that meeting.

4 (4) (i) The executive board may exclude unit owners
5 from an executive session. An executive session shall
6 only be convened during an open meeting under paragraph
7 (1) or (5) upon an affirmative vote of a majority of the
8 members of the executive board in attendance at the open
9 meeting.

10 (ii) An executive session may be held for any of the
11 following reasons, which reason shall be announced at the
12 open meeting prior to the executive session:

13 (A) To discuss any matter involving the
14 employment, termination of employment, terms and
15 conditions of employment, evaluation of performance,
16 promotion or disciplining of any specific prospective
17 employee or current employee employed by the
18 association, or former employee, but the individual
19 employees whose rights could be adversely affected
20 may request in writing that the matter or matters be
21 discussed at an open meeting.

22 (B) To consider the purchase or lease of real
23 property up to the time an option to purchase or
24 lease the real property is obtained or up to the time
25 an agreement to purchase or lease the property is
26 obtained if the agreement is obtained directly
27 without an option.

28 (C) To consult with its attorney or other
29 professional advisor regarding any information or
30 strategy in connection with litigation or with an

1 issue on which an identifiable complaint is expected
2 to be filed.

3 (D) To review and discuss business that, if
4 conducted in public, would violate a lawful privilege
5 or lead to the disclosure of information or
6 confidentiality protected by law.

7 (iii) Official action on discussion held at an
8 executive session shall be taken at an open meeting, and
9 no executive session may be used as a subterfuge to
10 defeat the purposes of paragraph (1) or (5).

11 (iv) The provisions of this paragraph shall not
12 apply to any meeting involving the appointment or
13 selection of any person to fill a vacancy in the
14 executive board.

15 (5) (i) The executive board may call an emergency
16 meeting for the purpose of dealing with a real or
17 potential emergency.

18 (ii) An emergency meeting shall be open to unit
19 owners and shall be subject to the requirements of
20 paragraphs (2) and (3).

21 (iii) The bylaws shall specify which member of the
22 association's executive board shall provide notice of any
23 emergency meeting and shall further specify the means and
24 methods of providing the notice.

25 (6) The bylaws shall provide for rules of order to
26 govern meetings under paragraphs (1) and (5). The rules may
27 not be made to violate the intent of this section.

28 (e) Executive board proxies.--The bylaws shall, in addition
29 to the provisions of section 3310 (relating to voting; proxies),
30 provide that no vote may be cast pursuant to a proxy during a

1 vote of the executive board.

2 (f) Records.--The bylaws shall, in addition to the
3 provisions of section 3316 (relating to association records),
4 provide that:

5 (1) The association shall keep detailed records of its
6 operation and administration, including financial records as
7 provided in section 3316.

8 (2) (i) Books and records kept by or on behalf of an
9 association shall be available for examination and
10 copying by any unit owner or the unit owner's authorized
11 agent. This right of examination may be exercised only
12 during reasonable business hours or at a time and
13 location mutually convenient to the association and the
14 unit owner and may not be exercised in bad faith or for
15 any improper purpose, such as to harass another.

16 (ii) Books and records kept by or on behalf of an
17 association may be withheld from inspection to the extent
18 they concern any of the following:

19 (A) Personnel records.

20 (B) An individual's medical records.

21 (C) Records relating to business transactions
22 that are currently in negotiation.

23 (D) Privileged communications with legal
24 counsel.

25 (E) Complaints against a unit owner.

26 (F) Records of executive sessions under
27 subsection (d)(4).

28 (G) Information which, if disclosed, would
29 constitute an unwarranted invasion of privacy under
30 Federal or State law.

1 (iii) The association may impose and collect a
2 charge reflecting the actual costs of materials and labor
3 prior to providing copies of any books and records under
4 this paragraph.

5 (g) Election of executive board members.--

6 (1) The bylaws shall, in addition to the provisions of
7 sections 3303 (relating to executive board members and
8 officers) and 3306(a)(3) (relating to bylaws), provide that
9 candidates for election to the executive board may be
10 nominated from the floor of membership meetings by any unit
11 owner.

12 (2) Bylaws adopted in compliance with the provisions of
13 this subsection shall not apply to the appointment of members
14 of the executive board by the declarant or persons designated
15 by the declarant.

16 (h) Definitions.--As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection:

19 "Executive session." A meeting of the executive board from
20 which unit owners may be excluded under subsection (d)(4).

21 "Meeting." A prearranged gathering held for the purpose of
22 deliberating association business or taking official action of:

23 (1) an association, which is attended or participated in
24 by a quorum of unit owners;

25 (2) an executive board, which is attended or
26 participated in by a quorum of the executive board; or

27 (3) any committee, commission or entity that is a
28 subdivision of the executive board of the association, which
29 is attended or participated in by a quorum of the committee,
30 commission or entity.

1 "Official action." Any of the following:

2 (1) The establishment of policy by an association.

3 (2) A decision on association business made by an
4 association.

5 (3) A vote taken by an association, executive board or
6 any committee, commission or entity that is a subdivision of
7 the executive board of an association on any proposal,
8 resolution, rule, regulation or report.

9 Section 3. Section 4309 of Title 68 is amended by adding a
10 subsection to read:

11 § 4309. Quorums.

12 * * *

13 (c) Committees and commissions.--Unless the bylaws specify a
14 different percentage, a quorum is deemed present throughout a
15 meeting of a committee, commission or entity that is a
16 subdivision of the executive board if at least 50% of the
17 designated members of the committee, commission or entity are
18 present at the beginning of the meeting.

19 Section 4. Title 68 is amended by adding a section to read:

20 § 4322. Management of cooperatives.

21 (a) Scope.--

22 (1) A cooperative established after the effective date
23 of this section shall adopt bylaws in compliance with the
24 provisions of this section.

25 (2) A cooperative established on or before the effective
26 date of this section may adopt bylaws in compliance with the
27 provisions of this section.

28 (b) Unfair trade practice.--Notwithstanding the provisions
29 of section 4113 (relating to remedies to be liberally
30 administered), a violation of this subpart involving a

1 cooperative that has not adopted bylaws in compliance with the
2 provisions of this section shall constitute an unfair trade
3 practice, shall be deemed unlawful and may be enforced by the
4 Attorney General.

5 (c) Mediation and arbitration.--

6 (1) The bylaws shall establish procedures for mediation
7 and arbitration of disputes between:

8 (i) two or more proprietary lessees; or

9 (ii) a proprietary lessee and the association.

10 Mediation or arbitration shall be limited to disputes where
11 all parties agree to either mediation or arbitration.

12 (2) Costs and fees associated with mediation, excluding
13 attorney fees, shall be assessed equally against all parties
14 to a dispute.

15 (3) Costs and fees associated with arbitration shall be
16 assessed against all parties to a dispute at the discretion
17 of the arbitrator.

18 (d) Meetings.--The bylaws shall, in addition to the
19 provisions of section 4308 (relating to meetings), provide that:

20 (1) A meeting of the association, executive board or any
21 committee, commission or entity that is a subdivision of the
22 executive board, except an executive session under paragraph
23 (4), shall be open to all proprietary lessees and that an
24 appropriate officer of the association shall provide notice
25 as follows:

26 (i) Notice of an association meeting shall be
27 provided under section 4308.

28 (ii) Notice of any other meeting, except an
29 executive session under paragraph (4) or emergency
30 meeting under paragraph (5), shall be provided as

1 specified in the bylaws and shall, at a minimum, include
2 the time and place of the meeting and the items on the
3 agenda.

4 All official action shall be taken at a meeting under this
5 paragraph or an emergency meeting under paragraph (5).

6 (2) (i) Except during an executive session under
7 paragraph (4), written minutes shall be kept of any
8 association or executive board meeting, including the
9 time and date of the meeting, the number of proprietary
10 lessees in attendance, the substance of all official
11 actions taken at the meeting and a record of votes on
12 official action by individual executive board members or
13 officers.

14 (ii) Approved minutes of any association or
15 executive board meeting, except executive sessions under
16 paragraph (4), shall be made reasonably available for
17 examination by any proprietary lessees and authorized
18 agents no later than 45 days after the meeting or 15 days
19 after a subsequent association or board meeting,
20 whichever is greater.

21 (3) All proprietary lessees shall be provided at any
22 meeting, except an executive session under paragraph (4),
23 with a reasonable opportunity to comment on matters of
24 concern, deliberation or official action that are or may be
25 under consideration at that meeting.

26 (4) (i) The executive board may exclude proprietary
27 lessees from an executive session. An executive session
28 shall only be convened during an open meeting under
29 paragraph (1) or (5) upon an affirmative vote of a
30 majority of the members of the executive board in

1 attendance at the open meeting.

2 (ii) An executive session may be held for any of the
3 following reasons, which reason shall be announced at the
4 open meeting prior to the executive session:

5 (A) To discuss any matter involving the
6 employment, termination of employment, terms and
7 conditions of employment, evaluation of performance,
8 promotion or discipline of any specific prospective
9 employee or current employee employed by the
10 association, or former employee, but the individual
11 employees whose rights could be adversely affected
12 may request in writing that the matter or matters be
13 discussed at an open meeting.

14 (B) To consider the purchase or lease of real
15 property up to the time an option to purchase or
16 lease the real property is obtained or up to the time
17 an agreement to purchase or lease the property is
18 obtained if the agreement is obtained directly
19 without an option.

20 (C) To consult with its attorney or other
21 professional advisor regarding any information or
22 strategy in connection with litigation or with an
23 issue on which an identifiable complaint is expected
24 to be filed.

25 (D) To review and discuss business that, if
26 conducted in public, would violate a lawful privilege
27 or lead to the disclosure of information or
28 confidentiality protected by law.

29 (iii) Official action on discussion held at an
30 executive session shall be taken at an open meeting, and

1 no executive session may be used as a subterfuge to
2 defeat the purposes of paragraph (1) or (5).

3 (iv) The provisions of this paragraph shall not
4 apply to any meeting involving the appointment or
5 selection of any person to fill a vacancy in the
6 executive board.

7 (5) (i) The executive board may call an emergency
8 meeting for the purpose of dealing with a real or
9 potential emergency.

10 (ii) An emergency meeting shall be open to
11 proprietary lessees and shall be subject to the
12 requirements of paragraphs (2) and (3).

13 (iii) The bylaws shall specify which member of the
14 association's executive board shall provide notice of any
15 emergency meeting and shall further specify the means and
16 methods of providing the notice.

17 (6) The bylaws shall provide for rules of order to
18 govern meetings under paragraphs (1) and (5). The rules may
19 not be made to violate the intent of this section.

20 (e) Executive board proxies.--The bylaws shall, in addition
21 to the provisions of section 4310 (relating to voting; proxies),
22 provide that no vote may be cast pursuant to a proxy during a
23 vote of the executive board.

24 (f) Records.--The bylaws shall, in addition to the
25 provisions of section 4317 (relating to association records),
26 provide that:

27 (1) The association shall keep detailed records of its
28 operation and administration, including financial records as
29 provided under section 4317.

30 (2) (i) Books and records kept by or on behalf of an

1 association shall be available for examination and
2 copying by any proprietary lessee or the proprietary
3 lessee's authorized agent. This right of examination may
4 be exercised only during reasonable business hours or at
5 a time and location mutually convenient to the
6 association and the proprietary lessee and may not be
7 exercised in bad faith or for any improper purpose such
8 as to harass another.

9 (ii) Books and records kept by or on behalf of an
10 association may be withheld from inspection to the extent
11 they concern any of the following:

12 (A) Personnel records.

13 (B) An individual's medical records.

14 (C) Records relating to business transactions
15 that are currently in negotiation.

16 (D) Privileged communications with legal
17 counsel.

18 (E) Complaints against a proprietary lessee.

19 (F) Records of executive sessions under
20 subsection (d) (4).

21 (G) Information that, if disclosed, would
22 constitute an unwarranted invasion of privacy under
23 Federal or State law.

24 (iii) The association may impose and collect a
25 charge reflecting the actual costs of materials and labor
26 prior to providing copies of any books and records under
27 this paragraph.

28 (g) Election of executive board members.--

29 (1) The bylaws shall, in addition to the provisions of
30 sections 4303 (relating to executive board members and

1 officers) and 4306(a)(3) (relating to bylaws), provide that
2 candidates for election to the executive board may be
3 nominated from the floor of membership meetings by any
4 proprietary lessee.

5 (2) Bylaws adopted in compliance with the provisions of
6 this subsection shall not apply to the appointment of members
7 of the executive board by the declarant or persons designated
8 by the declarant.

9 (h) Definitions.--As used in this section, the following
10 words and phrases shall have the meanings given to them in this
11 subsection:

12 "Executive session." A meeting of the executive board from
13 which proprietary lessees may be excluded under subsection (d)
14 (4).

15 "Meeting." A prearranged gathering held for the purpose of
16 deliberating association business or taking official action of:

17 (1) an association, which is attended or participated in
18 by a quorum of proprietary lessees;

19 (2) an executive board, which is attended or
20 participated in by a quorum of the executive board; or

21 (3) any committee, commission or entity that is a
22 subdivision of the executive board of the association, which
23 is attended or participated in by a quorum of the committee,
24 commission or entity.

25 "Official action." Any of the following:

26 (1) The establishment of policy by an association.

27 (2) A decision on association business made by an
28 association.

29 (3) A vote taken by an association, executive board or
30 any committee, commission or entity that is a subdivision of

1 the executive board of an association on any proposal,
2 resolution, rule, regulation or report.

3 Section 5. Section 5309 of Title 68 is amended by adding a
4 subsection to read:

5 § 5309. Quorums.

6 * * *

7 (c) Committees and commissions.--Unless the bylaws specify a
8 different percentage, a quorum is deemed present throughout a
9 meeting of a committee, commission or entity that is a
10 subdivision of the executive board if at least 50% of the
11 designated members of the committee, commission or entity are
12 present at the beginning of the meeting.

13 Section 6. Title 68 is amended by adding a section to read:
14 § 5321. Management of planned communities.

15 (a) Scope.--

16 (1) A planned community established after the effective
17 date of this section shall adopt bylaws in compliance with
18 the provisions of this section.

19 (2) A planned community established on or before the
20 effective date of this section may adopt bylaws in compliance
21 with the provisions of this section.

22 (b) Unfair trade practice.--Notwithstanding the provisions
23 of section 5114 (relating to remedies to be liberally
24 administered), a violation of this subpart involving a planned
25 community that has not adopted bylaws in compliance with the
26 provisions of this section shall constitute an unfair trade
27 practice, shall be deemed unlawful and may be enforced by the
28 Attorney General.

29 (c) Mediation and arbitration.--

30 (1) The bylaws shall establish procedures for mediation

1 and arbitration of disputes between:

2 (i) two or more unit owners; or

3 (ii) a unit owner and the association.

4 Mediation or arbitration shall be limited to disputes where
5 all parties agree to either mediation or arbitration.

6 (2) Costs and fees associated with mediation, excluding
7 attorney fees, shall be assessed equally against all parties
8 to a dispute.

9 (3) Costs and fees associated with arbitration shall be
10 assessed against all parties to a dispute at the discretion
11 of the arbitrator.

12 (d) Meetings.--The bylaws shall, in addition to the
13 provisions of section 5308 (relating to meetings), provide that:

14 (1) A meeting of the association, executive board or any
15 committee, commission or entity that is a subdivision of the
16 executive board, except an executive session under paragraph
17 (4), shall be open to all unit owners and that an appropriate
18 officer of the association shall provide notice as follows:

19 (i) Notice of an association meeting shall be
20 provided pursuant to section 5308.

21 (ii) Notice of any other meeting, except an
22 executive session under paragraph (4) or emergency
23 meeting under paragraph (5), shall be provided as
24 specified in the bylaws and shall, at a minimum, include
25 the time and place of the meeting and the items on the
26 agenda.

27 All official action shall be taken at a meeting under this
28 paragraph or an emergency meeting under paragraph (5).

29 (2) (i) Except during an executive session under
30 paragraph (4), written minutes shall be kept of any

1 association or executive board meeting, including the
2 time and date of the meeting, the number of unit owners
3 in attendance, the substance of all official actions
4 taken at the meeting and a record of votes on official
5 action by individual executive board members or officers.

6 (ii) Approved minutes of any association or
7 executive board meeting, except executive sessions under
8 paragraph (4), shall be made reasonably available for
9 examination by any unit owner and authorized agents no
10 later than 45 days after the meeting or 15 days after a
11 subsequent association or board meeting, whichever is
12 greater.

13 (3) All unit owners shall be provided at any meeting,
14 except an executive session under paragraph (4), with a
15 reasonable opportunity to comment on matters of concern,
16 deliberation or official action that are or may be under
17 consideration at that meeting.

18 (4) (i) The executive board may exclude unit owners
19 from an executive session. An executive session shall
20 only be convened during an open meeting under paragraph
21 (1) or (5) upon an affirmative vote of a majority of the
22 members of the executive board in attendance at the open
23 meeting.

24 (ii) An executive session may be held for any of the
25 following reasons, which reason shall be announced at the
26 open meeting prior to the executive session:

27 (A) To discuss any matter involving the
28 employment, termination of employment, terms and
29 conditions of employment, evaluation of performance,
30 promotion or disciplining of any specific prospective

1 employee or current employee employed by the
2 association, or former employee, provided, however,
3 that the individual employees whose rights could be
4 adversely affected may request in writing that the
5 matter or matters be discussed at an open meeting.

6 (B) To consider the purchase or lease of real
7 property up to the time an option to purchase or
8 lease the real property is obtained or up to the time
9 an agreement to purchase or lease the property is
10 obtained if the agreement is obtained directly
11 without an option.

12 (C) To consult with its attorney or other
13 professional advisor regarding any information or
14 strategy in connection with litigation or with an
15 issue on which an identifiable complaint is expected
16 to be filed.

17 (D) To review and discuss business that, if
18 conducted in public, would violate a lawful privilege
19 or lead to the disclosure of information or
20 confidentiality protected by law.

21 (iii) Official action on discussion held at an
22 executive session shall be taken at an open meeting and
23 no executive session may be used as a subterfuge to
24 defeat the purposes of paragraph (1) or (5).

25 (iv) The provisions of this paragraph shall not
26 apply to any meeting involving the appointment or
27 selection of any person to fill a vacancy in the
28 executive board.

29 (5) (i) The executive board may call an emergency
30 meeting for the purpose of dealing with a real or

1 potential emergency.

2 (ii) An emergency meeting shall be open to unit
3 owners and shall be subject to the requirements of
4 paragraphs (2) and (3).

5 (iii) The bylaws shall specify which member of the
6 association's executive board shall provide notice of any
7 emergency meeting and shall further specify the means and
8 methods of providing such notice.

9 (6) The bylaws shall provide for rules of order to
10 govern meetings under paragraphs (1) and (5). The rules may
11 not be made to violate the intent of this section.

12 (e) Executive board proxies.--The bylaws shall, in addition
13 to the provisions of section 5310 (relating to voting; proxies),
14 provide that no vote may be cast pursuant to a proxy during a
15 vote of the executive board.

16 (f) Records.--The bylaws shall, in addition to the
17 provisions of section 5316 (relating to association records),
18 provide that:

19 (1) The association shall keep detailed records of its
20 operation and administration, including financial records as
21 provided in section 5316(a).

22 (2) (i) Books and records kept by or on behalf of an
23 association shall be available for examination and
24 copying by any unit owner or the unit owner's authorized
25 agent. This right of examination may be exercised only
26 during reasonable business hours or at a time and
27 location mutually convenient to the association and the
28 unit owner and may not be exercised in bad faith or for
29 any improper purpose, such as to harass another.

30 (ii) Books and records kept by or on behalf of an

1 association may be withheld from inspection to the extent
2 they concern any of the following:

3 (A) Personnel records.

4 (B) An individual's medical records.

5 (C) Records relating to business transactions
6 that are currently in negotiation.

7 (D) Privileged communications with legal
8 counsel.

9 (E) Complaints against a unit owner.

10 (F) Records of executive sessions under
11 subsection (d) (4).

12 (G) Information that, if disclosed, would
13 constitute an unwarranted invasion of privacy under
14 Federal or State law.

15 (iii) The association may impose and collect a
16 charge reflecting the actual costs of materials and labor
17 prior to providing copies of any books and records under
18 this paragraph.

19 (g) Election of executive board members.--

20 (1) The bylaws shall, in addition to the provisions of
21 sections 5303 (relating to executive board members and
22 officers) and 5306(a) (3) (relating to bylaws), provide that
23 candidates for election to the executive board may be
24 nominated from the floor of membership meetings by any unit
25 owner.

26 (2) Bylaws adopted in compliance with the provisions of
27 this subsection shall not apply to the appointment of members
28 of the executive board by the declarant or persons designated
29 by the declarant.

30 (h) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection:

3 "Executive session." A meeting of the executive board from
4 which unit owners may be excluded under subsection (d)(4).

5 "Meeting." A prearranged gathering held for the purpose of
6 deliberating association business or taking official action of:

7 (1) an association, which is attended or participated in
8 by a quorum of unit owners;

9 (2) an executive board, which is attended or
10 participated in by a quorum of the executive board; or

11 (3) any committee, commission or entity that is a
12 subdivision of the executive board of the association, which
13 is attended or participated in by a quorum of the committee,
14 commission or entity.

15 "Official action." Any of the following:

16 (1) The establishment of policy by an association.

17 (2) A decision on association business made by an
18 association.

19 (3) A vote taken by an association, executive board or
20 any committee, commission or entity that is a subdivision of
21 the executive board of an association on any proposal,
22 resolution, rule, regulation or report.

23 Section 7. This act shall take effect in one year.