

AMENDMENTS TO HOUSE BILL NO. 1774

Sponsor: REPRESENTATIVE R. BROWN

Printer's No. 3514

1 Amend Bill, page 1, line 6, by inserting after "MEDIATION"

2 or alternative dispute resolution

3 Amend Bill, page 1, line 7, by striking out "SUBSTANTIAL"

4 Amend Bill, page 1, line 11, by inserting after "MEDIATION"

5 or alternative dispute resolution

6 Amend Bill, page 1, line 12, by striking out "SUBSTANTIAL"

7 Amend Bill, page 1, line 15, by inserting after "MEDIATION"

8 or alternative dispute resolution

9 Amend Bill, page 1, line 15, by striking out "SUBSTANTIAL"

10 Amend Bill, page 1, lines 16 and 17, by striking out "AND

11 FURTHER PROVIDING FOR ASSOCIATION RECORDS"

12 Amend Bill, page 3, line 9, by inserting after "MEDIATION"

13 or alternative dispute resolution

14 Amend Bill, page 3, line 11, by striking out "SUBSTANTIAL"

15 Amend Bill, page 3, lines 14 through 17, by striking out all

16 of said lines and inserting

17 (2) A condominium established on or before the effective
18 date of this section may adopt bylaws in compliance with the
19 provisions of this section.

20 Amend Bill, page 3, line 20, by inserting after "OR"

21 alternative dispute

22 Amend Bill, page 3, line 23, by inserting after "OR"

23 alternative

1 Amend Bill, page 3, line 24, by inserting after "MEDIATION"

2 or alternative dispute resolution

3 Amend Bill, page 3, line 25, by inserting after "OR"

4 alternative

5 Amend Bill, page 3, lines 28 through 30; page 4, lines 1
6 through 4; by striking out all of said lines on said pages and
7 inserting

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

12 Amend Bill, page 4, line 6, by inserting after "OWNER"

13 in good standing

14 Amend Bill, page 4, line 12, by inserting after "OR"

15 alternative

16 Amend Bill, page 4, line 12, by inserting after "DISPUTE"

17 resolution

18 Amend Bill, page 4, line 17, by inserting after "OR"

19 alternative

20 Amend Bill, page 4, line 19, by striking out "OR"

21 Amend Bill, page 4, line 21, by inserting after "OR"

22 alternative

23 Amend Bill, page 4, by inserting between lines 23 and 24

24 (c) Immediate filing.--A complaint may be filed by a unit
25 owner with the Bureau of Consumer Protection immediately, if:

26 (1) a mediation or alternative dispute resolution
27 procedure is not available to the unit owner under the
28 association's declaration, bylaws, rules or regulations; or

29 (2) the association refuses mediation or alternative
30 dispute resolution under section 3321(b)(2) (relating to
31 mediation or alternative dispute resolution in condominiums).

32 Amend Bill, page 4, line 24, by striking out "(C)" and
33 inserting

34 (d)

Amend Bill, page 4, by inserting between lines 27 and 28

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Unit owner in good standing." A unit owner who is current in payment of assessments and fines, unless the assessment or fines are directly related to the complaint being filed with the Bureau of Consumer Protection regarding sections 3308 (relating to meetings), 3309 (relating to quorums), 3310 (relating to voting; proxies) and 3316 (relating to association records).

Amend Bill, page 5, line 9, by inserting after "MEDIATION"
or alternative dispute resolution

Amend Bill, page 5, line 9, by striking out "SUBSTANTIAL"

Amend Bill, page 5, line 11, by striking out "SUBSTANTIAL"

Amend Bill, page 5, lines 14 through 17, by striking out all of said lines and inserting

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

Amend Bill, page 5, line 19, by inserting after "FOR"

alternative

Amend Bill, page 5, line 23, by inserting after "OR"

alternative

Amend Bill, page 5, line 24, by inserting after "MEDIATION"

or alternative dispute resolution

Amend Bill, page 5, line 25, by inserting after "OR"

alternative

Amend Bill, page 5, lines 28 through 30; page 6, lines 1 through 4; by striking out all of said lines on said pages and inserting

(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.

Amend Bill, page 6, line 6, by inserting after "LESSEE"

1 in good standing

2 Amend Bill, page 6, line 12, by inserting after "OR"

3 alternative

4 Amend Bill, page 6, line 12, by inserting after "DISPUTE"

5 resolution

6 Amend Bill, page 6, line 17, by inserting after "OR"

7 alternative

8 Amend Bill, page 6, line 19, by striking out "OR"

9 Amend Bill, page 6, line 21, by inserting after "OR"

10 alternative

11 Amend Bill, page 6, by inserting between lines 23 and 24

12 (c) Immediate filing.--A complaint may be filed by a
13 proprietary lessee with the Bureau of Consumer Protection
14 immediately, if:

15 (i) a mediation or alternative dispute procedure is not
16 available to the proprietary lessee under the association's
17 declaration, bylaws, rules or regulations; or

18 (ii) the association refuses mediation or alternative
19 dispute resolution under section 4322(b)(2) (relating to
20 mediation or alternative dispute resolution in cooperatives).

21 Amend Bill, page 6, line 24, by striking out "(C)" and

22 inserting

23 (d)

24 Amend Bill, page 6, lines 28 through 30; page 7, lines 1
25 through 11; by striking out all of said lines on said pages and
26 inserting

27 (e) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection unless the context clearly indicates otherwise:

30 "Proprietary lessee in good standing." A proprietary lessee
31 who is current in payment of assessments and fines, unless the
32 assessment or fines are directly related to the complaint being
33 filed with the Bureau of Consumer Protection regarding sections
34 4308 (relating to meetings), 4309 (relating to quorums), 4310
35 (relating to voting; proxies) and 4317 (relating to association
36 records).

37 Amend Bill, page 7, line 12, by striking out "5" and

1 inserting
2 4
3 Amend Bill, page 7, line 13, by inserting after "MEDIATION"
4 or alternative dispute resolution
5 Amend Bill, page 7, line 13, by striking out "SUBSTANTIAL"
6 Amend Bill, page 7, line 15, by striking out "SUBSTANTIAL"
7 Amend Bill, page 7, lines 18 through 21, by striking out all
8 of said lines and inserting
9 (2) A planned community established on or before the
10 effective date of this section may adopt bylaws in compliance
11 with the provisions of this section.
12 Amend Bill, page 7, line 23, by inserting after "FOR"
13 alternative
14 Amend Bill, page 7, line 27, by inserting after "OR"
15 alternative
16 Amend Bill, page 7, line 28, by inserting after "MEDIATION"
17 or alternative dispute resolution
18 Amend Bill, page 7, line 29, by inserting after "OR"
19 alternative
20 Amend Bill, page 8, lines 2 through 9, by striking out all of
21 said lines and inserting
22 (c) Construction.--Nothing in this section shall be
23 construed to affect or impair the right of a unit owner,
24 declarant or association to pursue a private cause of action or
25 seek other relief.
26 Amend Bill, page 8, line 11, by inserting after "OWNER"
27 in good standing
28 Amend Bill, page 8, line 15, by striking out the comma after
29 "QUORUMS)" and inserting
30 and
31 Amend Bill, page 8, lines 15 and 16, by striking out "AND
32 5316 (RELATING TO ASSOCIATION RECORDS)"

Amend Bill, page 8, line 17, by inserting after "OR"

alternative

Amend Bill, page 8, line 17, by inserting after "DISPUTE"

resolution

Amend Bill, page 8, line 22, by inserting after "OR"

alternative

Amend Bill, page 8, line 24, by striking out "OR"

Amend Bill, page 8, line 26, by inserting after "OR"

alternative

Amend Bill, page 8, by inserting between lines 28 and 29

(c) Immediate filing.--A complaint may be filed by a unit owner with the Bureau of Consumer Protection immediately, if:

(1) a mediation or alternative dispute resolution procedure is not available to the unit owner under the association's declaration, bylaws, rules or regulations; or

(2) the association refuses mediation or alternative dispute resolution under section 5321(b)(2) (relating to mediation or alternative dispute resolution in planned communities).

Amend Bill, page 8, line 29, by striking out "(C)" and inserting

(d)

Amend Bill, page 9, by inserting between lines 2 and 3

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Unit owner in good standing." A unit owner who is current in payment of assessments and fines, unless the assessment or fines are directly related to the complaint being filed with the Bureau of Consumer Protection regarding sections 5308 (relating to meetings), 5309 (relating to quorums), 5310 (relating to voting; proxies) and 5316 (relating to association records).

Amend Bill, page 9, line 3, by striking out "6" and inserting

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Amend Bill, page 9, line 13, by striking out "7" and inserting

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