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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1839 Session of  
2021

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INTRODUCED BY SMITH, KNOWLES, HAMM, COX, ZIMMERMAN, R. BROWN,  
GAYDOS, JONES, ARMANINI AND LEWIS DELROSSO, SEPTEMBER 8, 2021

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REFERRED TO COMMITTEE ON URBAN AFFAIRS, SEPTEMBER 8, 2021

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AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in general provisions relating to area  
3 government and intergovernmental cooperation, further  
4 providing for definitions and providing for agreements with  
5 community associations.

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

8 Section 1. Section 2302 of Title 53 of the Pennsylvania  
9 Consolidated Statutes is amended by adding a definition to read:

10 § 2302. Definitions.

11 The following words and phrases when used in this subchapter  
12 shall have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Community association." A person or incorporated community  
15 under 68 Pa.C.S. Pt. II Subpts. B (relating to condominiums), C  
16 (relating to cooperatives) and D (relating to planned  
17 communities) or a common interest community.

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19 Section 2. Title 53 is amended by adding a section to read:

1 § 2310.1. Agreements with community associations.

2 A municipality may, by ordinance or resolution, enter into a  
3 joint agreement with a community association for the joint  
4 purchases of materials, supplies and equipment or any other  
5 lawful purpose. The ordinance or resolution shall require that  
6 the community association shall be bound by the terms and  
7 conditions of purchasing agreements which the local government  
8 prescribes and that the community association be responsible for  
9 payment directly to the vendor under each purchase contract. In  
10 the case of an agreement authorizing joint purchases or  
11 contracts to provide for the construction, repair or maintenance  
12 of public and private streets, real property, stormwater  
13 facilities or utilities, all of the following shall apply:

14 (1) Purchases under the agreement shall be exempt from  
15 any existing statutory requirements governing competitive  
16 bidding.

17 (2) Costs shall be reasonably apportioned between the  
18 municipality and community association according to the  
19 benefit provided.

20 (3) If the agreement apportions the majority of the cost  
21 of construction, repair or maintenance to the community  
22 association, the entire project shall not constitute a public  
23 work for the purposes of the act of August 15, 1961 (P.L.987,  
24 No.442), known as the Pennsylvania Prevailing Wage Act.  
25 Section 3. This act shall take effect in 60 days.