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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 69 Session of  
2021

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INTRODUCED BY GAYDOS, BURGOS, HILL-EVANS, JOZWIAK, HELM AND  
FREEMAN, MARCH 3, 2021

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REFERRED TO COMMITTEE ON URBAN AFFAIRS, MARCH 3, 2021

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A RESOLUTION

1 Directing the Joint State Government Commission to conduct a  
2 study on the impact of common interest ownership communities  
3 on local governments and the Commonwealth, the challenges  
4 facing residents and governing bodies of common interest  
5 ownership communities and opportunities for the Commonwealth  
6 to assist local governments and common interest ownership  
7 communities to deliver adequate services to their residents  
8 at an affordable cost.

9 WHEREAS, According to the Pennsylvania and Delaware Valley  
10 Chapter of the Community Associations Institute, there are  
11 between 6,000 and 10,000 common interest ownership communities  
12 in which up to one-quarter of property owners in this  
13 Commonwealth live; and

14 WHEREAS, Municipal elected bodies and their planning  
15 commissions encourage new housing developments be created as  
16 common interest ownership communities to share the burden of  
17 municipal costs by delegating some traditionally municipal  
18 services to self-governing communities; and

19 WHEREAS, The services may include road maintenance, snow  
20 plowing, trash collection, lighting and sewer and water  
21 infrastructure maintenance within the common interest ownership

1 communities; and

2 WHEREAS, Common interest ownership communities provide some  
3 of the same services that municipalities in which these  
4 communities are located provide to individuals who do not live  
5 in common interest ownership communities; and

6 WHEREAS, As a result, residents of common interest  
7 communities often pay assessments to their community association  
8 and pay municipal taxes which payments are often perceived as  
9 double municipal taxation but not necessarily for the same  
10 services; and

11 WHEREAS, Residents of common interest communities contribute  
12 to both State-funded programs and local municipal budgets that  
13 provide infrastructure improvements with their tax dollars, but  
14 residents of community associations are often ineligible to  
15 apply for, or be serviced by, these State programs and municipal  
16 resources to address infrastructure needs; and

17 WHEREAS, The public benefits from various types of  
18 infrastructure within common interest communities; and

19 WHEREAS, Because many private wells and on-lot septic systems  
20 within common interest communities were constructed before the  
21 enactment of the Uniform Construction Code, municipalities in  
22 which they are located may not have inspected the wells or be  
23 aware of their existence and these wells may be at the end of  
24 their operational lives or may be contaminating the groundwater;  
25 and

26 WHEREAS, There have been concerns regarding the ability of  
27 State agencies to contact common interest owned communities  
28 regarding responsibilities that they may hold to comply with  
29 State laws or regulations, or notify them of any changes with  
30 which the common interest ownership communities must satisfy;

1 and

2 WHEREAS, There are questions regarding emergency services and  
3 law enforcement's ability to easily identify and respond to in  
4 common interest ownership communities; and

5 WHEREAS, For example, Pennsylvania's Megan's Law imposes on a  
6 municipality's "chief law enforcement officer" the obligation to  
7 inform "neighbors" of the presence of a sexually violent  
8 predator, but law enforcement has asserted that due to the lack  
9 of easily accessible information from any unit of State or local  
10 government, law enforcement is substantially hindered or  
11 prevented from enforcing this provision of Megan's Law; and

12 WHEREAS, Continued foreclosure rates have made it difficult  
13 for common interest ownership communities to collect assessments  
14 from some residents, thereby making it more difficult to  
15 maintain the commonly held property within these communities;  
16 and

17 WHEREAS, Pursuant to House Resolution No. 350 of 2009, the  
18 Joint State Government Commission conducted and completed a  
19 study of the impact of common interest ownership communities;  
20 and

21 WHEREAS, It has been almost 10 years since the Joint State  
22 Government Commission published a report in December 2011  
23 pursuant to House Resolution No. 350 of 2009; and

24 WHEREAS, In the intervening decade, common interest ownership  
25 communities have become more common across this Commonwealth;  
26 therefore be it

27 RESOLVED, That the House of Representatives direct the Joint  
28 State Government Commission to conduct a follow-up study to the  
29 study produced in 2011 on the impact of common interest  
30 ownership communities as described under the Real Estate

1 Cooperative Act, the Uniform Condominium Act and the Uniform  
2 Planned Community Act on local governments and the Commonwealth,  
3 the challenges facing the residents and governing bodies of  
4 common interest ownership communities, as well as the public at  
5 large, and review and recommend opportunities for the  
6 Commonwealth to assist local governments and common interest  
7 ownership communities to deliver adequate services to their  
8 residents at an affordable cost; and be it further

9       RESOLVED, That the Joint State Government Commission study  
10 shall include, at a minimum, all of the following:

11           (1) the number of common interest ownership communities  
12       in each county;

13           (2) the number of common interest ownership communities  
14       in each municipality;

15           (3) the approximate amount of State taxes paid each year  
16       by residents of common interest ownership communities;

17           (4) the approximate amount of local taxes paid each year  
18       by residents of common interest ownership communities to each  
19       municipality;

20           (5) the amount and age of current infrastructure within  
21       the common interest ownership communities;

22           (6) the impact of allowing common interest ownership  
23       communities to access State funds for infrastructure  
24       improvements;

25           (7) whether there are opportunities for the Commonwealth  
26       to assist local governments and common interest ownership  
27       communities to deliver adequate services to their residents  
28       at an affordable cost;

29           (8) to what extent State agencies require information on  
30       common interest ownership communities in order to fulfill

1 their legal and statutory requirements for the Pennsylvania  
2 residents they serve; and

3 (9) to what extent State and local law enforcement  
4 require information on common interest ownership communities  
5 in order to fully serve these communities and administer  
6 public safety;

7 and be it further

8 RESOLVED, That the Joint State Government Commission report  
9 its findings and recommendations to the House of Representatives  
10 no later than one year after the adoption of this resolution.