

February 13, 2024

Dear Regency at Providence Community Association Members:

The Executive Board of your Community wishes to inform you of recent changes to the statute that governs our planned community. The Pennsylvania Uniform Planned Community Act, 68 Pa. C.S.A. § 5101, *et seq.* (the "Act"), was amended by the Pennsylvania legislature in 2022 and those changes, commonly known as Act 115, took effect last year.

The Act 115 changes prompted a review of our existing governing documents by our Association counsel. Based on an opinion from our Association counsel, the Executive Board believes our Bylaws should be amended to cure certain ambiguities and add required provisions so the Bylaws conform with the Act, as amended. Pursuant to Section 22.01(f) of the Regency at Providence Declaration and Section 5306(c) of the Act, the Executive Board is authorized to adopt and effect these amendments without the approval of Unit Owners as they are considered corrective in nature. This letter is to inform you that the following corrective amendments to our Bylaws were proposed at a meeting of the Executive Board held on January 24, 2024:

1. Section 6.04 - Special Meeting

Act 115 requires that in the event there are more candidates than open positions on the Executive Board (i.e., a contested election), then, upon request of one or more of the candidates, the Association must hold a special session at least seven (7) days before the election of an Executive Board member to allow the Unit Owners to meet each candidate for an Executive Board position. Each candidate for an Executive Board position must be given equal time to address the Unit Owners during such a special meeting.

Section 6.04 of our Bylaws that governs special meetings will be amended to incorporate the above-referenced requirement. Accordingly, Section 6.04 will require the President to call a special meeting of the Unit Owners when requested in writing by one or more of the candidates in a contested election to fill an open position on the Executive Board. If requested, the special meeting must be held at least seven (7) days before such election is held and each candidate must have equal time to address the Unit Owners during the special meeting.

2. Section 11.02 – Substantive Amendments to Bylaws

Act 115 requires that a planned community's bylaws may only be amended by vote taken at a scheduled meeting and following notice to the unit owners that was advertised fourteen (14) days in advance to the unit owners.<sup>1</sup> Additionally, absentee voting must be permitted to Unit Owners, provided that the voting ballots are submitted to an independent reviewer by the commencement of the scheduled meeting.

Thus, we will amend Section 11.02 of our Bylaws, which governs amendments to our Bylaws, to permit Unit Owners to vote through absentee voting so long as the ballots are submitted to an independent reviewer by the start

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<sup>1</sup> Please note that this statutory change only applies to substantive amendments and not amendments like these that are corrective in nature.

of the scheduled meeting. An “independent reviewer” is an individual who satisfies all of the following qualifications as required by the Act:

- (1) holds a certificate issued by the Commonwealth as a certified public accountant, is licensed to practice law in this Commonwealth or is a vote management system;
- (2) is not a unit owner, directly or indirectly;
- (3) has no immediate family relationship with the declarant, a unit owner or the planned community manager;
- (4) has no financial interest shared with the declarant, a unit owner or planned community manager; and
- (5) if compensated by the declarant, a director, the association or the planned community manager, has disclosed the terms of the compensation to all unit owners at a scheduled meeting.

In addition, Section 11.02 will be further amended to incorporate the Act’s requirement that substantive amendments to our Bylaws shall only be amended by a Unit Owner vote at a scheduled meeting following fourteen (14) days advance notice to the Unit Owners.

The above corrective amendments reflect all amendments that will be adopted by the Executive Board at this time. Please see a copy of the adopted Bylaws amendments. Except for the specific amendments referenced above, our existing Bylaws will remain unchanged. Should you have any questions or concerns, please feel free to contact the President of the Executive Board Tom Davis at [tdavis1147@verizon.net](mailto:tdavis1147@verizon.net).

Thank you for your continued interest and support of our Community.

Sincerely,

*/s/ Thomas Davis*

President of Regency at Providence Community  
Association Executive Board