



BEAR CREEK LAKES

CIVIC ASSOCIATION

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To: BCLCA MEMBERS

From: Kevin G. McGrath, President

Subject: Proposed Declaration

Date: February 10, 2022

I would like to share more information about the proposed new Declaration.

The adoption of this document requires a 2/3rds majority of all members of the association, so we are working hard to be sure that every owner has an opportunity for input and a vote. The actual balloting will be done by mail. We have not established a timeline for the balloting as we wanted to allow plenty of time for the town hall meetings and for member questions to be addressed.

The first two town hall meetings have been scheduled. The aim for these two meeting is to provide education and an opportunity for discussion of the proposed Declaration. We will meet via Zoom on February 26th at 10:00AM and we will hold a hybrid meeting on March 12th at 10:00AM. Further meetings will be scheduled as needed. We plan to record these meetings and to make them available to members for future viewing.

What is a declaration needed and why is BCLCA undertaking this project? BCLCA is operating under covenants which date back to the inception of the community. When BCL was created there was no specific law in Pennsylvania for HOAs. Act 180 was passed and has been amended in the interim. In short, we need to update our Declaration so that we are in compliance with current law and to provide legal protection for the association.

Our primary goal in drafting the new Declaration is to bring BCLCA into compliance with current PA laws, to define exactly what the association is comprised of and to clarify the powers and duties of the association, again in accordance with the PA law. New issues have arisen over the 60 years since BCLCA was created and a new declaration will empower the board to address these issues. For example, under our current covenants (the old term for governing documents) the association has no authority to regulate short term rentals; we have no authority to address leaking septic systems; we have no authority to address a party house or other undesirable activity, etc. As times have changed the need for clear governing documents has changed as well.

What is the difference between a declaration and a covenant? They are not truly different. The full name of the proposed document is a Declaration of Covenants, Conditions and Restrictions. For purposes of this discussion, we will refer to the new document as proposed Declaration and the existing document as the Covenants. A few items for clarification: The Proposed Declaration was prepared by Attorney Hal Barrow who is an expert in HOA law in Pennsylvania. The Proposed Declaration is much longer than the old covenants because the current PA Act specifies the provisions that must be in our new Declaration. For example, the first six pages are all definitions. The document could not be shorter and still comply with the act.

How do Bylaws differ from a Declaration? Bylaws are the mutually agreed to governing rules for the association; they are the specific rules designed to enforce how an association like BCLCA is run on a day-to-day basis. (<https://legalbeagle.com/12723939-what-is-the-difference-between-bylaws-covenants.html>). In 2017 the association changed the **bylaws** of BCLCA to codify the way the association had been operating for many years. The bylaws can be amended at a duly called meeting of the members, where a quorum (20%) is present, by a simple majority vote of those present. So, it can be a relatively small number of members who can vote to approve a bylaw change. As stated above that is not the case for adopting a new Declaration. The board is aware that many owners have concerns about the current bylaws and the board also has found some of the new provisions to be problematic. Our hope is to move through the Declaration process to set up the proper framework and then tackle another bylaw update to deal with these issues.

How can you help/participate in the process? Please, keep in mind that all members of the board volunteer their time to make BLC a great place to live. We need your help and support as we go through this process.

- 1) Review the current covenants and the proposed Declaration. Many of the restrictions and requirements come from our original covenants and are not new. You can get a copy by downloading from the BCLCA website or request a copy by contacting the office.
- 2) Write down your thoughts and questions and send them to the office via email or mail bclca@ptd.net
- 3) Keep an open mind and recognize we are all neighbors and in our hearts want the best for BCL
- 4) Watch for notification of the Town Hall meetings, attend and participate.

All questions or comments will be collated and sent to the committee chair for discussion at the town meetings. Watch for notification of the future town hall meetings.

As the current president of BCLCA I am often humbled by the effort and hard work of all our volunteers. It is not only the 15 board members, we also have 30 or so active committee members working on your behalf continually. We have had 7 committee members working on the Declaration for more than 3 years to bring it to this stage. I try hard to be respectful of all members and to treat everyone with courtesy and respect, even if we disagree. I think as members of a community, we all owe that to each other.

Thank you and I hope the above has been helpful.