



2023 Massachusetts Legislative End of Year Report

The CAI Massachusetts Legislative Action Committee (LAC) actively advocated on behalf of the [approximately 1,655,000 Massachusettsans living in 642,000 homes in more than 11,230 community associations across the Bay State during 2023](#). The LAC actively tracked 66 bills out of 4,504 bills introduced in 2023 in the House, and 2,853 bills introduced in 2023 in the Senate. On October 24, 2023 the Massachusetts General Court Joint Committee on Housing held a hearing which covered an array of relevant legislation potentially impacting community associations. Matthew Gaines, Esq. testified on behalf of the CAI Massachusetts LAC, and engaged in a productive conversation with lawmakers on behalf of the homeowners, managers, and business partners which help make community association living possible.

Below is a brief overview of highlights from the first half of the 2023-2024 Massachusetts General Court:

H 1338/S 900 An Act relative to electronic meetings and voting in condominiums- The CAI Massachusetts LAC **supports** this bill and has been actively working with lawmakers to see it pass.

This bill would allow condominium association boards to hold meetings virtually and vote electronically, and would also allow for annual meetings to be held virtually with electronic voting.

Status: IN COMMITTEE.

S 2498 An Act relative to the Condominium Owners' Rights Act (CORA)- The CAI Massachusetts LAC is **opposed** to this bill due to its infringement on attorney-client privilege, infringement on the privacy of owners, establishment of an ombudsman office, over burdensome meeting regulations, and insufficiencies in the reserve studies & funding section of the bill.

This bill would set new standards for records requests for self-managed condominium associations with 50 units or fewer, the association would have 10 business days to produce records in response to a records request or face a fine of \$100. An association with a manager would have 5 business days to produce records in response to a records request. The bill specifies that publishing records on a secure webpage would satisfy the request. The bill also specifies that the only records which can be excluded from release are personnel discipline records or records regarding contract negotiations or litigation strategy.



Condominium association boards would be required under this bill to contribute no less than 10% of the annual operating budget and collected as part of regular assessments. Condominium association boards would also be required to prepare a preventative maintenance plan every 2 years, and buildings with 50 units or more would need a reserve study conducted every 10 years.

The bill creates an Office of the Condominium Ombudsman within the Office of the Attorney General, with the power to investigate and intervene in disputes between owners and boards.

Finally, the bill would also permit the use of electronic voting and virtual meetings by condominium boards.

Status: IN COMMITTEE.

H 1303 An Act to ensure the right to install electric vehicle charging stations- The CAI Massachusetts LAC is **opposed** to this bill as introduced and is currently working with lawmakers to amend this bill to better take into account the needs of community associations.

As introduced, this bill would allow the installation of electric vehicle charging stations in areas subject to an owner's separate interest, on or in areas to which they have exclusive use, or on a common element, so long as it was within a reasonable distance of the dedicated parking space. The bill does preserve the right of a community association to impose reasonable rules and restrictions, and charge a reasonable fee for processing the application so long as other architectural requests are charged reasonable processing fees. Additionally, this bill explicitly states that the cost burden associated with the installation and maintenance of an electric vehicle charging station is on the individual homeowner, not the association.

Status: IN COMMITTEE.

H 1347 An Act relative to a special commission to study condominium law- The CAI Massachusetts LAC is advocating for amendment language which would make the composition of the commission more balanced.

This bill would establish a commission to examine owner's rights, association and management responsibilities to owners, independent audits of accounts held for improvements, upgrades, and maintenance, oversight authority for the development of regulations by an appropriate state office or agency, and any other relevant matters. The commission would be expected to generate a report with recommendations for legislative consideration.

Status: IN COMMITTEE.



H 1363 An Act relative to the display of the flag of the United States by condominium unit owners- The CAI Massachusetts LAC has been monitoring this bill.

This bill would restrict a condominium association's power to regulate the installation of a flagpole, base or stand affixed to a unit in a limited common area where the unit owner has a right of exclusive possession or use for the purpose of displaying the flag of the United States, an official flag of a branch of the United States Armed Forces, or a POW/MIA flag, or from displaying one of the aforementioned flags in a window. Exceptions are made for flags larger than 4.5x6 feet, flags which would obstruct the sightline of other unit owners, installation upon an easement in which erection and display of a flag is prohibited, or if the flag is displayed in a manner inconsistent with codes pertaining to the use/display of the United States flag.

Status: IN COMMITTEE.

H 1346 An Act relative to condominium elections- The CAI Massachusetts LAC is **opposed** to this bill due to its infringement on the self-governance of community associations.

This bill would establish new provisions allowing for the use of absentee ballots in board elections. It would also prohibit the use of proxy ballots and would prohibit unit owners from designating their vote to another owner. Annual meeting notices would be required to include a call for candidates if there are available board positions and an election is scheduled to occur. Notices would be required at least 45 days before the start of the annual meeting, with a second notice to be sent to owners 14 days before the meeting with the list of candidates and the duties of each board position. The bill also establishes procedures for including a non-resident on the board if a position is unable to be filled after two calls for nominations.

Status: IN COMMITTEE.

H 1367 An Act to maintain stable housing for families with pets in an economic crisis and beyond- The CAI Massachusetts LAC is **opposed** to section 3 of this bill, which would take away the authority of condominium associations to prohibit certain dog types based on breed, weight, size, or appearance.

Status: IN COMMITTEE.



H 2310 An Act enhancing the safety of high-rise buildings- The CAI Massachusetts LAC is actively discussing the potential impact of this legislation on the finances of condominium associations.

This bill requires buildings built before January 1, 1975 to have automatic sprinkler systems installed, with coverage for one third of the building occurring no later than March 30, 2026, two thirds of the building by March 30, 2029, and the entire building by March 30, 2033.

Status: IN COMMITTEE.

H 2892 An Act relative to condominiums- The CAI Massachusetts LAC is **opposed** to this bill.

This bill would make components of reserve funds taxable by the Commonwealth of Massachusetts.

Status: IN COMMITTEE.

H 2905/S 1759 An Act relative to charges associated with condominiums in tax title- The CAI Massachusetts LAC is monitoring this bill.

This bill would require municipalities to pay assessments to a condominium association if a condominium unit is purchased or taken for non-payment of taxes or other charges.

Status: IN COMMITTEE.

H 3685 An Act ensuring solar energy access- The CAI Massachusetts LAC is **opposed** to this bill as introduced due to its infringement on the self-governance of community associations.

This bill would void existing community association rules prohibiting the installation of solar panels, and would limit the ability of community associations when creating rules restricting the installation of solar panels. Associations would have to provide an explanation of the reasoning behind their restrictions in writing to owners attempting to install solar panels, and would also award owners civil damages and attorney's fees in the event of a successful challenge to the association's rules.

Status: IN COMMITTEE.



For more information on community association legislation in Massachusetts, visit <https://www.caionline.org/Advocacy/LegalArena/Laws/Pages/MA.aspx>.

Your Assistance is Needed

CAI relies on outside resources such as professional lobbying as a vital and integral part of the legislative process. The volunteers who advocate – including homeowner leaders, community managers, and business partners – greatly rely on contributions from management companies and business partners in addition to individuals to continue their important efforts in the legislature. CAI needs your financial support to bolster their advocacy activities in 2023 and beyond. We encourage donations from Massachusetts community associations, business partners, and individuals. Please visit www.caionline.org/lacdonate/ and donate to CAI's Massachusetts Legislative Action Committee to support our continued efforts.

We need YOUR voice! [Sign up today](#) to become a CAI Advocacy Ambassador and help shape legislation in your state!

CAI Massachusetts Contact Information

- Visit <https://www.caionline.org/Advocacy/LAC/MA/Pages/default.aspx>
- CAI New England Chapter website- <http://www.caine.org/>
- CAI New England Chapter email- ccarini@caine.org
- Contact CAI's Government and Public Affairs Team at government@caionline.org
- To find the chapter nearest you, please call (888) 224-4321.