

HOUSE No. 5516

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regulating condominium associations and management companies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Charles Strassman</i>		<i>8/13/2025</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>11/17/2025</i>

HOUSE No. 5516

By Representative Galvin of Canton (by request), a petition (subject to Joint Rule 12) of Charles Strassman relative to condominium associations and management companies. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act regulating condominium associations and management companies.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 24A of the General Laws is hereby amended by adding the
2 following 13 sections:-

3 Section 6. There shall be within the office, but not under its control, a Massachusetts
4 condominium commission, hereafter called the commission, to be appointed by the governor,
5 with the advice and consent of the council, consisting of 5 members, citizens of the
6 commonwealth, 3 of whom shall be residential condominium owners with 1 representative of an
7 association with less than 100 units. One of the appointees shall be a residential condominium
8 manager. The governor shall designate the chair of the commission. As the term of office of a
9 member of the commission expires, the member's successor shall be appointed by the governor,
10 with like advice and consent, to serve for 5 years. Each member shall be eligible for
11 reappointment and shall serve until the qualification of the member's successor. The governor
12 may also, with like advice and consent, fill any vacancy in the commission for the unexpired

13 portion of the term. For the purposes of this section and sections 7 through 18, the term
14 “association” shall have the same meaning as the terms “organization of unit owners” or
15 “association” and the term “condominium” shall have the same meaning as “condominium” set
16 forth in section 1 of chapter 183A.

17 Section 7. The commission shall hold at least 4 regular meetings each year and may hold
18 special meetings as required. Time, place and notice of all meetings shall be as required by rules
19 or by-laws made by the commission. A quorum shall consist of 3 members. In case of vacancy in
20 the office or absence of the chair, the senior member shall perform the duties of the chair. A
21 written record, which shall be open to public inspection shall be kept of all meetings and of the
22 business transacted.

23 Section 8. The commission may make such rules or by-laws, not inconsistent with law, as
24 it may deem necessary in the performance of its duties. The commission shall have a seal. The
25 commission shall annually render to the governor and the general court a report of its
26 proceedings, which shall include an itemized statement of all receipts and expenses of the
27 commission for the year.

28 Section 9. Each member of the commission shall serve without compensation but shall be
29 paid by the commonwealth the expenses necessarily incurred in the discharge of official duties.
30 The commission shall employ an executive director to discharge its official duties and shall fix
31 the executive director's compensation, which shall be paid by the commonwealth. The office
32 shall provide the commission with adequate office space and shall pay the expenses of the
33 commission incurred in the performance of its duties.

34 Section 10. The commission shall select a qualified individual to act as executive director
35 and shall delegate full authority to the executive director to manage the affairs of the
36 commission. The executive director shall serve at the pleasure of the commission. The executive
37 director shall present to the commission for its approval annual budgets, staffing plans and
38 operating plans. The executive director shall supervise the employees of the commission and
39 shall have the power to hire and fire them.

40 Section 11. (a) No person shall manage or hold himself out to the public as being able to
41 perform, provide, or render management or administrative services to an association, including
42 but not limited to: preparation of budgets and other financial documents; the collecting,
43 controlling, disbursing, accounting or custody of common funds; obtaining insurance;
44 conducting meetings of the organization of unit owners; arranging for and coordinating
45 maintenance and repair; or otherwise overseeing the day to day operations of the condominium
46 for the association unless licensed by the commission in accordance with sections 6 to 18,
47 inclusive. For the purposes of said sections 6 through 18, the term “manager” shall have the same
48 meaning as the term “manager” in section 1 of chapter 183A.

49 (b) Each applicant for a license as a residential condominium manager shall furnish the
50 commission with proof of satisfactory completion of the educational, training and experience
51 requirements for licensure, including completion of an approved program of work experience
52 and proof of having passed a licensing examination approved by the commission.

53 (c) Applications for licenses and renewals thereof shall be submitted in accordance with
54 procedures established by the commission. Pursuant to section 3B of chapter 7, the secretary of
55 administration and finance shall ensure that a licensing fee shall be charged to all applicants in an

56 amount sufficient to defray all administrative costs to the commonwealth associated with the
57 licensure of condominium managers, but in no event shall the fee be less than \$300.

58 (d) The commission shall license as a residential condominium manager an applicant who
59 meets the requirements set forth in this section. The commission shall issue to a manager a
60 license.

61 (e) A license shall be issued for a period of 2 years and shall be renewable on or before
62 the last day of the month in an even-numbered year. Each licensee shall pay to the commission
63 the license fee or renewal fee set by the secretary of administration and finance. The renewal
64 month shall be determined by the commission to facilitate efficient completion of all renewal
65 requests and avoid backlog. The renewal of a residential condominium manager license shall be
66 contingent upon compliance with the continuing education requirements and standards of
67 practice as determined by the commission and defined by rules and regulations.

68 (f) To be eligible for licensure as a residential condominium manager, an applicant shall:

69 (i) be of good moral character; (ii) have successfully completed high school or its equivalent;

70 (iii) have successfully completed all pre-licensure education requirements approved by the

71 commission; (iv) have passed a written or electronic competency examination offered or

72 approved by the commission; provided that such examination shall demonstrate that the

73 applicant has a fundamental knowledge of state and federal laws relating to the operation of all

74 types of residential condominiums as defined in chapter 183A, proper preparation of association

75 budgets, proper procedures for noticing and conducting association meetings, insurance matters

76 relating to associations and management skills; and (v) pay the appropriate fee set by the

77 secretary of administration and finance.

78 Section 12. Upon payment to the commission of a fee and the submission of a written
79 application provided by the commission, the commission shall issue a condominium manager
80 license to a person who holds a valid license or registration issued by another jurisdiction, which
81 has standards substantially equivalent to or exceeding the standards of the commonwealth, as
82 determined by the commission.

83 Section 13. (a) A licensed residential condominium manager engaged in the practice of
84 managing a residential condominium shall secure, maintain and file with the commission
85 satisfactory proof of a certificate of an errors and omissions policy, which shall be in a minimum
86 amount of \$250,000 in the aggregate. Every proof of an errors and omissions policy shall
87 stipulate that cancellation or nonrenewal of the policy shall not be effective until at least 10 days'
88 notice of intention to cancel or not renew has been received in writing by the commission. No
89 condominium manager may manage a condominium unless the manager's performance is
90 covered by an errors and omissions policy of at least \$250,000 in the aggregate. Such proof shall
91 be deemed satisfactory if the policy is carried by the licensed company, partnership or franchise
92 for which the condominium manager is a contracted employee and the condominium manager is
93 specifically covered by such policy.

94 (b) A licensed residential condominium manager shall promptly report to the insurance
95 company any complaint filed against either the condominium manager or the condominium
96 manager's company in a court of competent jurisdiction when the claim in the complaint is
97 greater than the deductible on the condominium manager's errors and omissions insurance
98 policy.

99 (c) The commission shall investigate all complaints filed with the commission relating to
100 the proper practice of condominium management and all complaints relating to a violation of the
101 law or any rule or regulation of the commission.

102 (d) The commission may, by a majority vote, after a hearing held subject to chapter 30A,
103 deny, refuse renewal, limit, suspend or revoke the license of a residential condominium manager
104 upon proof to the satisfaction of the commission that the holder thereof has: (i) committed fraud
105 or misrepresentation in obtaining a license; (ii) been guilty of criminal conduct which the
106 commission determines to be of such a nature as to render such a person unfit to practice as a
107 licensed condominium manager, as evidenced by criminal proceedings which resulted in a
108 conviction, guilty plea or plea of nolo contendere or an admission of sufficient facts; (iii) failed
109 to report a claim forthwith to the insurance carrier as provided in this section; (iv) violated any
110 rule or regulation of the commission; (v) failed to fulfill any continuing education requirements
111 set out by the commission; (vi) violated any ethical standard which the commission determines
112 to be of such a nature as to render such person unfit to practice as a condominium manager, such
113 as: (1) attempting to limit liability for negligent or wrongful errors or omissions by use of a
114 clause within a performance contract that limits the cost of damages for negligent or wrongful
115 errors or omissions; or (2) managing a condominium without the appropriate errors and
116 omissions insurance coverage.

117 Section 14. (a) The commission may, by a majority vote and upon determination made
118 after a hearing pursuant to chapter 30A, find that a residential condominium manager is liable for
119 a violation of the provisions of sections 6 through 18, inclusive, and may impose the following
120 fines and penalties: (i) suspend, revoke, cancel or place on probation the license of the
121 condominium manager; (ii) reprimand or censure the licensee; (iii) order the licensee to complete

122 continuing education or training or both as a condition of retention or future consideration or
123 reinstatement of such license; (iv) order the licensee to participate in a drug or alcohol
124 rehabilitation program or undergo drug testing or both as a condition of reinstatement of such
125 license; (v) order the licensee to practice under appropriate supervision for a period of time to be
126 determined by the commission as a condition of retention or future consideration of
127 reinstatement of such license; (vi) order financial restitution, where appropriate; and (vii) assess
128 an administrative penalty of not more than \$1,000 for each violation.

129 (b) Whoever, not being licensed as a residential condominium manager, holds themselves
130 out as such or whoever, being licensed, impersonates another condominium manager or violates
131 any rule or regulation made by the commission and renders services as a condominium manager,
132 may be assessed a civil penalty of not more than \$5,000 for each violation. Such civil penalty
133 may be assessed by the commission after hearing and may be enforced by the courts of the
134 commonwealth.

135 (c) No action by a residential condominium manager for recovery of a fee for the
136 performance of such services shall be maintained in the courts of the commonwealth unless the
137 individual who performed the services was duly licensed at the time the fee was earned. An
138 appeal of a license suspension, revocation, cancellation or other discipline shall be made to the
139 superior court in Suffolk county based solely on the administrative record compiled at the
140 commission hearing.

141 Section 15. The commission shall develop, oversee and administer a mandatory
142 education and training program for association board members pursuant to section 23 of chapter
143 183A.

144 Section 16. The commission shall develop policies and procedures to assist residential
145 condominium unit owners, boards of board members, board members themselves, association
146 managers and other affected parties to understand their rights and responsibilities as set forth in
147 laws of the commonwealth and the condominium documents governing their respective
148 association.

149 Section 17. The commission shall coordinate and assist in the promulgation of
150 educational materials; and to make recommendations for rules and procedures for the filing,
151 investigation, and resolution of complaints filed by residential condominium unit owners,
152 associations and managers; and to provide resources to assist members of boards of board
153 members and officers of associations to carry out their powers and duties consistent with chapter
154 183A, commission rules and the condominium documents governing the association.

155 Section 18. The commission shall serve as a liaison between any executive office, or any
156 relevant department, and unit owners, board members, association managers and other affected
157 parties.

158 SECTION 2. Chapter 93A of the General Laws is hereby amended by inserting after
159 section 11 the following section:-

160 Section 11A. A governing body, board of trustees, manager or managing agent of an
161 organization of residential condominium unit owners shall be a person engaging in the conduct
162 of trade or commerce for any action taken on behalf of an organization of condominium owners
163 organized pursuant to chapter 183A.

164 SECTION 3. Section 1 of chapter 183A of the General Laws, as appearing in the 2022
165 Official Edition, is hereby amended by inserting before the definition of "Building" the following
166 definition:-

167 "Board member", a member of the governing body of the organization of unit owners of
168 residential condominiums.

169 SECTION 4. Said section 1 of said chapter 183A, as so appearing, is hereby further
170 amended by inserting after the definition of "Land" the following definition:-

171 "Manager", the managing agent, the trustees in a self-managed condominium, or any
172 other person or entity who performs or renders management or administrative services to the
173 organization of unit owners, including but not limited to preparation of budgets and other
174 financial documents; the collecting, controlling, disbursing, accounting or custody of common
175 funds; obtaining insurance; conducting meetings of the organization of unit owners; arranging
176 for and coordinating maintenance and repair; or otherwise overseeing the day to day operations
177 of the condominium for the organization of unit owners; provided that any such person or entity
178 who performs or renders such management or such administrative services shall be a licensed
179 condominium manager licensed pursuant to sections 6 to 18, inclusive, of chapter 24A.

180 SECTION 5. Said section 1 of said chapter 183A, as so appearing, is hereby further
181 amended by inserting after the definition of "By-laws" the following definition:-

182 "Commission", the Massachusetts condominium commission established by section 6 of
183 chapter 24A.

184 SECTION 6. Said section 1 of said chapter 183A, as so appearing, is hereby further
185 amended, in line 64, by striking out the words “Organization of unit owners” and inserting in
186 place thereof the following words:- “Organization of unit owners” or “association”.

187 SECTION 7. Subsection (c) of section 10 of said chapter 183A, as so appearing, is
188 hereby amended by inserting after the second paragraph the following paragraph:-

189 A unit owner who is denied access to records is entitled to the actual damages or
190 minimum damages for the association's willful failure to comply. Minimum damages are \$50 per
191 calendar day for up to 10 days, beginning on the 11th working day after receipt of the written
192 request. The failure to permit inspection entitles any person prevailing in an enforcement action
193 to recover reasonable attorney fees from the person in control of the records who, directly or
194 indirectly, knowingly denied access to the records. If the requested records are posted on an
195 association’s website, or are available for download through an application on a mobile device,
196 the association may fulfill its obligations under this paragraph by directing to the website or the
197 application all persons authorized to request access.

198 SECTION 8. Said chapter 183A is hereby further amended by adding the following 2
199 sections:-

200 Section 24. (a) A board member, within 90 days after being elected or appointed to the
201 board of the governing body of the organization of unit owners of a residential association, shall:

202 (i) certify in writing to the secretary of the governing body of the association that: (1) the
203 board member has read the by-laws and master deed and any amendments and current written
204 policies; (2) the board member will work to uphold such documents and policies to the best of

205 the board member's ability; and (3) the board member will faithfully discharge the board
206 member's fiduciary responsibility to the association's members; and

207 (ii) submit to the secretary of the association a certificate of having satisfactorily
208 completed the educational curriculum administered by the commission or a commission-
209 approved residential condominium education provider. The educational curriculum shall be at
210 least 4 hours long and include instruction on inspections, elections, recordkeeping, financial
211 literacy and transparency, levying of fines and notice and meeting requirements within 1 year
212 before or 90 days after the date of election or appointment.

213 (b) One year after submission of the most recent written certification and educational
214 certificate, and annually thereafter, a board member of a residential condominium association
215 shall submit to the secretary of the association a certificate of having satisfactorily completed at
216 least 1 hour of continuing education administered by the commission or a commission-approved
217 condominium education provider, relating to any recent changes to this chapter and any related
218 administrative rules during the past year.

219 (c) A board member of an association who fails to timely file the written certification or
220 educational certificate is suspended from service on the board until the board member complies
221 with this section.

222 (d) The board may temporarily fill the vacancy during the period of suspension. The
223 board's secretary shall cause the association to retain a board member's written certification and
224 educational certificate for inspection by the members for 7 years after a board member's election
225 or the duration of the board member's uninterrupted tenure, whichever is longer. Failure to have

226 such written certification or educational certificate on file does not affect the validity of any
227 board action.

228 Section 25. The actions of a governing body, board of trustees, manager or managing
229 agent of an organization of residential condominium unit owners taken on behalf of or for unit
230 owners, pursuant to this chapter, shall be deemed to be practices engaged in the conduct of trade
231 or commerce pursuant to chapter 93A.

232 SECTION 9. A manager of a residential condominium, as defined in section 1 of chapter
233 183A of the General Laws, shall comply with the licensure requirements in section 11 of chapter
234 24A of the General Laws by June 30, 2027.

235 SECTION 10. A board member of an association of a residential condominium who was
236 elected or appointed before July 1, 2026, shall comply with the written certification and
237 educational certificate requirements in section 23 of chapter 183A of the General Laws by June
238 30, 2027.