

HOUSE No. 4826

The Commonwealth of Massachusetts

PRESENTED BY:

Meghan K. Kilcoyne

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 relative to the condominium owners' rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Meghan K. Kilcoyne</i>	<i>12th Worcester</i>	<i>7/31/2025</i>

HOUSE No. 4826

By Representative Kilcoyne of Clinton, a petition (subject to Joint Rule 12) of Meghan K. Kilcoyne relative to the condominium owners' rights. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to the condominium owners' rights.

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

1 Chapter 183A Section 1 of the General laws is hereby amended by adding the following:-

2 “Governing body,” trustees, officers or directors responsible for the administration and
3 operation of the organization of unit owners of a condominium organized under Chapter 183A,
4 as defined in the by-laws of said condominium.

5 “Remote meeting,” any meeting where unit owners or members of a governing board
6 attend by telephone, video conference call or by interactive electronic communications,
7 including over the internet.

8 Section 2. Chapter 183A Section 10(c)(4) of the General laws is hereby amended by
9 adding the following subsection(vi):-

10 Governing bodies of self-managed unit owner organizations of 50 or fewer units shall
11 make these records available within ten(10) business days. Unit owner organizations with
12 appointed managing agents shall produce such records within five(5) business days. Electronic

13 conveyance of documents to the owner is preferred and shall be at no cost to the unit owner. A
14 governing board or managing agent may comply with this requirement by posting the requested
15 records to a secure web site using Hyper Text Transfer Protocol Secure (HTTPS), or stronger,
16 for secure transmission of documents. Unless an extension is agreed upon in writing, failure to
17 timely produce requested documents shall be deemed a violation of this chapter and result in a
18 \$100.00 fine. Said fine shall be payable by an appointed managing agent from its own funds or,
19 if a self-managed trust or association, from common funds, to the requesting unit owner. Each
20 day after day five (5) or day ten(10), whichever applies, shall be considered a separate violation,
21 enforceable by any unit owner in small claims court.

22 Section 3. Chapter 183A Section 10(c)(4) of the General Laws is hereby amended by
23 adding the following subsection(vii):-

24 All Other Records:Documents and records available to unit owners shall include all
25 books, records and reports, including but not limited to architectural and engineering reports and
26 studies. Legal opinion letters or memoranda commissioned by the board, personnel discipline
27 records or records regarding contract negotiations or litigation strategy are excluded from release
28 pursuant to §10(c)(4). When the purpose for withholding these records has been served, such as
29 upon completion of litigation, execution of a contract or issuance of new policy, those records
30 shall be available to owners pursuant to the same time and condominium size standards in §
31 10(c)(4)(vi) unless the attorney-client privilege still applies as the sole reason for withholding
32 these records.

33 Section 4. Subsection (i) of section 10 of Chapter 183A of the General Laws is hereby
34 amended by adding the following at the end of the first sentence:- Total contributions to a

35 replacement reserve fund shall be the higher of ten (10) percent or the current HUD guidance as
36 published by the Attorney General's Ombudsman semi-annually of a condominium's annual
37 operating budget and collected as part of a condominium's regular common expense assessment,
38 however timed. All condominium governing bodies shall prepare or have prepared in writing a
39 preventive maintenance program for its facility. Such plan shall be updated at least every two
40 years and distributed to all unit owners. Governing bodies of condominium associations or trusts
41 with 50 or more units shall have a capital reserve fund study prepared by a registered engineer or
42 registered architect at least once every ten years. The reserve study shall be based on current
43 replacement cost and be updated every two years by a registered engineer or architect for
44 accuracy and market adjustments. The reserve fund study shall include a safety inspection and
45 ASHRE Level 2 Audit to include electrical usage.

46 Section 5. Subsection (f)(2) of section 10 of Chapter 183A of the General Laws is hereby
47 amended by adding the following at the end of the first sentence:- including, but not limited to,
48 accounting for special fee or assessment funds by project.

49 Section 6. Chapter 183A of the General Laws is hereby amended by adding the following
50 Section 10A:-

51 (a) A condominium organized under chapter 183A of the General Laws must have in its
52 by-laws an internal dispute resolution procedure to address disputes between a governing body
53 and a unit owner or owners arising from the administration or operation of the condominium,
54 including, but not limited to, interpretation of the condominium master deed, by laws and any
55 rules or regulations. This internal dispute resolution procedure shall take place in a neutral,
56 unbiased forum using neutral, unbiased individuals. Unit owners' complaints to the governing

57 body must be in writing and governing body decisions must be rendered in writing within seven
58 (7) from the date of the complaint.

59 (b) All governing bodies of self-managed condominiums with fewer than 50 units must
60 hold regular meetings at least quarterly. Governing bodies of unit owner organizations with 50 or
61 more units and those with appointed managers must hold meetings at least monthly. Such
62 meetings must have a standing agenda item for unit owners to raise issues related to
63 condominium management and administration. Unit owners must be given a reasonable
64 opportunity at any meeting to comment regarding any matter affecting the common interest or
65 the association.

66 (c) All regularly scheduled meetings shall be open to all unit owners for the entirety of
67 the meeting, except for executive sessions. The Board or its committees may hold an executive
68 session only during a regular or special meeting of the board or committee. No final vote or
69 action may be taken during an executive session. An executive session may be held only to:

70 (A) consult with the association's attorney concerning legal matters;

71 (B) discuss existing or potential litigation or mediation, arbitration, or administrative
72 proceedings;

73 (C) discuss labor or personnel matters;

74 (D) discuss contracts, leases and other commercial transactions to purchase or provide
75 goods and services currently being negotiated, including the review of bids or proposals, if
76 premature general knowledge of those matters would place the association at a disadvantage.

77 (E) prevent public knowledge of a discussion about an individual unit owner's finances
78 unless the owner is in arrears for longer than 60 days.

79 (d)Governing bodies shall create and maintain accurate minutes of all meetings,
80 including executive sessions, setting forth the date, time and place, members present or absent, a
81 summary of the discussions on each subject, a list of documents and other exhibits used at the
82 meeting, the decisions made and the action taken at each meeting, including the record of all
83 votes. The Board shall make them available to all unit owners subject to the same time and
84 condominium size standards as in c. 183A §10(c)(4) (vi). After notifying the chair or president,
85 any person may make a video or audio recording of an open session of a meeting or may transmit
86 the meeting through any medium, subject to the reasonable requirements of the chair or president
87 as to the number, placement and operation of equipment used so as to not interfere with the
88 conduct of the meeting. At the beginning of the meeting, the chair or president shall inform other
89 attendees of any recordings.

90 (e) Governing bodies or their managing agent shall maintain an up-to-date list of all unit
91 owners eligible to vote that unit's beneficial interest in any election. That list shall include, but
92 not be limited to, the owner's full name, unit designation, telephone number and email address.
93 The Board or its agent shall make this list available to other unit owners upon written request,
94 subject to the same time and condominium size standards in c. 183A §10(c)4)(vi).

95 Section 7. Chapter 12 of the general laws is hereby amended by inserting at the end
96 thereof the following new section 36:--

97 (a) There shall be an Office of the Condominium Ombudsman within the Office of the
98 Attorney General.

99 (b) The Attorney General shall establish a statewide condominium ombudsman program
100 for the purpose of receiving, investigating and resolving, through administrative action,
101 complaints received from a condominium unit owner or owners about condominium governing
102 boards and the administration and operations of a condominium organized under Chapter 183A
103 of the general laws. The Attorney General shall appoint an ombudsman to act as the director of
104 the program who shall be a person qualified by training and experience to perform the duties of
105 the office. The ombudsman shall publish the Office's procedures for filing, hearing and settling
106 disputes.

107 (c) Annually, the ombudsman shall prepare and file a report on its activities to the
108 Attorney General, the house and senate clerks' offices, the senate and house committees on ways
109 and means and the joint housing committee, Inspector General and any other relevant agency, on
110 any matter or subject within the jurisdiction of the Ombudsman's office. At a minimum, such
111 report shall include, but not be limited to, the number of complaints filed, the types of
112 complaints, their origin, how many were resolved without further action, and the resolution
113 reached, if any. When making recommendations to the legislature, the Ombudsman shall include
114 drafts of legislation, if required.

115 (d) The Ombudsman shall develop educational materials to assist unit owners, unit owner
116 organization boards of trustees or directors, appointed managing agents and others its deems
117 appropriate to understand their rights and responsibilities as set forth in this chapter and the
118 condominium documents governing their respective association or trust.

119 (e) Notwithstanding any general or special law to the contrary, the Office of
120 Condominium Ombudsman shall establish a Condominium Mediation Program with the goal of

121 resolving disputes between and among unit owner organization trustees or directors, unit owners
122 and appointed managers, including, but not limited to, interpretation of condominium
123 documents. The mediators shall issue non-binding decisions in writing subject to appeal. Any
124 owner or group of owners that files a complaint with the ombudsman and complies with the
125 condominium's internal dispute resolution program as required by §10A of this act, shall be
126 deemed to have complied with Rule 23.1 of the Massachusetts Rules of Civil Procedure for
127 purposes of any further judicial proceedings.

128 Section 8. Chapter 183A of the General laws is hereby amended by adding the following
129 section:-

130 Section 24. (a) Any regularly scheduled or special meeting of said governing body shall
131 permit the option for participants to attend remotely by electronic methods. Presence by such
132 electronic means shall constitute presence for purposes of any quorum requirements. The
133 governing body may vote on any action properly before it and approve minutes of any meeting
134 through use of electronic means as approved by the governing body, including, but not limited
135 to, email, video conferencing or electronic files in a format of the governing body's choosing
136 transmitted over the internet.

137 (b) Any annual or special meeting of unit owners shall permit the option for eligible
138 participants to attend remotely by electronic methods. In the event that the governing body
139 determines to hold any such unit owner meeting remotely, the governing body shall notify all
140 unit owners of that decision in the notice of such meeting and provide access information to all
141 unit owners for their participation in such meeting. Remote participation by a unit owner shall
142 constitute presence at the meeting for purposes of any quorum requirements. Unit owners

143 attending remotely shall have access to the agenda, minutes, if any, and all relevant documents in
144 advance of the meeting and the ability to pose questions and make comments.

145 (c) The governing body of the organization of unit owners may permit the unit owners to
146 vote on any matters properly before such unit owners by electronic means, provided that unit
147 owners constituting a quorum participate in such vote. The governing body may, from time to
148 time, and in compliance with the governing documents of the organization of unit owners,
149 promulgate and amend policies related to the use and implementation of electronic meetings and
150 voting. However, all such meetings and votes conducted electronically in paragraphs (a) and (b)
151 and this paragraph (c) shall use commercially available or open source meeting software, such as
152 Zoom, Webex or similar programs, with security protocols meeting the Advanced Encryption
153 Standard (AES) specification as promulgated by the National Institute of Standards and
154 Technology (NIST) for end-to-end encryption and at least two-factor authentication protocols for
155 unit owner identity verification and identity authentication. Internet communication protocols
156 shall be at the level of Hyper Text Transfer Protocol Secure (HTTPS) or stronger. In the event
157 the master deed, declaration of trust or by laws of the condominium require the signature or
158 written consent of the unit owners for a certain matter, unit owners shall be entitled to submit
159 their electronic signatures or written consents using the electronic means determined by the
160 governing body which, at a minimum, meets the standards set forth in the Uniform Electronic
161 Transactions Act (UETA) as codified in Chapter 110G of the Massachusetts General Laws.