

SENATE No. 2644

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 to promote energy conservation in residential buildings.

PETITION OF:

NAME:

Paul W. Mark

DISTRICT/ADDRESS:

*Berkshire, Hampden, Franklin and
Hampshire*

SENATE No. 2644

By Mr. Mark, a petition (accompanied by bill, Senate, No. 2644) (subject to Joint Rule 12) of Paul W. Mark for legislation to promote energy conservation in residential buildings through the installation of energy-conserving windows. Housing.

The Commonwealth of Massachusetts

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

An Act to promote energy conservation in residential buildings.

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 183A of the General Laws is hereby amended by inserting after
2 Section 12 the following section:

3 Section 12A. Installation of Energy-Conserving Windows

4 (a) A condominium unit owner may submit a written request to the organization of unit
5 owners for permission to install a window in a new location on an exterior wall of the unit,
6 provided that:

7 (1) The unit owner certifies in writing that the window is intended to improve the energy
8 efficiency of the unit by increasing natural light, ventilation, or passive solar gain; and

9 (2) A registered architect licensed in the Commonwealth has certified in writing that the
10 proposed installation would be structurally sound and architecturally compatible with the
11 existing building.

(b) The organization of unit owners must respond to the request within forty-five days and shall not unreasonably withhold or condition approval of such a request. Any denial must be in writing and must state specific reasons demonstrating that the proposed installation would pose a material threat to health, safety, structural integrity, or architectural harmony.

(c) Any provision in the master deed, trust, bylaws, or rules and regulations that purports to prohibit or unreasonably restrict such installations shall be deemed void and unenforceable as contrary to public policy of the Commonwealth.

(d) This section shall not be construed to prevent the organization of unit owners from adopting reasonable uniform guidelines consistent with this Chapter, provided they do not undermine the right of unit owners to install energy-conserving windows.

(e) A unit owner aggrieved by an unreasonable denial may seek relief in the Superior Court or Housing Court and the court may award declaratory and injunctive relief and reasonable attorney's fees to a prevailing unit owner.

SECTION 2. The General Laws are hereby amended by inserting after Chapter 183C the following chapter:

Chapter 183D Homeowners' Associations – Energy Conservation Improvements

Section 1. Definitions

"Homeowners' association" means any association of property owners formed under recorded covenants or restrictions governing a residential development, including but not limited to planned unit developments and cooperatives, but excluding condominiums governed by Chapter 183A.

Section 2. Right to Install energy-conserving windows

(a) A homeowner may submit a written request to a homeowners' association for permission to install a window in a new location on the homeowner's dwelling, provided that:

(1) The homeowner certifies in writing that the window is intended to reduce energy consumption by improving natural lighting, passive solar heating, or ventilation; and

(2) A registered architect licensed in the Commonwealth certifies that the installation would be structurally sound and architecturally compatible with the proximate surrounding residences.

(b) The homeowners' association must respond to the request within forty-five days and shall not unreasonably deny or condition such request. A denial must be in writing and based on specific findings that the installation would pose a material threat to health, safety, structural integrity, or architectural harmony.

(c) Any recorded restriction or rule that purports to prohibit or unreasonably limit such window installations shall be deemed void and unenforceable as contrary to the public policy of the Commonwealth.

(d) The association may adopt reasonable uniform guidelines consistent with this Chapter, provided they do not undermine the right of homeowners to install energy-conserving windows.

(e) A homeowner aggrieved by an unreasonable denial may petition the Superior Court or Housing Court for declaratory and injunctive relief and may recover attorney's fees if successful.

SECTION 3. This Act shall take affect ninety days after its passage.