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## **CAI Legislative Action Committee 2024 review and update**

December 06, 2024 - Owners Developers & Managers

A very active session for CAI Legislative Action Committees (LACs) around New England marked milestone legislation passed in some New England states while other bills, championed by LAC delegates before legislators at committee hearings, never made it to the House and/or Senate floor and some that did failed to get the support or backing they needed to pass.

With a busy 2024 session over, it is anticipated that 2025 will be another year in which CAI LACs will be called upon to champion the community association housing model before state legislators.

### **2024 CAI Massachusetts Legislative Session Report**

Community Associations Institute (CAI) Massachusetts Legislative Action Committee (MALAC) spent the 2024 legislative session advocating on behalf of the approximately 1,655,000 Bay Staters living in 642,000 homes in more than 11,230 community associations across the Bay State.

Massachusetts' 2023-2024 formal legislative session began on January 3, 2023, and adjourned on July 31, 2024. The General Court goes into an informal legislative session for the remainder of the year, which means substantive work has been concluded for the time being, but legislators can discuss specific legislative items as needed.

Below are highlights from the 2024 half of the Massachusetts General Court:

#### **H 1338/S 900 An Act relative to electronic meetings and voting in condominiums**

These bills, introduced as a package, would allow for condominiums to hold meetings and votes electronically, in line with CAI's public policy.

Since the onset of the pandemic, amending MGL c. 183A to add provisions relative to electronic meetings and voting in condominiums has been a top priority for the MALAC. With the passage of this legislation, all condominiums in Massachusetts will now be able to hold unit owner and board meetings via online or other remote means. In addition, the legislation also permits associations to conduct elections and other voting online or by using other electronic methods.

Many condominium documents specify that board and unit owner meetings must be held in person, and any vote at a meeting must be in writing. As such, up until now, if a board or unit owner meeting were to be held online or remotely, or if voting were to take place electronically, for such acts to

occur, it would likely require an amendment to the condominium documents, with the approval of a super-majority of the unit owners. This was often difficult to obtain.

Recognizing this issue, and the fact that allowing for online meetings and voting would increase participation, MALAC drafted legislation to allow for all condominiums to conduct meetings and voting by electronic means without having to amend their documents. This change to the law will increase the efficiency of board and owner meetings by streamlining the meeting process; and will increase unit owner participation and engagement by allowing owners who would not be able to participate in person to attend meetings.

The LAC worked with legislators on the introduction of both bills. Eventually, the provisions of these bills were folded into H 4977 An Act relative to the Affordable Homes Act via an amendment in the Senate and concurrence in the House. A call-to-action campaign, urging Massachusetts homeowners, community managers, and business partners, to email Governor Healey to urge her to sign H 4977 went out in August.

Status: Successfully PASSED as H 4977, signed by Governor Healey. Effective immediately.

H 2310 An Act enhancing the safety of high-rise buildings

This bill is a refile of previously seen legislative proposals. It would require buildings built before 1975 to be fitted with automatic fire sprinkler systems.

The MALAC monitored this bill.

Status: DIED in committee.

H 1334 An Act establishing an office of the condominium ombudsman

This bill is a reintroduction of legislation from the previous legislative session. It would require the creation of a condominium ombudsman office within the Office of the Attorney General, and the ombudsman would be given the authority to promulgate rules to assist in disputes and create educational programs. The ombudsman would be required to publish annual reports and provide recommendations to the Attorney General for changes to rules and procedures.

The MALAC opposed this bill.

Status: Continued into Informal Session.

H 1347 An Act relative to a special commission to study condominium law

This bill would create a special committee to study condominium law as it pertains to 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 other relevant matters. The commission would then have the authority to make recommendations to the state legislature for law changes.

The MALAC requested amendments to this bill, as the makeup of the proposed committee was seen as imbalanced and needing expert opinions.

Status: Continued into Informal Session.

#### H 1346 An Act relative to condominium elections

This bill would establish onerous procedures for how a condo election is held - it would require multiple notices, would take away the ability to appoint a proxy, and require election inspection. This bill would apply to all condos regardless of size as written.

The MALAC opposed this bill.

Status: DIED in committee.

#### S 1277 An Act relative to solar drying of laundry

This bill would establish a right for community association residents to install a clothesline in their unit or on their property, overriding current association rules and regulations. It would allow for associations to enact reasonable rules and regulations governing the installation of a clothesline, so long as they did not effectively prohibit it.

The MALAC opposed this bill.

Status: DIED in committee.

#### S 2498 An Act relative to the Condominium Owners' Rights Act (CORA)

This bill creates a condominium owner bill of rights which guarantees records within 5-10 business days, depending on the size of the association, as well as frequency of meetings, and a list of owners with contact information. The bill also requires the establishment of an ombudsman office with powers to mediate disputes between owners and associations.

The MALAC opposed this bill. It contains unreasonable document production limitations. The MALAC was also opposed to its disclosure of legal documents, as this is a legality issue of attorney/client privilege, as well as reserve study & funding regulations, which it believed needed to be re-drafted to better protect unit owners. The MALAC also took issue with the bill's dispute resolution language, burdensome meeting procedure regulations, and establishment of an ombudsman's office. The MALAC also expressed concerns about privacy due to the mandate to provide owner contact information.

Status: Continued into Informal Session.

H 1363 An Act relative to the display of the flag of the United States by condominium unit owners

This bill establishes a right for condominium unit owners to display a flag of the United States which is no larger than 4.5ft x 6ft, not inconsistent with any provision of the US flag code, does not obstruct the sightlines of other unit owners, and is not done on an easement prohibiting the erection of a flag.

The MALAC monitored this bill.

Status: DIED in committee.

H 1303 An Act to ensure the right to install electric vehicle charging stations

Associations must allow the installation of electric vehicle charging stations in an owner's parking space or within reasonable distance of an owner's parking space, but owners must pay for all installation and maintenance costs.

The MALAC requested amendments to this bill, to address issues of insurance and other matters in the legislative text needing cleanup.

Status: Continued into Informal Session.

H 1367 An Act to maintain stable housing for families with pets in an economic crisis and beyond

While well-intentioned, this bill contains a provision which states that no association provision shall prohibit the keeping of certain dog types based on breed, size, weight, or appearance.

The MALAC opposed this bill due to the infringement on associations' regulatory powers.

Status: DIED in committee.

For legislative updates in other states and more information about CAI LACs and how you can be involved and/or support LAC activities visit [www.caioline.org](http://www.caioline.org).

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