

**SENATE . . . . . No. 2498**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Lydia Edwards*

*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 Act (CORA).

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>2/5/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/13/2023</i>
<i>Jeffrey Rosario Turco</i>	<i>19th Suffolk</i>	<i>2/23/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/2/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>4/10/2023</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>4/10/2023</i>

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By Ms. Edwards, a petition (accompanied by bill) (subject to Joint Rule 12) of Lydia Edwards, Steven Owens and Patrick M. O'Connor for legislation relative to the Condominium Owners' Rights Act (CORA). Housing.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act relative to the Condominium Owners' Rights Act (CORA).

*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 Section 1 of the General Laws is hereby amended by adding the  
2 following:-

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

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

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

11           Governing bodies of self-managed unit owner organizations of 50 or fewer units shall  
12 make these records available within ten(10) business days. Unit owner organizations with  
13 appointed managing agents shall produce such records within five(5) business days. Electronic  
14 conveyance of documents to the owner is preferred and shall be at no cost to the unit owner. A  
15 governing board or managing agent may comply with this requirement by posting the requested  
16 records to a secure web site using Hyper Text Transfer Protocol Secure (HTTPS), or stronger,  
17 for secure transmission of documents. Unless an extension is agreed upon in writing, failure to  
18 timely produce requested documents shall be deemed a violation of this chapter and result in a  
19 \$100.00 fine. Said fine shall be payable by an appointed managing agent from its own funds or,  
20 if a self-managed trust or association, from common funds, to the requesting unit owner. Each  
21 day after day five (5) or day ten(10), whichever applies, shall be considered a separate violation,  
22 enforceable by any unit owner in small claims court.

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

25           All Other Records: Documents and records available to unit owners shall include all  
26 books, records and reports, including but not limited to architectural and engineering reports and  
27 studies, legal opinion letters or legal memoranda commissioned by a governing board offering  
28 guidance about condominium statutes, master deeds, by-laws and rules and regulations  
29 associated with the administration and operation of the organization of unit owners. Personnel  
30 discipline records or records regarding contract negotiations or litigation strategy are the only  
31 documents that are excluded from release pursuant to §10(c)(4). Upon completion of litigation or  
32 execution of a contract, those records shall be available to owners pursuant to the same time and  
33 condominium size standards in § 10(c)(4)(vi).

34 Section 4. Subsection (i) of section 10 of Chapter 183A of the General Laws is hereby  
35 amended by adding the following at the end of the first sentence:- Total contributions to a  
36 replacement reserve fund shall be no lower than ten (10) percent 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.

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

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

48 (a) A condominium organized under chapter 183A of the General Laws must have in its  
49 by-laws an internal dispute resolution procedure to address disputes between a governing body  
50 and a unit owner or owners arising from the administration or operation of the condominium,  
51 including, but not limited to, interpretation of the condominium master deed, by laws and any  
52 rules or regulations. Unit owners' complaints to the governing body must be in writing and  
53 governing body decisions must be rendered in writing within seven (7) from the date of the  
54 complaint.

55 (b) All governing bodies of self-managed condominiums with fewer than 50 units must  
56 hold regular meetings at least quarterly. Governing bodies of unit owner organizations with 50 or  
57 more units and those with appointed managers must hold meetings at least monthly. Such  
58 meetings must have a standing agenda item for unit owners to raise issues related to  
59 condominium management and administration.

60 (c) All regularly scheduled meetings shall be open to all unit owners for the entirety of  
61 the meeting, except for executive sessions limited only to topics of personnel discipline,  
62 litigation or contract negotiation strategy.

63 (d) Governing bodies shall keep minutes of all meetings and make them available to all  
64 unit owners subject to the same time and condominium size standards as in c. 183A §10(c)(4)  
65 (vi).

66 (e) Governing bodies or their managing agent shall maintain an up-to-date list of all unit  
67 owners including, but not limited to, unit designation, telephone number and email address and  
68 to make that list available to other unit owners upon written request, subject to the same time and  
69 condominium size standards in c. 183A §10(c)(4)(vi).

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

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

74 (b) The Attorney General shall establish a statewide condominium ombudsman program  
75 for the purpose of receiving, investigating and resolving, through administrative action,

76 complaints received from a condominium unit owner or owners about condominium governing  
77 boards and the administration and operations of a condominium organized under Chapter 183A  
78 of the general laws. The Attorney General shall appoint an ombudsman to act as the director of  
79 the program who shall be a person qualified by training and experience to perform the duties of  
80 the office. The ombudsman shall publish the Office's procedures for filing, hearing and settling  
81 disputes.

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

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

94 (e) Notwithstanding any general or special law to the contrary, the Office of  
95 Condominium Ombudsman shall establish a Condominium Mediation Program with the goal of  
96 resolving disputes between and among unit owner organization trustees or directors, unit owners  
97 and appointed managers, including, but not limited to, interpretation of condominium

98 documents. The mediators shall issue non-binding decisions in writing subject to appeal. Any  
99 owner or group of owners that files a complaint with the ombudsman and complies with the  
100 condominium's internal dispute resolution program as required by §10A of this act, shall be  
101 deemed to have complied with Rule 23.1 of the Massachusetts Rules of Civil Procedure for  
102 purposes of any further judicial proceedings.

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

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

112 (b) Any annual or special meeting of unit owners shall permit the option for eligible  
113 participants to attend remotely by electronic methods. In the event that the governing body  
114 determines to hold any such unit owner meeting remotely, the governing body shall notify all  
115 unit owners of that decision in the notice of such meeting and provide access information to all  
116 unit owners for their participation in such meeting. Remote participation by a unit owner shall  
117 constitute presence at the meeting for purposes of any quorum requirements. Unit owners  
118 attending remotely shall have access to the agenda, minutes, if any, and all relevant documents in  
119 advance of the meeting and the ability to pose questions and make comments.

120 (c) The governing body of the organization of unit owners may permit the unit owners to  
121 vote on any matters properly before such unit owners by electronic means, provided that unit  
122 owners constituting a quorum participate in such vote. The governing body may, from time to  
123 time, and in compliance with the governing documents of the organization of unit owners,  
124 promulgate and amend policies related to the use and implementation of electronic meetings and  
125 voting. However, all such meetings and votes conducted electronically in paragraphs (a) and (b)  
126 and this paragraph (c) shall use commercially available or open source meeting software, such as  
127 Zoom, Webex or similar programs, with security protocols meeting the Advanced Encryption  
128 Standard (AES) specification as promulgated by the National Institute of Standards and  
129 Technology (NIST) for end-to-end encryption and at least two-factor authentication protocols for  
130 unit owner identity verification and identity authentication. Internet communication protocols  
131 shall be at the level of Hyper Text Transfer Protocol Secure (HTTPS) or stronger. In the event  
132 the master deed, declaration of trust or by laws of the condominium require the signature or  
133 written consent of the unit owners for a certain matter, unit owners shall be entitled to submit  
134 their electronic signatures or written consents using the electronic means determined by the  
135 governing body which, at a minimum, meets the standards set forth in the Uniform Electronic  
136 Transactions Act (UETA) as codified in Chapter 110G of the Massachusetts general laws.