

SENATE BILL No. 1306

April 29, 2010, Introduced by Senator GILBERT and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1978 PA 59, entitled
"Condominium act,"
(MCL 559.101 to 559.276) by adding section 160.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 160. (1) UNLESS OTHERWISE PROVIDED IN THIS ACT, ONLY
2 PERSONS HOLDING A CERTIFIED MANAGER OF COMMUNITY ASSOCIATIONS
3 CERTIFICATION AS ADMINISTERED BY THE NBC-CAM BOARD SHALL MANAGE
4 CONDOMINIUM ASSOCIATIONS IN THIS STATE.

5 (2) TO PERFORM SERVICES AS A CONDOMINIUM ASSOCIATION MANAGER
6 IN THIS STATE, AN INDIVIDUAL SHALL MEET ALL OF THE FOLLOWING
7 REQUIREMENTS:

8 (A) THE INDIVIDUAL SHALL HAVE ATTAINED 18 YEARS OF AGE AND BE
9 A CITIZEN OR LEGAL RESIDENT OF THE UNITED STATES.

10 (B) THE INDIVIDUAL SHALL DISCLOSE ANY AND ALL MISDEMEANOR OR

1 FELONY CONVICTIONS OR OTHER SIMILAR OFFENSE OR OFFENSES WITHIN 10
2 YEARS BEFORE APPLYING FOR CERTIFICATION. ANY CONVICTION OR GUILTY
3 PLEA WITHIN 10 YEARS BEFORE THE DATE OF THE APPLICATION MAY RESULT
4 IN THE APPLICANT BEING DISQUALIFIED FROM HOLDING CERTIFICATION AND
5 ACTING AS A MANAGER OF CONDOMINIUM ASSOCIATIONS IN THIS STATE.

6 (C) THE INDIVIDUAL SHALL HAVE A WORKING KNOWLEDGE OF THE
7 FUNDAMENTALS OF CONDOMINIUM ASSOCIATION MANAGEMENT INCLUDING
8 KNOWLEDGE OF THIS ACT, THE NONPROFIT CORPORATION ACT, 1982 PA 162,
9 MCL 450.2102 TO 450.3192, AND ANY OTHER LAWS PERTAINING TO
10 CONDOMINIUM ASSOCIATIONS AND THEIR MANAGEMENT. THE WORKING
11 KNOWLEDGE SHALL BE DEMONSTRATED BY PASSAGE OF THE CERTIFICATION
12 EXAMINATION.

13 (D) THE INDIVIDUAL SHALL HAVE TAKEN THE REQUIRED EDUCATIONAL
14 COURSE WORK AND EARNED AND MAINTAINED IN GOOD STANDING THE REQUIRED
15 CERTIFICATION.

16 (E) THE INDIVIDUAL SHALL AGREE IN WRITING TO ABIDE BY THE
17 STANDARDS OF PROFESSIONAL CONDUCT AS PREPARED BY THE NBC-CAM BOARD
18 FOR THIS STATE AND TO FULLY COOPERATE WITH ANY INVESTIGATION INTO
19 ALLEGED BREACHES OF THE STANDARDS OF PROFESSIONAL CONDUCT BY THE
20 INDIVIDUAL. THIS AGREEMENT SHALL BE EVIDENCED BY SIGNATURE OF THE
21 INDIVIDUAL BEING WITNESSED AND NOTARIZED.

22 (F) THE INDIVIDUAL SHALL NOT HAVE FAILED TO COOPERATE WITH ANY
23 LAW ENFORCEMENT AGENCY IN ANY INVESTIGATION OF A COMPLAINT.

24 (3) THE NBC-CAM BOARD, UNDER THE DEPARTMENT OF ENERGY, LABOR,
25 AND ECONOMIC GROWTH AND THE BOARD OF REAL ESTATE BROKERS AND
26 SALESPERSONS IN THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC
27 GROWTH, SHALL ADMINISTER THE CERTIFICATION FOR MANAGERS OF

1 COMMUNITY ASSOCIATIONS IN THIS STATE IN THE FOLLOWING MANNER:

2 (A) THE PROCESS FOR MAKING APPLICATION FOR CERTIFICATION SHALL
3 COMPLY WITH THE QUALIFICATIONS FOR COMMUNITY ASSOCIATION MANAGER AS
4 SET FORTH BY THE NBC-CAM BOARD.

5 (B) THE APPLICATION PROCESS SHALL INCLUDE A CRIMINAL
6 BACKGROUND CHECK FOR EACH APPLICANT TO ENSURE APPLICANTS HAVE NOT
7 PLED GUILTY TO OR HAVE BEEN CONVICTED OF A FELONY WITHIN 10 YEARS
8 BEFORE THE DATE OF THE APPLICATION. ANY CONVICTION OR GUILTY PLEA
9 WITHIN 10 YEARS BEFORE THE DATE OF THE APPLICATION MAY RESULT IN
10 THE APPLICANT BEING DISQUALIFIED FROM HOLDING THE CERTIFICATION AND
11 ACTING AS A MANAGER OF CONDOMINIUM ASSOCIATIONS IN THIS STATE.

12 (C) THE APPLICATION AND OTHER RELATED FEES SHALL BE DETERMINED
13 BY THE NBC-CAM BOARD.

14 (D) BEFORE AN APPLICANT IS APPROVED TO SIT FOR THE
15 CERTIFICATION EXAMINATION, THE NBC-CAM BOARD SHALL ENSURE THAT THE
16 APPLICANT HAS SATISFACTORILY COMPLETED ALL OF THE FOLLOWING
17 EDUCATIONAL REQUIREMENTS:

18 (i) RECEIPT OF A HIGH SCHOOL DIPLOMA OR THE EQUIVALENT GENERAL
19 EDUCATION DEVELOPMENT CERTIFICATION.

20 (ii) THE M-100: THE ESSENTIALS OF CONDOMINIUM ASSOCIATION
21 MANAGEMENT OFFERED BY THE COMMUNITY ASSOCIATIONS INSTITUTE OR ITS
22 EQUIVALENT AS DETERMINED BY THE NBC-CAM BOARD.

23 (iii) AN 8-HOUR EDUCATIONAL COURSE THAT PROVIDES APPLICANTS WITH
24 A BASIC UNDERSTANDING OF THE STATUTES GOVERNING CONDOMINIUM
25 ASSOCIATIONS IN THIS STATE AS APPROVED BY THE NBC-CAM BOARD.

26 (4) THE OPPORTUNITY TO SIT FOR THE EXAMINATION TO OBTAIN THE
27 CERTIFICATION SHALL BE OFFERED BY THE NBC-CAM BOARD A MINIMUM OF 2

1 TIMES PER YEAR FOR EACH ELIGIBLE APPLICANT. THE NBC-CAM BOARD SHALL
2 ENSURE THE EXAMINATION IS AVAILABLE FOR ADMINISTRATION 360 DAYS A
3 YEAR TO APPLICANTS ELIGIBLE TO SIT FOR THE EXAMINATION.

4 (5) THE NBC-CAM BOARD SHALL PREPARE A PROFESSIONAL MANAGERS
5 CODE OF ETHICS FOR THE HOLDERS OF THE CERTIFICATION. CANDIDATES ARE
6 PERMITTED TO TAKE THE EXAMINATION TO OBTAIN THE CERTIFICATION A
7 MAXIMUM OF 2 TIMES PER YEAR. BEFORE AN APPLICANT IS AWARDED THE
8 CERTIFICATION, THE NBC-CAM BOARD SHALL ENSURE THE APPLICANT HAS
9 SIGNED AND WITNESSED A DOCUMENT ATTESTING THAT THE APPLICANT AGREES
10 TO ABIDE BY THE STANDARDS OF PROFESSIONAL CONDUCT AND WILL FULLY
11 COOPERATE WITH ANY INVESTIGATION REGARDING ANY ALLEGED BREACH OF
12 THE CODE OF ETHICS.

13 (6) UPON SUCCESSFUL COMPLETION OF THE APPLICATION AND
14 EXAMINATION PROCESS, THE NBC-CAM BOARD SHALL PROVIDE TO THE
15 APPLICANT AND ANY EMPLOYER OR PROSPECTIVE EMPLOYER A CERTIFICATION
16 THAT THE APPLICANT HAS SUCCESSFULLY OBTAINED THE CERTIFIED MANAGER
17 OF COMMUNITY ASSOCIATIONS CERTIFICATION.

18 (7) THE TERM OF CERTIFICATION SHALL BE 2 YEARS AND RENEWABLE
19 FOR SUCCESSIVE 2-YEAR TERMS. THE CERTIFICATION SHALL BE SUSPENDED
20 IF THE MANAGER LOSES OR FAILS TO CONTINUE TO QUALIFY FOR HIS OR HER
21 CERTIFICATION.

22 (8) THE NBC-CAM BOARD SHALL REQUIRE THAT CERTIFIED MANAGERS
23 COMPLETE THE EDUCATIONAL REQUIREMENTS BEFORE OBTAINING A RENEWAL OF
24 THE MANAGER'S CERTIFICATION, WHICH SHALL INCLUDE AN ANNUAL UPDATE
25 ON LAW AS MAY BE APPROPRIATE.

26 (9) THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH AND
27 THE BOARD OF REAL ESTATE BROKERS AND SALESPERSONS IN THE DEPARTMENT

1 OF ENERGY, LABOR, AND ECONOMIC GROWTH SHALL HAVE THE AUTHORITY TO
2 INVESTIGATE, LEVY FINES AGAINST, AND TAKE ANY OTHER APPROPRIATE
3 REGULATORY OR COURT-SANCTIONED ACTION AGAINST ANY INDIVIDUAL ACTING
4 AS A CONDOMINIUM ASSOCIATION MANAGER UNDER THIS ACT AND WHO DOES
5 NOT HOLD THE CERTIFICATION. CITIZENS OF THIS STATE MAY BRING A
6 CIVIL CAUSE OF ACTION IN A COURT OF COMPETENT JURISDICTION AGAINST
7 ANY INDIVIDUAL ACTING AS A CONDOMINIUM ASSOCIATION MANAGER WHO DOES
8 NOT HOLD THE CERTIFICATION REQUIRED UNDER THIS ACT AND MAY JOIN IN
9 HIS OR HER ACTION OR BRING A SEPARATE ACTION AGAINST ANY BOARD OF
10 DIRECTORS OF A CONDOMINIUM ASSOCIATION THAT HIRES A CONDOMINIUM
11 ASSOCIATION MANAGER WHO DOES NOT HOLD THE REQUIRED CERTIFICATION.

12 (10) MANAGERS OF CONDOMINIUM ASSOCIATIONS IN THIS STATE ON THE
13 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION AND
14 WHO HOLD THE CERTIFICATION OR THE DESIGNATION OF PROFESSIONAL
15 COMMUNITY ASSOCIATION MANAGER, ASSOCIATION MANAGEMENT SPECIALIST,
16 OR CERTIFIED PROPERTY MANAGER SHALL BE DEEMED TO HAVE MET THE
17 REQUIREMENTS FOR CERTIFICATION UNDER THIS ACT. ALL MANAGERS HOLDING
18 1 OR MORE DESIGNATIONS SET FORTH IN THIS SECTION ARE REQUIRED TO
19 COMPLY WITH THIS ACT BEFORE BEING QUALIFIED AS A CERTIFIED MANAGER
20 OF COMMUNITY ASSOCIATIONS IN THIS STATE. MANAGERS OF CONDOMINIUM
21 ASSOCIATIONS SHALL HAVE 180 DAYS FROM THE EFFECTIVE DATE OF THE
22 AMENDATORY ACT THAT ADDED THIS SECTION TO FULLY COMPLY WITH THE
23 PROVISIONS OF THIS ACT.

24 (11) UPON SUCCESSFUL COMPLETION OF THE APPLICATION AND
25 EXAMINATION PROCESS, THE NBC-CAM BOARD SHALL PROVIDE TO THE
26 APPLICANT AND ANY EMPLOYER OR PROSPECTIVE EMPLOYER A CERTIFICATION
27 THAT THE APPLICANT HAS SUCCESSFULLY OBTAINED THE CERTIFICATION.

1 (12) AS USED IN THIS SECTION:

2 (A) "BOARD OF DIRECTORS OF A CONDOMINIUM ASSOCIATION" MEANS
3 THE GROUP OF INDIVIDUALS ELECTED TO SERVE AS THE GOVERNING BODY OF
4 A CONDOMINIUM ASSOCIATION AS PROVIDED FOR IN THE MASTER DEED AND
5 BYLAWS, ARTICLES OF INCORPORATION OF THE CONDOMINIUM ASSOCIATION,
6 APPLICABLE LAW, AND THIS ACT.

7 (B) "BUDGET" MEANS A FINANCIAL PLAN THAT PROVIDES AN ESTIMATE
8 OF THE REVENUE AND EXPENSES OF A CONDOMINIUM ASSOCIATION FOR A
9 SPECIFIC PERIOD OF TIME AS REQUIRED BY THE MASTER DEED AND BYLAWS
10 OF THE CONDOMINIUM ASSOCIATION OR THIS ACT.

11 (C) "CONDOMINIUM ASSOCIATION MANAGER" MEANS ANY OF THE
12 FOLLOWING PRACTICES RELATING TO THE MANAGEMENT OF A CONDOMINIUM
13 ASSOCIATION IN THIS STATE PERFORMED AT THE DIRECTION OF A BOARD OF
14 DIRECTORS OF A CONDOMINIUM ASSOCIATION, AND REQUIRING SUBSTANTIAL
15 SPECIALIZED KNOWLEDGE, JUDGMENT, AND MANAGERIAL SKILL WHEN DONE FOR
16 REMUNERATION: RECEIVING, CONTROLLING, OR DISBURSING FUNDS OF A
17 CONDOMINIUM ASSOCIATION, PREPARING BUDGETS OR OTHER FINANCIAL
18 DOCUMENTS FOR A CONDOMINIUM ASSOCIATION, ASSISTING IN THE NOTICING
19 OR CONDUCT OF CONDOMINIUM ASSOCIATION MEETINGS, COORDINATING
20 MAINTENANCE FOR THE CONDOMINIUM ASSOCIATION, AND OTHER DAY-TO-DAY
21 SERVICES INVOLVED WITH THE OPERATION OF A CONDOMINIUM ASSOCIATION.
22 A PERSON WHO PERFORMS CLERICAL OR MINISTERIAL FUNCTIONS UNDER THE
23 DIRECT SUPERVISION AND CONTROL OF A MANAGER HOLDING THE CERTIFIED
24 MANAGER OF COMMUNITY ASSOCIATIONS CERTIFICATION OR WHO IS ONLY
25 CHARGED WITH PERFORMING THE MAINTENANCE OF A CONDOMINIUM
26 ASSOCIATION AND WHO DOES NOT ASSIST IN ANY OF THE MANAGEMENT
27 SERVICES DESCRIBED IN THIS SUBSECTION IS NOT REQUIRED TO BE

1 CERTIFIED UNDER THIS PART.

2 (D) "NBC-CAM" MEANS THE NATIONAL BOARD OF CERTIFICATION FOR
3 COMMUNITY ASSOCIATION MANAGERS, A NATIONAL NONPROFIT ORGANIZATION
4 WHOSE SOLE PURPOSE IS TO DEVELOP, MAINTAIN, AND ADMINISTER THE
5 CERTIFIED MANAGER OF COMMUNITY ASSOCIATION CERTIFICATION.