HOUSE DOCKET, NO. 205 FILED ON: 1/11/2011

HOUSE . . . . . No. 372

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky

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 a special commission to study condominium law..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
David Paul Linsky	*5th Middlesex*
John W. Scibak	*2nd Hampshire*
Alice Hanlon Peisch	*14th Norfolk*
Denise Provost	*27th Middlesex*

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HOUSE . . . . . No. 372

By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 372) of David Paul Linsky and others for an investigation by a special commission (including members of the General Court) of the condominium laws. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3459* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to a special commission to study condominium law..

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

SECTION 1. There shall be a special commission established to study condominium law, relative 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 any other matters relevant to this subject. This special sub-committee shall meet and may hold hearings and invite testimony from experts and the public to help generate a report to the House and Senate no later than January 1, 2011 which shall proffer recommendations to establish future condominium regulations and statute. The committee shall consist of seven members, two each appointed by the Speaker of the House and the Senate President and three appointed by the Governor, one of whom shall be the Chair, and must include at least the following individuals:

11 An attorney (1) who specializes in condominium law and whose client base is comprised
12 mostly (over 51%) of condo unit owners, unit owner groups or aggrieved unit owners and whose
13 client base is not comprised mostly of Property Management companies and/or condo Boards of
14 Trustees.

15 An individual condo unit owners who are not members of their Board of Trustees

16 A Certified Property Manager who possess either the PCAM, CMCA and/or the AMS
17 designation. (Legislators or legislative aides) who can review with the committee laws that were
18 successfully passed in other states to determine if we can utilize similar statutes.

19 Areas that shall be explored by the committee and for which subsequent
20 recommendations should be developed include (but are not limited to):

21 Board of Trustee meetings, including the procedures and elections thereto;

22 Annual Meetings

23 Unit Owner's rights and enforcement

24 Association and management responsibilities to owners

25 Independent audits of accounts held for improvements, upgrades, and maintenance

26 Distribution of information, documents and meeting minutes by the Management
27 company or Board members, to unit owners

28 How condo fees are determined and are increased

29 Oversight authority for the development of regulations by an appropriate state office or

30 agency

31 Formal process to mediate/resolve Unit Owner and Board disputes

32 Rules and Regulations

33 Fees, fines and assessments

34 Any other matters relevant to this subject