

HOUSE No. 3933

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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:

1 SECTION 1. There shall be a special commission established to study condominium law
2 relative to: owner’s rights, association and management responsibilities to owners, independent
3 audits of accounts held for improvements, upgrades and maintenance, oversight authority for the
4 development of regulations by an appropriate state office or agency, and any other matters
5 relative to this subject.

6 This special sub-committee shall meet and may hold hearings and invite testimony from
7 experts and the public.

8 The committee shall consist of nine members, 1 senator to be appointed by the president
9 of the senate, 1 senator to be appointed by the senate minority leader, 1 member of the house of
10 representatives to be appointed by the speaker of the house of representatives, 1 member of the
11 house of representatives to be appointed by the minority leader of the house of representatives;
12 and five persons to be appointed by the Governor, including the following individuals:

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

17 An individual condo unit owner who is not a member of his or her condominium board
18 of trustees

19 A Certified Property Manager who possess either the PCAM, CMCA and/or the AMS
20 designation.

21 The commission shall examine current condominium law, and practices in Massachusetts
22 and other states.

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

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

26 Annual Meetings

27 Unit Owner's rights and enforcement

28 Association and management responsibilities to owners

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

30 Distribution of information, documents and meeting minutes by the Management

31 company or Board members, to unit owners

32 How condo fees are determined and are increased

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

34 agency

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

36 Rules and Regulations

37 Fees, fines and assessments

38 The feasibility and potential responsibilities of a statewide office of condominium

39 ombudsman

40 The commission shall submit a written report to the governor, the clerks of the senate and

41 house of representatives, and the joint committee on housing no later than January 1, 2014 which

42 shall identify recommendations, if any, for legislation, regulation, or policy.