

HOUSE No. 1286

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin G. Honan

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 establishing an office of the condominium ombudsman.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>1/16/2019</i>
<i>Ruth B. Balseer</i>	<i>12th Middlesex</i>	<i>1/18/2019</i>

HOUSE No. 1286

By Mr. Honan of Boston, a petition (accompanied by bill, House, No. 1286) of Kevin G. Honan and Ruth B. Balsler for legislation to establish a statewide condominium ombudsman program. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 669 OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act establishing an office of the condominium ombudsman.

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 of the general laws, as appearing in the 2012 Official
2 Edition, is hereby amended by inserting at the end thereof the following new sections:--

3 Section 23. (a) There is hereby established an Office of the Condominium Ombudsman,
4 to be located for administrative purposes within the Office of the Attorney General. The
5 functions of the office shall be funded by the Office of the Attorney General.

6 (b) The Attorney General shall establish a statewide condominium ombudsman program
7 for the purpose of receiving, investigating and resolving through administrative action
8 complaints received by unit owners, boards of directors, board members, community
9 associations, and other parties. The Attorney General shall appoint an ombudsman to act as the

10 director of the program who shall be a person qualified by training and experience to perform the
11 duties of the office.

12 Section 24. In order to ensure the goals of the ombudsman program are met, the
13 ombudsman shall:--

14 (a) Prepare and issue reports and recommendations to the Attorney General, the Inspector
15 General, the Legislature, or any relevant agency, on any matter or subject within jurisdiction of
16 the Attorney General. When making recommendations to the Legislature, the ombudsman shall
17 include drafts of legislation, if required; and

18 (b) serve as a liaison between unit owners, boards of directors, board members,
19 community association managers, and other affected parties. The ombudsman shall develop
20 policies and procedures to assist unit owners, boards of directors, board members, community
21 association managers, and other affected parties to understand their rights and responsibilities as
22 set forth in this chapter and the condominium documents governing their respective association.
23 The ombudsman shall coordinate and assist in the promulgation of educational materials; and

24 (c) to make recommendations to the Attorney General for changes in rules and
25 procedures for the filing, investigation, and resolution of complaints filed by unit owners,
26 associations, and managers; and

27 (d) to provide resources to assist members of boards of directors and officers of
28 associations to carry out their powers and duties consistent with this chapter, division rules, and
29 the condominium documents governing the association;

30 Section 25. Upon the conveyance of a condominium for consideration of more than 100
31 dollars, the seller shall pay the Attorney General a fee of fifty dollars, which shall be used
32 exclusively to fund the Office of the Condominium Ombudsman and the Condominium
33 Mediation Pilot Program.

34 SECTION 2. Notwithstanding any general or special law to the contrary, the Office of
35 the Condominium Ombudsman shall establish a Condominium Mediation Pilot Program. The
36 Ombudsman shall employ no fewer than two mediators to support the Ombudsman's goal of
37 resolving disputes between unit owners, boards of directors, board members, community
38 association managers, and other affected parties, provided however, the mediators shall mediate
39 disputes regarding delinquent fees. Further, the mediators shall not issue written decisions, nor
40 will any decision or opinion be binding. The ombudsman shall issue guidelines setting income
41 and/or property value limits for participation in the program, which shall encourage participation
42 by low and middle-income homeowners, as well as senior citizens, provided however, the
43 income and/or property value to be used to determine eligibility shall be that of the unit owner,
44 regardless of the initiating party. The ombudsman shall also set a fee to be charged to the
45 participant initiating of not less than two hundred dollars, provided however, the ombudsman
46 shall grant fees waivers for indigent participants, senior citizens, and in his discretion.