

# HOUSE . . . . . No. 03933

By Mr. Honan of Boston, for the committee on Housing, on House, No. 372, a Bill relative to a special commission to study condominium law (House, No. 3933). February 8, 2012.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve  
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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 experts
- 7 and the public.
  
- 8 The committee shall consist of nine members, 1 senator to be appointed by the president of the
- 9 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 mostly  
14 (over 51%) of condo unit owners, unit owner groups or aggrieved unit owners and whose client  
15 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 of  
18 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 and  
22 other states.

23 Areas that shall be explored by the committee and for which subsequent recommendations  
24 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 company or
- 31 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 agency
- 34 Formal process to mediate/resolve Unit Owner and Board disputes
- 35 Rules and Regulations
- 36 Fees, fines and assessments
- 37 The feasibility and potential responsibilities of a statewide office of condominium ombudsman
- 38 The commission shall submit a written report to the governor, the clerks of the senate and house
- 39 of representatives, and the joint committee on housing no later than January 1, 2014 which shall
- 40 identify recommendations, if any, for legislation, regulation, or policy.