

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  
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.