

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:

Kevin G. Honan

17th Suffolk

Ruth B. Balser

12th Middlesex

HOUSE No.

[Pin Slip]

[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.

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

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

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

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

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

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

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