

The Commonwealth of Massachusetts

PRESENTED BY:

Susan C. Tucker

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 passage of the accompanying bill:

An Act Establishing a Condominium Unit Owner Bill of Rights and Responsibilities .

PETITION OF:

| | |
|-----------------|----------------------------|
| NAME: | DISTRICT/ADDRESS: |
| Susan C. Tucker | Second Essex and Middlesex |

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING A CONDOMINIUM UNIT OWNER BILL OF RIGHTS AND RESPONSIBILITIES.

*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. Section 1 of Chapter 183A of the General Laws is hereby amended by inserting the
2 following definitions:

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4 “Alternative Dispute Resolution,” a confidential process in which a neutral person assists
5 disputing parties in identifying and discussing issues of concern, exploring various solutions and
6 developing a settlement that is mutually acceptable to them.

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8 “Association,” organization of unit owners, comprised of all unit owners within the
9 condominium.

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11 “Condominium Documents” all records required by M.G.L. 183A, Section 10(c) to be
12 maintained by the organization of unit owners.

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14 “Governing Body,” a group of elected trustees or managing board elected by the Association
15 responsible for making and enforcing rules, or the entity performing the duties of the elected
16 trustees or managing board.

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18 SECTION 2. Chapter 183A of the General Laws is hereby amended by inserting after Section 22
19 the following 2 sections:

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21 Section 23. The Office of Consumer Affairs shall promulgate regulations requiring the
22 distribution of information prospective condominium unit purchasers shall receive prior to
23 submitting an offer to purchase a condominium unit. Information shall be set forth in a clear
24 and conspicuous manner and shall include, but not be limited to, the following:

25 (a) The rights of unit owners and prospective purchasers to access Condominium
26 Documents;

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28 (b) Processes for changes in rules, regulations, dues, fees, fines, and special assessments
29 within individual Associations;

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31 (c) The rights of unit owners to participate in the governing of Associations;

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33 (d) The responsibilities of unit owners for paying dues, fees, fines, and special
34 assessments issued by Associations and associated penalties for failure to pay;

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36 (e) Rights and responsibilities of unit owners regarding the payment of legal fees in
37 disputes between unit owners and individual Associations; and

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39 (f) The rights of unit owners to request alternative dispute resolution (ADR) in disputes
40 between unit owners and Associations.

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42 Section 23A. A prospective purchaser shall receive the information required by the Office of
43 Consumer Affairs prior to or upon submitting an offer to purchase a condominium unit. The
44 prospective purchaser may rescind said offer within five days of receiving the information
45 required by the Office of Consumer Affairs. A purchase and sale agreement shall not be binding
46 if the prospective purchaser has not been delivered the documents required by the Office of
47 Consumer Affairs.

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