

**HOUSE . . . . . No. 03357**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Paul McMurtry*

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*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 relative to a bill of rights for condominium owners.

\_\_\_\_\_  
PETITION OF:

NAME:

*Paul McMurtry*

DISTRICT/ADDRESS:

*11th Norfolk*

# HOUSE . . . . . No. 03357

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3357) of Paul McMurtry relative the rights of condominium owners. [Housing].

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to a bill of rights for condominium owners.

*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. Subsection (c) of section 10 of chapter 183A of the general laws, as appearing in  
2 the 2008 Official Edition, is hereby amended by striking out clause (3) and inserting in place  
3 thereof the following clause:-

4 (3) the minute book, which shall be kept and maintained by the organization of unit owners;  
5 provided that such minute book shall be posted in a common area of the building; and.

6 SECTION 2. The second sentence of the second paragraph of said subsection (c) of said section  
7 10 of said chapter 183A, as so appearing, is hereby amended by inserting after the word  
8 “request”, in line 90, the following words:- ; provided, that such expense shall be a reasonable  
9 fee which shall be no greater than a per page photocopy fee of the library in the city or town  
10 where the building is located.

11 SECTION 3. Subsection (f) of said section 10 of said chapter 183A, as so appearing, is hereby  
12 amended by striking out clause (1) and inserting in place thereof the following clause:-

13 (1) render at least monthly, or less frequently in accordance with subsection (m), but in no case  
14 less frequently than quarterly, a written report to the trustees or the managing board of the  
15 organization of unit owners detailing all receipts and expenditures on behalf of the organization,  
16 including beginning and ending balances and copies of all relevant bank statements and  
17 reconciliations for the replacement reserve fund and any other funds of the organization for  
18 which the manager or managing agent has responsibility; provided, that such report shall also  
19 contain the reserve fund minimum balance and building value; and

20 SECTION 4. Said chapter 183A is hereby further amended by adding the following section:-

21 Section 23. (a) The organizational and operating documents of every condominium established  
22 or operating pursuant to the laws of the commonwealth shall guarantee the following to each unit  
23 owner:

24 (1) that all applications by unit owners in connection with matters which require approval of the  
25 manager and all requests for determinations by the manager including but not limited to  
26 requests for the resolution of disputes between or among unit owners, disputes between unit  
27 owners and the condominium association such as disputes concerning responsibility for repairs  
28 shall be processed in a reasonably expeditious manner pursuant to uniform procedures and  
29 timetables adopted in writing. The manager's decision shall be in writing and shall set forth the  
30 reasons therefor, except that no reason shall be required when approval is granted;

31 (2) that the final results of any election, including a tally of the votes received by each candidate,  
32 shall be posted within 1 business day following the availability of such information in a  
33 prominent place accessible to all unit owners in each building;

34 (3) that the organization of unit owners shall call a meeting to fill any vacancies which occur  
35 on the board within 60 days of the occurrence of such vacancy if the vacancy occurs more than 6  
36 months prior to the annual meeting of unit owners;

37 (4) that any member of a board who is elected while a unit owner in the condominium, who sells  
38 his or her apartment, and who, subsequent to such sale shall no longer be a unit owner in  
39 such condo minimum, shall resign from such board no later than the closing date of such sale;

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41 (5) that complete and accurate financial statements and any other statements ordinarily provided  
42 to unit owners be provided in a timely fashion pursuant to section 10 and established timetables.  
43 For the purposes of this clause financial statements shall include the balance sheets and  
44 statements of income and expense for each of the 3 most current fiscal years and the information  
45 in subsection (f) of section 10. Attached to said financial statements shall be a statement which  
46 discloses (i) any controlling interest or employee or agency relationship which any board  
47 member or officer of the condominium association or the spouse of such person has in or with  
48 any supplier of services or materials to said condominium and (ii) any consideration the value of  
49 which exceeds \$100 which any such board member or officer or the spouse of such person  
50 receives from such supplier;

51

52 (6) that the following documents be made available for inspection or copying by unit owners  
53 during regular business hours on no more than 10 days written notice to the board: (i) approved  
54 minutes of board of managers meetings, provided that such board shall have 30 days from the  
55 dates of the meetings at which the minutes are approved to prepare such minutes and provided  
56 further that the board may exclude matters which it deems confidential or which were discussed  
57 in executive session; (ii) detailed, accurate records, in chronological order, of the receipts  
58 and expenditures arising from the operation of the property; (iii) bank account and financial  
59 investment statements; and (iv) all proposals received in response to a request for bids to  
60 provide goods or services to the condominium the cost of which is reasonably expected to  
61 exceed five thousand dollars in any 1 year; provided, that such documents shall be made  
62 available within 10 days of receipt unless the board chooses to conduct closed competitive  
63 bidding in which case the documents shall be made available within 10 days of the selection of  
64 the successful bid; (v) reports of accountants, consultants and experts retained or hired to  
65 perform services for or on behalf of the association including financial statements as defined in  
66 this section provided, however, that such reports may be withheld when a majority of the  
67 members of the board has voted to withhold such information. When the matter concerns  
68 alleged conflict of interest or malfeasance involving board members the report may be withheld  
69 only upon a vote of the majority of disinterested board members. If all board members are  
70 interested parties the report may not be withheld; (vi) reports by board of health or building  
71 inspectors concerning compliance with health, building and housing codes and regulations; and  
72 (vii) the records of decisions by the board of managers to exclude or withdraw materials  
73 pursuant to this section; provided, that such records shall be prepared in every instance that

74 materials are withheld or excluded and the record shall include the general nature of the  
75 materials and the reason for withholding or excluding same;

76 (7) that in addition to any other notice required by the condominium association's organizational  
77 or operating documents, notice of all board and unit owner meetings shall be posted in a  
78 prominent place accessible to all unit owners in each building comprising the condominium; and

79 (8)(i) that the board of managers shall not impose special assessments, or enter into contracts  
80 for extraordinary expenses the cost of which exceeds limits established pursuant to  
81 subclause (ii) of this clause beyond customary operating or maintenance costs, without  
82 approval by a vote of the unit owners. A vote of the unit owners may be waived by the board in  
83 the case of an emergency evidenced by an approved resolution of the board, or a required  
84 refinancing of an existing mortgage and (ii) unless the bylaws require a unit owner vote to  
85 establish the limits referred to in subclause (i), the limits shall be established by the board of  
86 managers as follows. No less than once in every 5 years the board shall propose limits which  
87 shall be included in the notice of the annual or any other meeting of the unit owners. An  
88 opportunity for unit owners to comment on such proposal and to offer lower limits shall be  
89 included in the agenda for such meeting. At the conclusion of the comment period the board  
90 shall, by an open vote, adopt limits not to exceed those proposed by the board which shall be  
91 effective until changed pursuant to the provisions of this clause.

92 (b) The attorney general is authorized to enforce the provisions of this section and may, upon his  
93 or her own initiative, or in response to a complaint by 1 or more unit owners, investigate  
94 allegations of any failure to comply with the provisions of this section.