

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
Bruce E. Tarr	First Essex and Middlesex
Bruce J. Ayers	1st Norfolk
Denise Provost	27th Middlesex
Barbara A. L'Italien	18th Essex
William Lantigua	16th Essex
Linda Dean Campbell	15th Essex

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
2 inserting the following definitions: “Alternative Dispute Resolution,” a confidential process in
3 which a neutral person assists disputing parties in identifying and discussing issues of concern,
4 exploring various solutions and developing a settlement that is mutually acceptable to them.

5 “Association,” organization of unit owners, comprised of all unit owners within the
6 condominium.

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

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

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

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

- 18 (a) The rights of unit owners and prospective purchasers to access Condominium
19 Documents;
- 20 (b) Processes for changes in rules, regulations, dues, fees, fines, and special assessments
21 within individual Associations;
- 22 (c) The rights of unit owners to participate in the governing of Associations;
- 23 (d) The responsibilities of unit owners for paying dues, fees, fines, and special
24 assessments issued by Associations and associated penalties for failure to pay;
- 25 (e) Rights and responsibilities of unit owners regarding the payment of legal fees in
26 disputes between unit owners and individual Associations; and
- 27 (f) The rights of unit owners to request alternative dispute resolution (ADR) in disputes
28 between unit owners and Associations.

29 Section 23A. A prospective purchaser shall receive the information required by the Office of
30 Consumer Affairs prior to or upon submitting an offer to purchase a condominium unit. The
31 prospective purchaser may rescind said offer within five days of receiving the information
32 required by the Office of Consumer Affairs. A purchase and sale agreement shall not be binding
33 if the prospective purchaser has not been delivered the documents required by the Office of
34 Consumer Affairs.