45.0137 COMMON INTEREST COMMUNITY OMBUDSPERSON.

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Association" means an association of apartment owners, as defined in section 515.02, subdivision 5, an association, as defined in section 515A.1-103, clause (3), and an association as defined in section 515B.1-103, clause (4).

(c) "Common interest community" has the meaning given in section 515B.1-103, clause (10).

(d) "Governing documents" means a common interest community's declaration, articles of incorporation, bylaws, and any amendments to a common interest community's declaration, articles of incorporation, or bylaws.

(e) "Unit owner" means an apartment owner, as defined in section 515.02, subdivision 3, a unit owner under section 515A.1-103, clause (20), and a unit owner, as defined in section 515B.1-103, clause (37).

Subd. 2. **Establishment.** (a) A common interest community ombudsperson position is established within the Department of Commerce to:

(1) assist unit owners, unit owners' tenants, and associations in understanding the rights each possesses under chapter 515B and the applicable governing documents; and

(2) facilitate the resolution of disputes between unit owners and associations.

(b) The ombudsperson is appointed by the commissioner and serves in the unclassified service.

Subd. 3. **Qualifications.** The ombudsperson must be selected without regard to political affiliation, must be qualified and experienced to perform the duties of the office, and must be skilled in dispute resolution techniques. The ombudsperson must not be a unit owner, be employed by a business entity that provides management or consulting services to an association, or otherwise be affiliated with an association or management company. A person is prohibited from serving as ombudsperson while holding another public office.

Subd. 4. **Duties.** (a) The ombudsperson must execute the duties under subdivision 2, paragraph (a), by taking the following actions:

(1) creating plain language explanations of common provisions in governing documents; and

(2) identifying and providing resources and referrals related to the rights and responsibilities of unit owners and associations.

(b) Upon the request of a unit owner or an association, the ombudsperson may provide informal mediation services in disputes concerning chapter 515B and governing documents, except where:

(1) a complaint based on the same dispute is pending in a judicial or administrative proceeding;

(2) the same disputed issue has been addressed or is currently in arbitration, mediation, or another alternative dispute resolution process; or

(3) the association notifies the ombudsperson that an order under section 609.748 is in effect against the unit owner.

(c) The ombudsperson must compile and analyze complaints received to identify issues and trends.

(d) The ombudsperson must maintain a website containing at a minimum:

(1) the text of chapter 515B and any other relevant statutes or rules;

(2) a plain language explanation of common provisions of governing documents;

(3) information regarding the services provided by the common interest community ombudsperson, including assistance with dispute resolution;

(4) information and referrals regarding alternative dispute resolution methods and programs, and resources regarding the rights and responsibilities of unit owners and associations; and

(5) any other information that the ombudsperson determines is useful to unit owners, their tenants, associations, and common interest community property management companies.

(e) When requested or as the ombudsperson deems necessary, the ombudsperson must provide reports and recommendations to the legislative committees with jurisdiction over common interest communities.

Subd. 5. **Powers limited.** The ombudsperson and the commissioner are prohibited from providing legal advice regarding a dispute between a unit owner and an association. The ombudsperson and commissioner are prohibited from making a formal determination or issuing an order regarding disputes between a unit owner and an association. Nothing in this paragraph limits the ability of the commissioner to execute duties or powers under any other law.

Subd. 6. **Cooperation.** Upon request, unit owners and associations may participate in the dispute resolution process under this section and make good faith efforts to resolve disputes.

Subd. 7. **Data.** Data identifying a unit owner, an association, a unit owner's tenant, or a common interest community that are collected, created, or maintained by the office of the ombudsperson under this section are private data on individuals or nonpublic data.

Subd. 8. **Landlord and tenant law.** Nothing in this section modifies, supersedes, limits, or expands the rights and duties of landlords and tenants established under chapter 504B or any other law.

History: *1Sp2025 c 4 art 7 s 2*