

1.1 ..... moves to amend H.F. No. 856 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. **[45.0137] COMMON INTEREST COMMUNITY OMBUDSPERSON.**

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

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

1.9 (c) "Common interest community" has the meaning given in section 515B.1-103, clause  
1.10 (10).

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

1.13 (e) "Unit owner" means an apartment owner, as defined in section 515.02, subdivision  
1.14 3, a unit owner under section 515A.1-103, clause (20), and a unit owner, as defined in  
1.15 section 515B.1-103, clause (37).

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

1.18 (1) assist unit owners, their tenants, and associations in understanding their rights under  
1.19 chapter 515B and their governing documents; and

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

1.21 (b) The ombudsperson is appointed by the governor, serves in the unclassified service,  
1.22 and may be removed only for just cause.

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

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

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

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

2.13 (b) Upon the request of a unit owner or an association, the ombudsperson must provide  
2.14 dispute resolution services, including acting as a mediator, in disputes concerning chapter  
2.15 515B and governing documents, except where:

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

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

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

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

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

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

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

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

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

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

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

3.6 (f) In the course of assisting to resolve a dispute, the ombudsperson may, at reasonable  
3.7 times and with 24 hours prior notice, enter and view premises within the control of the  
3.8 common interest community.

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

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

3.18 Subd. 7. **Landlord and tenant law.** Nothing in this section modifies, supersedes, limits,  
3.19 or expands the rights and duties of landlords and tenants established under chapter 504B or  
3.20 any other law.

3.21 **EFFECTIVE DATE.** This section is effective July 1, 2026.

3.22 Sec. 2. **APPROPRIATION; OFFICE OF THE COMMON INTEREST COMMUNITY**  
3.23 **OMBUDSPERSON.**

3.24 \$..... in fiscal year 2026 is appropriated from the general fund to the commissioner of  
3.25 commerce to establish and maintain the Office of the Common Interest Community  
3.26 Ombudsperson. This appropriation is added to the base.

3.27 **EFFECTIVE DATE.** This section is effective the day following final enactment."