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Tricky Questions

Should A Condo Board Tell Residents About Sex Offenders In The Building?

Proper Communication Is Essential

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The existence of sex offenders in our society is a sad reality that continues to make headlines. Within condominium communities, this troubling issue has specific implications. Indeed, one of the most difficult issues confronting association boards, property managers, and counsel today is whether boards should inform their members of the presence of a sex offender within the community – and if so, how to do this properly.

Fortunately, there are guidelines that can help associations take the right steps to protect everyone involved in a responsible and lawful manner.

Definition

A sex offender is defined by the Department of Public Safety as “any person who resides, works, or attends an institution of higher learning in the Commonwealth and who has been convicted of a sex offense, or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense.” The definition includes individuals released from jail either after serving a sentence or after being paroled, or persons who have been declared to be sexually dangerous or released from civil commitment for a sex offense after August 1, 1981.

Classification

Sex offenders are categorized in three levels: Level 1 is deemed “low risk,” Level 2 “moderate risk,” and Level 3 “high risk.”

Anyone over the age of 18 can request information concerning sex offenders. The information will be provided if the requesters are concerned for their own protection or the protection of a child under the age of 18. However, note that information is only provided on offenders who have been officially classified as Level 2 or 3 offenders, not for Level 1.

Procedures

Once a board or property manager receives information that a sex offender may be residing within the condominium community, the most prudent course of action is to inform the residents of the offender’s presence. This notification should be in accordance with the association’s typical practice, whether it be email or first-class mail. It is important that the name of the individual not be divulged at this point since the board doesn’t want to risk giving out incorrect information or disclosing information that may prompt residents to harass the offender.

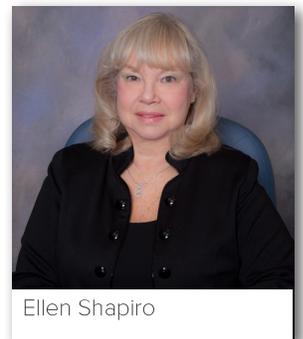
Rather, the board should advise the residents of the proper procedures to obtain information:

Residents may be directed to the local police station where, after presenting proper identification and completing a sex offender request form, the police will provide the requested information. This information will identify the offender, including the person’s name, address, physical description, offenses committed, dates of conviction, and a photograph, if available.

Additionally, residents may request such information in person from the Sex Offender Registry Board.

Finally, information is available on a Sex Offender Registry Board website regarding Level 3 offenders throughout the state as the Supreme Judicial Court cleared the way for this in August 2004.

Unfortunately, issues like this are bound to surface in the future, and there should be a plan of action in place. Association boards can serve residents in their community by communicating to them the presence of sex offenders as well as the proper channels to use to obtain information about them. By doing so, boards can fulfill their duty to the association while remaining within the boundaries of the law.



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