

HOUSE No. 1235

The Commonwealth of Massachusetts

PRESENTED BY:

Alice Hanlon Peisch

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 the determination of condominium common area interest.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Alice Hanlon Peisch	14th Norfolk
Ann-Margaret Ferrante	5th Essex
Barbara A. L'Italien	18th Essex
Kay Khan	11th Middlesex
Sarah K. Peake	4th Barnstable

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1275 OF.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE DETERMINATION OF CONDOMINIUM COMMON AREA INTEREST.

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 (a) of Section 5 of Chapter 183A of the General Laws, as appearing in the 2006
2 official edition, is hereby amended by inserting at the end of the second sentence, after “units” the following new
3 clause:—

4 ,and may include determinations of whether and how to weigh a restriction relating to value imposed on one or
5 more, but fewer than all, units by covenant, agreement or otherwise.

6 SECTION 2. Subparagraph (1) of subsection (b) of Section 5 of said Chapter 183A of the General Laws is hereby
7 amended by inserting at the end of the first sentence, after “therefrom” the following new clause:—

8 ; and provided further, that readjustment of one or more unit’s percentage interest solely to
9 reflect release or termination of a restriction previously imposed on the unit by covenant,
10 agreement or otherwise that was a factor for reduction of that percentage interest, with
11 proportionate adjustment only to each other unit’s percentage interest, if not otherwise provided
12 for in the master deed, may be made by vote of 75 per cent or such other percentage of unit
13 owners as is required to amend the master deed generally, whichever is less, and the consent of
14 51 per cent of the number of all mortgagees holding first mortgages on units within the
15 condominium who have given notice of their desire to be notified as provided in subsection (5)
16 of Section 4 is obtained, any such re-adjustment to be effective on the date the amendment is
17 recorded in the appropriate registry of deeds or land registration office or such later date as may
18 be stated in the amendment, provided that, in the case of re-adjustment following expiration of a
19 term of years stated in the restriction, such re-adjustment shall be effective on such date as
20 aforesaid or one year after termination of the restriction, whichever is later.

21 SECTION 3. Subsection (a) (i) of Section 6 of Chapter 183A of the General Laws is hereby
22 amended by deleting the first sentence and inserting the following new first sentence in its
23 place:—

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24 | Except as provided in clause (ii) herein, all common expenses must be assessed against all units
25 | either in accordance with their respective percentages of undivided interest in the common areas
26 | and facilities or, if stated in the master deed or an amendment thereto duly recorded in the
27 | approximate relation that the area of the unit bears to the aggregate area of all the units, which
28 | may take into account unit location, amenities in the unit, and limited common areas and
29 | facilities benefiting the unit; provided that such an amendment shall require the consent of all
30 | unit owners whose common expense assessment is materially affected.