

HOUSE No. 00387

The Commonwealth of Massachusetts

PRESENTED BY:

Cleon H. Turner

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 private subdivision fees..

PETITION OF:

NAME:

Cleon H. Turner

DISTRICT/ADDRESS:

1st Barnstable

HOUSE No. 00387

By Mr. Turner of Dennis, petition (accompanied by Bill, House, No. 00387) of Cleon H. Turner relative to private subdivision fees charged to owners of affordable housing units. Joint Committee on Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1245 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to private subdivision fees..

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. Chapter 40B of the General Laws is hereby amended by adding at the end
2 thereof the following new section:

3 Section XXX. Homeowner association fees or assessments in affordable housing developments
4 that contain mixed affordable and market rate housing units shall not increase more than 3 per
5 cent per year for any unit in such mixed occupancy development that is maintained as an
6 affordable home under Chapter 40B of the General Laws.

7 (a) Any vote taken by the owners association that raises the association fee above 3 per cent in
8 any calendar year shall not be binding on the owner of the affordable units.

9 (b) Any vote taken by the owners or owners' association that proposes to add an amenity to the
10 subdivision common areas that is not an essential amenity shall not require the owners of the
11 affordable units within the complex to contribute to the construction or maintenance of such
12 amenities. Nothing in this section shall prevent any owner of an affordable unit within such
13 development from voluntarily participating in the construction and maintenance fees for non
14 essential amenities.

15 (c) No owner of an affordable unit in a mixed occupancy development shall be required to pay
16 attorney's fees to the owners' association or other owners for challenging or defending against
17 the actions of an owners' association unless the affordable owner loses the challenge and the
18 rule, regulation or by-law attempting to be enforced against the affordable owner addresses the
19 health, safety or welfare of the development as a whole.

20 The purpose of this section is to ensure that units, including the costs and fees related to such
21 units do not increase to a level that would cause such unit ownership to be unaffordable.