

# **HOUSE . . . . . No. 4235**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, February 20, 2018.

The committee on the Judiciary to whom was referred the petition (accompanied by bill, House, No. 752) of Claire D. Cronin and Gerard Cassidy relative to anti-litigation provisions in condominium documents, reports recommending that the accompanying bill (House, No. 4235) ought to pass.

For the committee,

CLAIRE D. CRONIN.

**HOUSE . . . . . No. 4235**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act relative to anti-litigation provisions in condominium documents.

*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. Clause (4) of subsection (b) of section 10 of chapter 183A of the General  
2 Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the words  
3 “master deed”, in line 24, the following words:-

4           “, notwithstanding any provision in the by-laws, master deed, or administrative rules and  
5 regulations to the contrary.”

6           SECTION 2. Said Section 10 of said chapter 183A of the General Laws, as so appearing,  
7 is hereby further amended by inserting after subsection (n) the following subsection:-

8           (o) Any provision of a master deed, declaration of trust, or by-laws that imposes upon  
9 the organization of unit owners any precondition to the institution or maintenance of a lawsuit,  
10 an arbitration, a mediation, or a similar proceeding, including, without limitation, obtaining a  
11 vote of unit owner, obtaining the approval of the declarant, establishing a budget for the  
12 litigation, providing a copy of the complaint to unit owners, or which otherwise limits the free  
13 exercise of the power conferred in subsection (b)(4) of this section, shall be unenforceable and

14 void as to public policy unless the organization of unit owners adopts such a provision after the  
15 date on which the unit owners, other than the declarant or its affiliates, first elect a majority of  
16 the members of the governing board for the organization of unit owners. The adoption of the  
17 provision described in this subsection shall be accomplished in accordance with the requirements  
18 necessary to amend the declaration of trust or by-laws.

19 SECTION 3. Notwithstanding any special or general law to the contrary, this act shall  
20 apply to all master deeds, declaration of trusts, by-laws and any amendments thereto, without  
21 regard to whether such master deed, declaration of trust, bylaws, or amendment was recorded  
22 before, on or after the effective date of this act.