

HOUSE No. 1275

By Ms. Peisch of Wellesley, petition of Alice Hanlon Peisch relative to the determination of condominium common area interest. Housing.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

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
2 General Laws is hereby amended by inserting at the end of the
3 second sentence, after “units” the following new clause:—
4 , and may include determinations of whether and how to weigh a
5 restriction relating to value imposed on one or more, but fewer than
6 all, units by covenant, agreement or otherwise.

1 SECTION 2. Subparagraph (1) of subsection (b) of Section 5 of
2 Chapter 183A of the General Laws is hereby amended by inserting
3 at the end of the first sentence, after “therefrom” the following new
4 clause:—
5 ; and provided further, that readjustment of one or more unit’s
6 percentage interest solely to reflect release or termination of a
7 restriction previously imposed on the unit by covenant, agreement or
8 otherwise that was a factor for reduction of that percentage interest,
9 with proportionate adjustment only to each other unit’s percentage
10 interest, if not otherwise provided for in the master deed, may be
11 made by vote of 75 per cent of owners of units or such number of
12 unit owners as is required to amend the master deed generally,
13 whichever is less, and the consent of 51 percent of the number of all
14 mortgagees holding first mortgages on units within the condo-
15 minium who have given notice of their desire to be notified as pro-
16 vided in subsection (5) of Section 4 is obtained, any such
17 re-adjustment to be effective on the date the amendment is recorded

18 in the appropriate registry of deeds or land registration office or such
19 later date as may be stated in the amendment, provided that, in the
20 case of re-adjustment following expiration of a term of years stated
21 in the restriction, such re-adjustment shall be effective on such date
22 as aforesaid or one year after termination of the restriction,
23 whichever is later.

1 SECTION 3. Subsection (a) (i) of Section 6 of Chapter 183A of
2 the General Laws is hereby amended by striking out the first sen-
3 tence and inserting in place thereof:—

4 Except as provided in clause (ii) herein, all common expenses
5 must be assessed against all units either in accordance with their
6 respective percentages of undivided interest in the common areas
7 and facilities or in other proportions for all the units set forth in the
8 master deed or an amendment that are based on or take into account
9 stated factors such as approximate unit area, construction cost, unit
10 location, amenities, and access to common areas of value to a lim-
11 ited number of unit owners.