

SENATE NO. 744

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

5 SECTION 2. Subparagraph (1) of subsection (b) of section 5 of chapter 183A of the General Laws is
6 hereby amended by inserting at the end of the first sentence, after "therefrom" the following new
7 clause:--
8 ; and provided further, that readjustment of one or more unit's percentage interest solely to reflect
9 release or termination of a restriction previously imposed on the unit by covenant, agreement or
10 otherwise that was a factor for reduction of that percentage interest, with proportionate adjustment
11 only to each other unit's percentage interest, if not otherwise provided for in the master deed, may be
12 made by vote of 75 per cent of owners of units or such number of unit owners as is required to amend
13 the master deed generally, whichever is less, and the consent of 51 per cent of the number of all

14 mortgagees holding first mortgages on units within the condominium who have given notice of their
15 desire to be notified as provided in subsection (5) of section 4 is obtained, any such re-adjustment to
16 be effective on the date the amendment is recorded in the appropriate registry of deeds or land
17 registration office or such later date as may be stated in the amendment, provided that, in the case of
18 re-adjustment following expiration of a term of years stated in the restriction, such re-adjustment shall
19 be effective on such date as aforesaid or one year after termination of the restriction, whichever is
20 later.

21 SECTION 3. Subsection (a) (i) of section 6 of chapter 183A of the General Laws is hereby amended
22 by striking out the first sentence and inserting in place thereof:--

23 Except as provided in clause (ii) herein, all common expenses must be assessed against all units either
24 in accordance with their respective percentages of undivided interest in the common areas and
25 facilities or in other proportions for all the units set forth in the master deed or an amendment that are
26 based on or take into account stated factors such as approximate unit area, construction cost, unit
27 location, amenities, and access to common areas of value to a limited number of unit owners.