

HOUSE No.

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 affordable housing condominium fees and uses.

PETITION OF:

NAME:

Cleon H. Turner

DISTRICT/ADDRESS:

1st Barnstable

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO AFFORDABLE HOUSING CONDOMINIUM FEES AND USES.

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 thereof
2 the following new section:

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

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

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

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

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