

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 private subdivision fees.

PETITION OF:

NAME: _____ | DISTRICT/ADDRESS: _____

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 thereof
2 the following new section:

3 Section XXX. Homeowner association fees or assessments in affordable housing developments that
4 contain mixed affordable and market rate housing units shall not increase more than 3 per cent per year
5 for any unit in such mixed occupancy development that is maintained as an affordable home under
6 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 any
8 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 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 development from voluntarily
13 participating in the construction and maintenance fees for non essential amenities.

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

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