HOUSE DOCKET, NO. 300 FILED ON: 1/13/2011

HOUSE . . . . . No. 388

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:

An Act relative to affordable housing condominium fees and uses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cleon H. Turner	*1st Barnstable*
Sarah K. Peake	*4th Barnstable*

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HOUSE . . . . . No. 388

By Mr. Turner of Dennis, a petition (accompanied by bill, House, No. 388) of Cleon H. Turner and Sarah K. Peake relative to fees in condominium developments that contain mixed affordable and market rate condominium units. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *3577* OF 2009-2010.]

The Commonwealth of Massachusetts

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:

SECTION 1. Chapter 40B of the General Laws is hereby amended by adding at the end thereof the following new section:

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

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

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

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

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