SENATE DOCKET, NO. 65 FILED ON: 1/14/2011

SENATE . . . . . No. 1441

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 the taxation of condominiums.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 65 FILED ON: 1/14/2011

SENATE . . . . . No. 1441

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 1441) of James B. Eldridge for legislation relative to the taxation of condominiums. Revenue.

The Commonwealth of Massachusetts

An Act relative to the taxation of condominiums.

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. Section fourteen of Chapter one-hundred eighty-three A of the General Laws is hereby amended by adding the following sentence:- Interests in common areas of a condominium that are adverse to the interests of unit owners in the common areas shall be taxed to the owners of such adverse interests. A lien for taxes upon such an interest shall attach to the interest so assessed, and, to the extent the interest so taxed expires or is otherwise extinguished, to units in the condominium created after the assessment of such interest, but not to condominium units against which property taxes were separately assessed in the same fiscal year the interest was assessed.

SECTION 2. Section seventy-seven of chapter sixty of the General Laws is hereby amended by adding the following sentence: A city or town shall not be deemed to receive any benefit from such covenant or agreement unless it collects rent from property in tax title under section fifty-three, or occupies or rents the property after foreclosure.

SECTION 3. Section forty-five of chapter sixty of the General Laws is hereby amended by adding after the third sentence the following sentence:- Covenants and agreements running with the land shall mean obligations and interests in the real estate created by recorded instruments and agreements, and shall not include obligations and liens arising under statutes.

SECTION 4. Section fifty-four of chapter sixty of the General Laws is hereby amended by adding at the end thereof the following sentence: Covenants and agreements running with the land shall mean obligations and interests in the real estate created by recorded instruments and agreements, and shall not include obligations and liens arising under statutes.