

HOUSE No. 752

The Commonwealth of Massachusetts

PRESENTED BY:

Claire D. Cronin

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 adoption of the accompanying bill:

An Act relative to anti-litigation provisions in condominium documents.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Claire D. Cronin

11th Plymouth

Gerard Cassidy

9th Plymouth

HOUSE No. 752

By Ms. Cronin of Easton, a petition (accompanied by bill, House, No. 752) of Claire D. Cronin and Gerard Cassidy relative to anti-litigation provisions in condominium documents. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to anti-litigation provisions in condominium documents.

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. Section 10(b)(4) of chapter 183A of the General Laws, as appearing in the
2 2010 Official Edition, is hereby amended by inserting after the words “master deed” the
3 following:-

4 “, notwithstanding any provision in the by-laws, master deed, or administrative rules and
5 regulations.”

6 SECTION 2. Said Section 10 of chapter 183A of the General Laws, is hereby further
7 amended by inserting at the end thereof the following new subsection (o):

8 (o) Any provision of a master deed, declaration of trust, or by-laws that imposes upon
9 the organization of unit owners any precondition to the institution or maintenance of a lawsuit,
10 an arbitration, a mediation, or a similar proceeding, including, without limitation, obtaining a
11 vote of unit owner, obtaining the approval of the Declarant, establishing a budget for the
12 litigation, providing a copy of the complaint to unit owners, or which otherwise limits the free

13 exercise of the power conferred in subsection (b)(4) of this Section 10, shall be unenforceable
14 unless the organization of unit owners adopts such a provision after the date on which the unit
15 owners, other than the Declarant and/or its affiliates, first elect a majority of the members of the
16 governing board for the organization of unit owners. The adoption of the provision described in
17 this subsection shall be accomplished in accordance with the requirements necessary to amend
18 the declaration of trust or by-laws.”

19

20 SECTION 3. This act shall apply to all master deeds, declaration of trusts, by-laws and
21 any amendments thereto, without regard to whether such master deed, declaration of trust,
22 bylaws, or amendment was recorded before, on or after the effective date of this act.