

HOUSE No. 3577

The Commonwealth of Massachusetts

In the Year Two Thousand 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
2 thereof the following new section:

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

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

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

14 unit within such condominium development from voluntarily participating in the construction
15 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.