SENATE DOCKET, NO. 1396 FILED ON: 1/16/2015

SENATE . . . . . No. 815

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 adoption of the accompanying bill:

An Act relative to construction defect claims by condominium owners.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	*Middlesex and Worcester*

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SENATE . . . . . No. 815

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 815) of James B. Eldridge for legislation relative to construction defect claims by condominium owners. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *726* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to construction defect claims by condominium owners.

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 2B of chapter 260 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended in, line 4, by inserting after the words "section thirty-nine A of chapter seven" the following words:- and of a condominium as defined in chapter 183A

SECTION 2. Section 2B of said chapter 260, as so appearing, is hereby further amended by inserting at the end thereof the following paragraph:-

Actions of tort for damages arising out of any deficiency, as such term is used and understood herein above, in the design, planning, construction, or general administration of an improvement, as such terms are used and understood herein above, to a condominium, as defined in chapter 183A, including any deficiency in the condition of the common area at the time the Declarant, as defined in said chapter 183A, records a master deed, shall be commenced only

11 within three years next after the cause of action accrues, unless the Declarant shall remain in
12 control of the organization of unit owners at the time the cause of action would otherwise accrue,
13 in which case the cause of action shall not accrue prior to the Declarant Control Termination
14 Date; provided, however, that in no event shall actions be commenced more than six years after
15 the later of the dates of: (1) the Declarant Control Termination Date; (2) the opening of the
16 improvement to use; or (3) substantial completion of all phases of the condominium or expiration
17 of the phasing right (whichever is earlier) and the taking of possession for occupancy by the
18 owner. For purposes of this paragraph only, "Declarant Control Termination Date" shall mean
19 the later of the dates of: (a) when the managing board of the Organization of unit owners is
20 comprised of a majority of unit owners other than the Declarant or Declarant's appointees; or (b)
21 when the Declarant or any entity controlled by the Declarant shall own or control less than
22 twenty-five per cent of the total units at the condominium.

23 SECTION 3. This act shall apply to all master deeds, declaration of trusts, bylaws and
24 any amendments thereto, without regard to whether such master deed, declaration of trust,
25 bylaws, or amendments were recorded before, on or after the effective date of this act.