

HOUSE No. 3261

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:	DATE ADDED:
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>	<i>1/14/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/1/2019</i>

HOUSE No. 3261

By Ms. Cronin of Easton, a petition (accompanied by bill, House, No. 3261) of Claire D. Cronin and Michael D. Brady relative to anti-litigation provisions in condominium documents. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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. Clause (4) of subsection (b) of section 10 of chapter 183A of the General
2 Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the words
3 “master deed”, in line 24, the following:-

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

6 SECTION 2. Said Section 10 of chapter 183A of the General Laws, as so appearing, is
7 hereby further amended by inserting after subsection (n) following subsection:

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 owners, obtaining the approval of the declarant, establishing a budget for the
12 litigation, providing a copy of the complaint to unit owners, requiring alternative dispute

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

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