HOUSE DOCKET, NO. 3237 FILED ON: 2/18/2021

HOUSE . . . . . No. 1501

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 construction defect claims by condominium owners.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Claire D. Cronin	*11th Plymouth*	*2/18/2021*
Michael J. Barrett	*Third Middlesex*	*2/24/2021*

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HOUSE . . . . . No. 1501

By Ms. Cronin of Easton, a petition (accompanied by bill, House, No. 1501) of Claire D. Cronin and Michael J. Barrett relative to construction defect claims by condominium owners. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

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 2018 Official Edition, is hereby amended by inserting after the words "section thirty-nine A of chapter seven", in line 4, the following words:- or of a condominium as defined in chapter 183A,

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

Actions of tort possessed by an organization of unit owners of a condominium, for damages arising out of any deficiency or neglect in the design, planning, construction, condition, or general administration of an improvement to real property submitted to condominium status pursuant to chapter 183A, shall be commenced only within three years next after the cause of action accrues, unless the declarant shall remain in control of the organization of unit owners at the time the cause of action would otherwise accrue, in which case the cause of action shall not accrue prior to the declarant control termination date, as defined herein below; provided,

however, that in no event shall actions be commenced more than six years after the later of the date of: (a) the declarant control termination date; (b) the opening of the improvement to use; or (c) the earlier of the substantial completion of all phases of the condominium or expiration of the phasing right. For purposes of this paragraph only, "declarant control termination date" shall mean the later of the dates of: (a) when the managing board of the organization of unit owners is comprised of a majority of unit owners other than the declarant or declarant's appointees; or (b) when the declarant or any entity controlled by the declarant shall own or control less than twenty-five per cent of the beneficial interest of the condominium. The period of declarant control shall mean the period prior to the declarant control termination date.

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