HOUSE . . . . . No. 2302

By Mr. Harrington of Newton, petition of Peter F. Harrington relative to further regulating the development of condominiums. Urban Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Seven.

AN ACT FURTHER REGULATING THE DEVELOPMENT OF CONDOMINIUMS.

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 5 of chapter 183A of the General Laws, inserted by section 1 of chapter 493 of the acts of 1963, is hereby amended by striking out clause (a) and inserting in place thereof the following clause: —

(a) Each unit owner shall be entitled to an undivided interest in the common areas and facilities in the percentage set forth in the master deed. Such percentage shall be computed by one of the following methods:

(1) the approximate relation that the fair market value of the unit on the date of the master deed bears to the aggregate fair value of all of the units, or

(2) the approximate relation that the square foot area of the unit on the date of the master deed bears to the square feet of all of the units.

SECTION 2. Section 5 of chapter 183A of the General Laws, inserted by section 1 of chapter 493 of the acts of 1963, is hereby amended by inserting after clause (g) the following new clause: —

(h) Notwithstanding any other provision of this chapter, but subject to any provision of by-laws enacted pursuant to this chapter, a unit owner may (i) grant by deed part of a unit for the purpose of incorporating it as part of another unit if a portion of the percentage interest of the grantor is granted to the grantee and the grant is evidenced by an amendment to the master deed specifically describing the part granted, the percentage interests reallocated, and the new percentage interests of the grantor and

the grantee; and (ii) subdivide a unit into two or more units if the original percentage interests and votes appurtenant to the original unit are allocated to the resulting units and the subdivision is evidenced by an amendment to the master deed describing the resulting units and the percentage interests allocated to each unit. The transfer or subdivision may be made without the consent of all of the unit owners if the amendment to the master deed is executed by the unit owners of the units involved and a copy is delivered to the organization of unit owners. The allocation of percentage interests shall be made according to the same method prescribed by clause (a) of this section as was used for the condominium. A plan indicating the changes in the layout or dimensions of the unit affected by the transfer or subdivision shall be attached to the amendment.

SECTION 3. Chapter 183A of the General Laws, inserted by section 1 of chapter 493 of the acts of 1963, is hereby amended by inserting after section 8 the following new section: —

Section 8A. A condominium created pursuant to this chapter may be created in phases. A plan of all of the land on which future phases in the condominium may be located shall be recorded simultaneously with the master deed. The master deed may include a provision allowing the person or persons signing the master deed or their successor in title to amend the master deed without the consent of any unit owner to include one or more additional phases in the condominium on the land noted in the master deed plan for such additional phases. The master deed shall state the maximum number of units to be included in all of the phases of the condominium and the period of time from the date of the master deed within which such units may be added to the condominium and the method for determining the resulting change in percentage ownership of the common areas and facilities brought about by the inclusion of each additional phase. The master deed shall describe with reasonable clarity any additional recreational facilities which shall be constructed in the event additional units are constructed. The master deed need not obligate the person or persons signing the master deed or their successor in title to create the additional phases described in the master deed. The provisions of this chapter shall govern each phase added to the condominium, and the provisions of each

26 amendment of the master deed shall comply with the provisions
27 of section eight. Each such amendment shall reflect the change in
28 percentage ownership of the common areas and facilities brought
29 about by the inclusion of each additional phase in the con-
30 dominium.

31 The creation of a condominium in more than one phase shall
32 not be deemed to be a subdivision as that term is defined in
33 section eighty-one L of chapter forty-one of the General Laws,
34 nor shall the line dividing phases of a condominium constitute a
35 lot line under local ordinances or by-laws adopted pursuant to the
36 provisions of chapter forty A of the General Laws.