

By Mr. Businger of Brookline, petition of Elaine M. Callahan and John A. Businger for legislation to regulate condominiums. Housing and Urban Development.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Three.

AN ACT FURTHER REGULATING CONDOMINIUMS.

*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 183A of the General Laws is hereby  
2 amended by inserting after section 3 the following section: —

3 *Section 3A.* THE owner or owners of land and buildings sub-  
4 mitted to the provisions of this chapter shall upon receipt of a  
5 deposit for the purchase of a condominium unit, deliver to the  
6 purchaser a copy of this chapter.

1 SECTION 2. Said chapter 183A of the General Laws is hereby  
2 further amended by inserting after section 9 the following two  
3 sections: —

4 *Section 9A.* If, upon the sale of a unit, a parking space on land  
5 of the owner is to be sold to the purchaser of the unit, the sale  
6 thereof shall be by a separate deed. Upon any resale of the unit by  
7 the purchaser, he may sell and convey the land comprising the  
8 parking space to his grantee, the owner, the organization of unit  
9 owners, another unit owner or any other person. If the purchaser  
10 resells his unit but does not resell his parking space, he shall convey  
11 it in trust to the organization of unit owners which shall hold it  
12 until such time as it may be conveyed to another unit owner. Upon  
13 such conveyance, the proceeds shall be delivered to the former  
14 owner less deduction for actual expenses of maintenance and a fee  
15 of ten percent for each month such organization held title.

16 *Section 9B.* All unit owners shall have a right to pass and repass  
17 over any parking space retained in ownership by the owner or

18 owned by a unit owner, during such time as it is not occupied by a  
19 vehicle.

1 SECTION 3. Said chapter 183A is hereby further amended by  
2 inserting after section 18 the following section: —

3 *Section 18A.* If any condominium is comprised of twelve or  
4 fewer units or if any one unit consists of more than a ten per cent  
5 interest in the common areas and facilities, the method of voting  
6 for the approval of any necessary maintainance, repair or replace-  
7 ment of common areas and facilities shall be by secret ballot and in  
8 order of descending percentage of common interest. If such work is  
9 to cost more than \$250 and is approved by more than 50% but less  
10 than 75% of the unit owners, a second vote shall be taken provided  
11 that the exact cost of the necessary work shall be disclosed prior  
12 thereto. If, on the second ballot, the work is approved by all owners  
13 voting, the vote shall be binding on them, but if the work is  
14 approved by more than 50% thereof but by less than the percentage  
15 of owners approving on the first ballot, the necessary work may be  
16 considered approved only by those voting affirmatively who shall  
17 signify their approval in a writing, within fifteen days of the date to  
18 be duly recorded by the clerk of the organization within 48 hours of  
19 receipt. If such a writing is not so executed by the owners voting  
20 affirmatively for the work, the proposal shall be deemed to have  
21 been defeated, without prejudice to consideration at a subsequent  
22 meeting of the owners.