

2014 End of Session Report

Clarification Bill-SB 602 clarifies chapter 183A of the general laws Filed by Senator Brian A. Joyce and referred to the Housing Committee. This bill accomplishes two goals. First, the bill cleans up a contradiction in the Massachusetts Condominium Act regarding the process for granting easements and limited common areas. Second, the bill adds a new provision to the Condominium Act stating that if condominium documents require the consent of mortgagees to amend the documents, and the mortgagee does not respond to a written request for such consent within sixty (60) days, consent shall be deemed given. Given the difficulty in obtaining a timely response from the large national banks, this amendment will save Associations significant time and expenses associated with trying to obtain mortgagee consents. The bill was signed by the Governor.

Priority Lien-SB 603 sought to clarify condominium priority liens. This bill seeks to clarify the fact that a condominium association's priority lien for common expenses is not limited to one six-month lien period, but shall include all six-month lien periods established in accordance with the statute. This bill is critical to ensuring that associations can continue to enforce multiple priority liens over the first mortgage. Given that the common expenses are the life blood of a condominium association, the need to adequately protect an association's lien for common expenses is essential. The bill failed upon adjournment.

Construction Defects-SB 726 is an act relative to construction defect claims by condominium owners filed by Senator James B. Eldridge. This bill would clarify that the tolling of the statute of limitations and statute of repose for construction defect claims against a developer by the condominium association would not begin until the developer has turned over control of the condominium association to the unit owners. This bill would correct the serious inequity that currently exists whereby a developer retains control of the association for an extended period of time effectively preventing any remedy for the unit owners against the developer for construction defects. The bill failed upon adjournment.