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The Uniform Condominium Act

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It may be time to review the Mass. Condo Statute and to see if it is adequate for current condo practice.

Mass. has a first generation condo statute. Chapter 183A, the Mass. Condo Statute, which is merely an enabling statute, does not give the detail provided in the Uniform Condo Act or the Common Interest Ownership Act. Most states have adopted either one or the other. Some states by now have a third generation statute.

For example, Chapter 183A does not cover expansion of the condominium. As a result there is no statutory guidance for a lawyer who must draft a phased condo or multiple condos with an umbrella association.

Also, Chapter 183A does not provide for development rights which can be transferred to a successor developer or mortgaged to a lender. As condo lawyers, we have read these concepts into Chapter 183A even though they are not present.

The Uniform Condo Act covers the foregoing and many other matters. Condo lawyers, converters, developers, lenders and title insurance companies in Mass. feel comfortable with Chapter 183A because it has been used with success for forty-five years. However, now is the time to consider the Uniform Condo Act for Mass.

In drafting condo documents, lawyers should put language in the condo documents so that it is possible to amend the condo documents in the event the Uniform Condo Act or the Common Interest Ownership Act is ever enacted in Mass.

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