**MASSACHUSETTS**

**LEGISLATIVE UPDATE DECEMBER 2018**

The Massachusetts legislative session ended officially in July, but lawmakers continue to meet informally through the end of this year, so action is still possible on some pending legislation, Massachusetts Legislative Action Committee (MALAC) Chair Matthew Gaines, a partner in Marcus Errico, Emmer & Brooks, reports. Two CAI-supported bills “came close to a vote in the House” during the formal session and may come up again before year-end.

One would prohibit would the “poison pill” provisions developers insert in condominium governing documents, requiring a super majority of owners to approve litigation against the developer. The other would amend the statutes of limitations and repose, so that neither of those statutory clocks, which set deadlines for construction defect legislation, would begin to run until after the developer had transferred control of the association to owners.

“We’re cautiously optimistic about both measures,” Gaines says, but of the two, he thinks the construction defect measure has the best chance of getting through the House and moving to the Senate.

The Senate approved the perennial “right to dry” bill, allowing condominium owners to install clothes lines, but the House didn’t act on it during its formal session. Because the measure still lacks language clarifying an associations authority to regulate the location and size of these installations, Gaines says, the MALAC would be just as happy to see it die.

The House and Senate both passed legislation dealing with the registration and taxation of short-term rentals, but the Governor vetoed one provision of it – sending the measure back to lawmakers to either override the veto or accept the change the governor wants.–The governor’s objection targeted what Gaines described as “a minute point” and the measure, he notes, doesn’t affect condominiums. “We would have been concerned only if the bill prohibited associations from barring short-term rentals, which it doesn’t.”