

Written Testimony – Joint Committee on Municipalities and Regional Government
Community Associations Institute Massachusetts Legislative Action Committee

Senate 1169 – An Act relative to solar drying of laundry

The Massachusetts Legislative Action Committee (MALAC) for Community Associations Institute (CAI) is writing to express its opposition to Senate 1169, *An Act relative to solar drying of laundry*.

While the MALAC is not opposed to the idea of allowing residents in condominiums and community associations to install clotheslines; the bill as drafted presents a couple of issues.

The main problem with the bill is the installation of a clothesline may simply not be feasible at all condominiums. The bill, as currently drafted, states a condominium association may adopt rules that reasonably restrict the placement of a clothesline; however, the bill also states those restrictions shall not prohibit the use of clotheslines. This is problematic.

The governing board of a condominium association should be allowed to restrict the installation of clotheslines in the common areas and facilities if it is necessary to ensure the safety of residents. Many associations have very limited open spaces that would be suitable for the installation of a clothesline. This is particularly true in small condominiums and condominiums located in densely populated areas. For example, some condominiums may only have a few feet of green space in the front or rear of the building. If a clothesline were installed in this area it could be dangerous to residents walking in this area to get to their front door or parking space or children playing in the area.

Simply put, there are some condominiums where it may be physically impossible to install a clothesline; however, under this bill as drafted, the condominium could not prohibit the clothesline. If residents know they are not prohibited from installing clotheslines by law, then residents will find a way to install one, even if it imposes a safety hazard or is not aesthetically pleasing.

We would note that a similar bill was filed in the 2011 / 2012 legislative session (Senate 1014) that specifically excluded common areas of condominiums, and thus addresses one of the concerns of the CAI raised in this letter. We would encourage the legislature to revert back to this version of the bill.

As a final point – this bill flies in the face of the entire premise of condominium and community association living. Condominiums and community associations are private agreements among neighbors. They have arisen to address the desire by homebuyers for amenities and rules to enhance their ownership experience and to protect their investment. These rules are designed to provide an understanding of a resident's rights and responsibilities. The strength of the condominium and community association model

is these rules are not set in stone. In fact, when it comes to most issues, like clotheslines, the rules can be changed through a vote of the association residents.

CAI believes the key to sustainable approaches to environmental issues can be best achieved by working through the community governance process, educating residents and building consensus. On the issue of the “Right to Dry”, there is no evidence before us that the neighborhood democratic process is not working. The legislature should not usurp the democratic process that is already in place at condominiums and community associations.

Thank you for your attention and consideration of the MALAC’s opinion on this matter.

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