Condominium Law

Attorneys

Renee A. Dangoia
Alexander L. Friedman
Erynn A. Hamel

Related Services

Real Estate Law
Condominium Law
Landlord/Tenant Law
Management/Protection of Real Estate
Real Estate Disputes and Litigation
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Overview

Condominium ownership is governed by a layered set of legal documents that most owners never read until something goes wrong. The master deed, declaration of trust, bylaws, and rules and regulations form a binding framework that controls everything from common area maintenance to pet restrictions to rental limitations. When disputes arise between unit owners and boards, or when associations need to enforce compliance or collect unpaid fees, the outcome often turns on the precise language of documents that were drafted years or even decades before the current owners took title. Cohen Cleary represents condominium associations and individual unit owners in governance, transactional, and litigation matters unique to condominium ownership in Massachusetts and Rhode Island. As a condominium association attorney and unit owner lawyer with practical familiarity with M.G.L. c. 183A, our team understands how these disputes develop and how they are resolved.

How We Help With Condo Disputes and Governance Matters

Massachusetts condominium law operates under a strict document hierarchy. The master deed sits at the top, followed by the declaration of trust, then bylaws, and finally rules and regulations adopted by the board. When provisions conflict across these layers, the higher-ranking document controls. We tell our clients that understanding where their issue falls within this hierarchy is the first step toward resolving it, because a rule that contradicts the master deed may be unenforceable regardless of how long it has been in place.

For condominium associations, our work includes:

- Drafting and amending governing documents, rules, and fee schedules
- Enforcing common expense obligations, including the statutory super lien available under M.G.L. c. 183A, Section 6, making a condo fees lawyer essential to protecting the association's financial position
- Addressing unit owner violations related to rentals, pets, alterations, and use restrictions
- Advising boards on governance procedures, fiduciary duties, and meeting requirements

For unit owners, we handle disputes involving board overreach, improper fee assessments, denial of access to records, and restrictions that may exceed the board's authority under the governing documents. We also represent buyers and sellers in condominium transactions where the resale certificate, document review, and association financial health require careful evaluation before closing. Clients searching for an HOA attorney in Massachusetts should note that Massachusetts uses "condominium association" rather than HOA, but the legal structures are substantially similar.

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Why Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our condominium law work, this approach helps clients navigate governance disputes and document interpretation with clarity, efficiency, and confidence.

What Most Condominium Owners Learn Too Late

Condominium owners frequently do not read their governing documents until a dispute is already underway. By that point, they have often unknowingly waived rights, missed amendment deadlines, or violated restrictions that now limit their options. The master deed, declaration of trust, and rules are binding contracts, and ignorance of their terms is not a defense. We prepare every matter with this reality in mind. Our attorneys review the complete document stack, identify the controlling provisions, and build a factual record that positions the client's case for resolution, whether through negotiation or, when necessary, through litigation in Massachusetts Superior Court or District Court. Boards and owners alike benefit from legal review before problems escalate, not after positions have hardened and options have narrowed.

Representing Condo Associations and Unit Owners

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Throughout New England

Cohen Cleary maintains offices in Taunton and Plymouth, Massachusetts. Our condominium law attorneys represent associations and unit owners throughout southeastern Massachusetts, Greater Boston, and across Massachusetts and Rhode Island, with the capacity to serve clients throughout New England. Clients seeking a Taunton condo lawyer or Plymouth condominium attorney benefit from our proximity to the courts in Bristol County, Plymouth County, and Norfolk County, where common area disputes and fee collection actions are frequently litigated. Our familiarity with local filing requirements and the registries of deeds serving these counties allows us to move efficiently from master deed interpretation through resolution.

Schedule a Consultation With a Massachusetts Condominium Attorney

Condominium disputes rarely resolve on their own, and delay often narrows the available options. If your association needs to enforce governing documents, collect unpaid assessments, or address a governance challenge, or if you are a unit owner facing board action, Cohen Cleary can help you develop a clear strategy. Contact our offices in Taunton or Plymouth to speak with a condominium attorney in Massachusetts.

Frequently Asked Questions About Condo Disputes and Condominium Law

Can a condominium board change the rules without a unit owner's vote?

It depends on which document is being changed. Boards can typically adopt or amend rules and regulations without a unit owner vote, but amendments to the master deed, declaration of trust, or bylaws generally require unit owner approval at specified thresholds. The distinction matters because a board that exceeds its authority may face challenges to enforcement.

What happens if a unit owner stops paying condominium fees?

Massachusetts law gives condominium associations a powerful collection tool: the super lien under M.G.L. c. 183A, Section 6. This provision grants the association a lien on the delinquent unit that can take priority over even a first mortgage, up to six months of unpaid common expenses. Associations that fail to pursue collection promptly may weaken their position and shift the financial burden to other owners.

Can the board restrict rentals or short-term leasing?

Rental restrictions are enforceable if they are contained in the governing documents or properly adopted amendments. Restrictions adopted after a unit owner purchased may face legal challenges depending on how the amendment was enacted and whether it conflicts with existing rights under the master deed.

What is the difference between common areas and limited common areas?

Common areas are owned collectively by all unit owners and maintained by the association. Limited common areas are reserved for the exclusive use of specific units but remain the association's maintenance responsibility unless the governing documents provide otherwise. Disputes over repair obligations and modification rights frequently arise from confusion about

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this distinction.

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