



General Assembly

February Session, 2008

Raised Bill No. 706

LCO No. 3372

03372_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING CONDOMINIUMS AND OTHER COMMON INTEREST COMMUNITIES AND ESTABLISHING AN OFFICE OF CONDOMINIUM OMBUDSMAN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) There is established
2 an Office of Condominium Ombudsman within the Department of
3 Consumer Protection. The Office of Condominium Ombudsman shall
4 be under the direction of the Condominium Ombudsman who shall be
5 appointed by the Governor in accordance with sections 4-5 to 4-8,
6 inclusive, of the general statutes or the 2008 supplement to the general
7 statutes. The Condominium Ombudsman shall be an elector of the
8 state who is an attorney admitted to practice law in this state with
9 expertise and experience in condominium and common interest
10 community law and practices.

11 (b) The Condominium Ombudsman may:

12 (1) Investigate and resolve complaints concerning unit owners, as
13 defined in section 47-68a of the general statutes, or section 47-202 of
14 the general statutes, as the case may be, boards of directors and

15 executive boards of condominiums and other common interest
16 communities, community association managers and managing agents
17 of condominiums;

18 (2) Analyze the laws regarding condominiums and other common
19 interest communities and make recommendations to the Governor and
20 the General Assembly for legislation;

21 (3) Publish information concerning laws and regulations related to
22 condominiums and other common interest communities;

23 (4) Refer any complaint received by the office to the appropriate law
24 enforcement agency for prosecution, if deemed appropriate by the
25 ombudsman;

26 (5) Upon request of not less than fifteen per cent of the unit owners
27 of a condominium association or a common interest community,
28 monitor the election of a board of directors for such condominium
29 association or common interest community, provided the costs of such
30 monitoring shall be paid by the condominium association or common
31 interest community; and

32 (6) Adopt regulations, in accordance with chapter 54 of the general
33 statutes, to implement this section.

34 Sec. 2. (NEW) (*Effective October 1, 2008*) The Condominium
35 Ombudsman may, after notice and a hearing pursuant to chapter 54 of
36 the general statutes, issue an order to any person found to have
37 violated any provision of chapter 825 of the general statutes, chapter
38 828 of the general statutes, or the bylaws of a condominium association
39 or other common interest community requiring such person to cease
40 such violation, and may order any person found to have violated any
41 such provision to make restitution for damages caused by such
42 violation. The Condominium Ombudsman may, through the Attorney
43 General, petition the superior court for the judicial district where the
44 violation occurred for the enforcement of any order issued by the

45 Condominium Ombudsman, or for appropriate temporary relief or a
46 restraining order, and shall certify and file in the court a transcript of
47 the entire record of the hearing or hearings, including all testimony
48 upon which such order was made and the findings and orders made
49 by the Condominium Ombudsman. The court may grant such relief by
50 injunction or otherwise, including temporary relief, as it deems
51 equitable and may make and enter a decree enforcing, modifying and
52 enforcing as so modified, or setting aside, in whole or in part, any
53 order of the Condominium Ombudsman.

54 (b) Any final decision of the Condominium Ombudsman shall be
55 subject to judicial review as provided in section 4-183 of the general
56 statutes.

57 (c) The Condominium Ombudsman may request the Commissioner
58 of Consumer Protection to conduct an investigation and make findings
59 and recommendations regarding any matter concerning a violation of
60 chapter 825 of the general statutes, chapter 828 of the general statutes,
61 or the bylaws of a condominium association or common interest
62 community.

63 Sec. 3. Section 4-5 of the 2008 supplement to the general statutes is
64 repealed and the following is substituted in lieu thereof (*Effective*
65 *October 1, 2008*):

66 As used in sections 4-6, 4-7 of the 2008 supplement to the general
67 statutes and 4-8, the term "department head" means Secretary of the
68 Office of Policy and Management, Commissioner of Administrative
69 Services, Commissioner of Revenue Services, Banking Commissioner,
70 Commissioner of Children and Families, Commissioner of Consumer
71 Protection, Commissioner of Correction, Commissioner of Economic
72 and Community Development, State Board of Education,
73 Commissioner of Emergency Management and Homeland Security,
74 Commissioner of Environmental Protection, Commissioner of
75 Agriculture, Commissioner of Public Health, Insurance Commissioner,
76 Labor Commissioner, Liquor Control Commission, Commissioner of

77 Mental Health and Addiction Services, Commissioner of Public Safety,
78 Commissioner of Social Services, Commissioner of Developmental
79 Services, Commissioner of Motor Vehicles, Commissioner of
80 Transportation, Commissioner of Public Works, Commissioner of
81 Veterans' Affairs, Commissioner of Health Care Access, Chief
82 Information Officer, the chairperson of the Public Utilities Control
83 Authority, the executive director of the Board of Education and
84 Services for the Blind, the executive director of the Connecticut
85 Commission on Culture and Tourism, the Ombudsman for Property
86 Rights [and] the executive director of the Office of Military Affairs, and
87 the Condominium Ombudsman. As used in sections 4-6 and 4-7 of the
88 2008 supplement to the general statutes, "department head" also means
89 the Commissioner of Education.

90 Sec. 4. Subsection (a) of section 47-216 of the general statutes is
91 repealed and the following is substituted in lieu thereof (*Effective*
92 *October 1, 2008*):

93 (a) Except as provided in section 47-217, sections 47-204, 47-205, 47-
94 206, 47-222, 47-223, 47-240 of the 2008 supplement to the general
95 statutes, 47-244, as amended by this act, 47-253, 47-258, 47-260 of the
96 2008 supplement to the general statutes, as amended by this act, 47-270
97 and 47-278, and [subsection] subsections (b), (i) and (j) of section 47-
98 236, and section 47-202 to the extent necessary in construing any of
99 those sections, apply to all common interest communities created in
100 this state before January 1, 1984; but those sections apply only with
101 respect to events and circumstances occurring after January 1, 1984,
102 and do not invalidate existing provisions of the declaration, bylaws or
103 surveys or plans of those common interest communities.

104 Sec. 5. Subsection (a) of section 47-244 of the general statutes is
105 repealed and the following is substituted in lieu thereof (*Effective*
106 *October 1, 2008*):

107 (a) Except as provided in subsection (b) of this section, and subject
108 to the provisions of the declaration, the association, even if

109 unincorporated, may:

110 (1) Adopt and amend bylaws and rules and regulations;

111 (2) Adopt and amend budgets for revenues, expenditures and
112 reserves and collect assessments for common expenses from unit
113 owners;

114 (3) Hire and discharge managing agents and other employees,
115 agents and independent contractors;

116 (4) Institute, defend or intervene in litigation or administrative
117 proceedings in its own name on behalf of itself or two or more unit
118 owners on matters affecting the common interest community;

119 (5) Make contracts and incur liabilities;

120 (6) Regulate the use, maintenance, repair, replacement and
121 modification of common elements;

122 (7) Cause additional improvements to be made as a part of the
123 common elements;

124 (8) Acquire, hold, encumber and convey in its own name any right,
125 title or interest to real property or personal property, but (A) common
126 elements in a condominium or planned community may be conveyed
127 or subjected to a security interest only pursuant to section 47-254 and
128 (B) part of a cooperative may be conveyed, or all or part of a
129 cooperative may be subjected to a security interest, only pursuant to
130 section 47-254;

131 (9) Grant easements, leases, licenses and concessions through or
132 over the common elements;

133 (10) Impose and receive any payments, fees or charges for the use,
134 rental or operation of the common elements, other than limited
135 common elements described in subsections (2) and (4) of section 47-
136 221, and for services provided to unit owners;

137 (11) Impose charges or interest or both for late payment of
138 assessments and, after notice and an opportunity to be heard, levy
139 reasonable fines for violations of the declaration, bylaws, rules and
140 regulations of the association;

141 (12) Impose reasonable charges for the preparation and recordation
142 of amendments to the declaration, resale certificates required by
143 section 47-270 or statements of unpaid assessments;

144 (13) Provide for the indemnification of its officers and executive
145 board and maintain directors' and officers' liability insurance;

146 (14) Assign its right to future income, including the right to receive
147 common expense assessments, [but only to the extent the declaration
148 expressly so provides] by the vote of unit owners of units to which at
149 least fifty-one per cent of the votes in the association are allocated;

150 (15) Exercise any other powers conferred by the declaration or
151 bylaws;

152 (16) Exercise all other powers that may be exercised in this state by
153 legal entities of the same type as the association;

154 (17) Exercise any other powers necessary and proper for the
155 governance and operation of the association; and

156 (18) Require, by regulation, that disputes between the executive
157 board and unit owners or between two or more unit owners regarding
158 the common interest community must be submitted to nonbinding
159 alternative dispute resolution in the manner described in the
160 regulation as a prerequisite to commencement of a judicial proceeding.

161 Sec. 6. Section 47-260 of the 2008 supplement to the general statutes
162 is repealed and the following is substituted in lieu thereof (*Effective*
163 *October 1, 2008*):

164 [(a) The association shall keep financial records sufficiently detailed

165 to enable the association to comply with section 47-270. All accounting,
166 financial and other books and records of the association, including, but
167 not limited to, minutes of meetings and voting records of the executive
168 board, shall be made reasonably available by the executive board or a
169 managing agent of the association for examination and copying by any
170 unit owner, or the unit owner's authorized agent, upon the request of
171 such unit owner or agent.

172 (b) Notwithstanding any provision of the declaration or bylaws to
173 the contrary, at least fourteen days prior to entering into any loan
174 agreement on behalf of the association, the executive board shall (1)
175 disclose in writing to all unit owners the amount and terms of the loan
176 and the estimated effect of such loan on any common expense
177 assessment, and (2) afford the unit owners a reasonable opportunity to
178 submit written comments to the executive board with respect to such
179 loan.]

180 (a) The association shall create and maintain the following records:

181 (1) Detailed records of receipts and expenditures affecting the
182 operation and administration of the association and other appropriate
183 accounting records;

184 (2) Minutes of all meetings of its unit owners and executive board, a
185 record of all actions taken by the unit owners or executive board
186 without a meeting, and a record of all actions taken by a committee in
187 place of the executive board on behalf of the association;

188 (3) The names of unit owners in a form that permits preparation of a
189 list of the names and addresses of all owners in alphabetical order
190 showing the number of votes each owner is entitled to cast;

191 (4) The association's original or restated organizational documents,
192 if any, and bylaws and all amendments to such documents currently in
193 effect;

194 (5) Any financial statements and tax returns of the association for

195 the past three years;

196 (6) A list of the names and business addresses of its current
197 executive board members and officers;

198 (7) If incorporated, its most recent annual report delivered to the
199 Secretary of the State;

200 (8) Financial and other records sufficiently detailed to enable the
201 association to comply with section 47-270;

202 (9) All current written contracts to which the association is a party;

203 (10) Records of actions taken by an executive board or committee in
204 place of the executive board to approve or deny any requests from unit
205 owners for design or architectural approval; and

206 (11) Ballots, proxies and other records related to voting by unit
207 owners for one year after the election to which they relate.

208 (b) Subject to the provisions of subsections (c) and (d) of this section,
209 a unit owner or the unit owner's authorized agent may examine and
210 copy all records kept by the association. Such right of examination may
211 be exercised:

212 (1) Only if the unit owner describes with reasonable particularity
213 the records the unit owner desires to inspect;

214 (2) Only during reasonable business hours, unless the association
215 and the unit owner or the unit owner's authorized agent agree to
216 another time;

217 (3) At the office of the association, the office of the association's
218 managing agent, or at a location within the town or towns in which the
219 common interest community is located, or a town that immediately
220 borders the town or towns in which the common interest community is
221 located, unless the association and the unit owner or the unit owner's
222 authorized agent agree to another location; and

- 223 (4) Upon at least five days' written notice.
- 224 (c) Records kept by an association may be withheld from inspection
225 and copying to the extent the records concern:
- 226 (1) Personnel files of the employees or agents of the association;
- 227 (2) The medical records of any person that are in the possession of
228 the association;
- 229 (3) Contracts, leases and other commercial transactions to purchase
230 or provide goods or services, currently in or under negotiation;
- 231 (4) Pending or potential litigation;
- 232 (5) Matters involving state or local administrative or other formal
233 proceedings before a government agency for enforcement of the
234 declaration, bylaws or rules;
- 235 (6) Communications with legal counsel that are otherwise protected
236 by the attorney-client privilege or the attorney work product doctrine;
- 237 (7) Disclosure of information in violation of law;
- 238 (8) Records of an executive session of the executive board; or
- 239 (9) Individual unit files other than those of the requesting unit
240 owner.
- 241 (d) Notwithstanding any provision of this chapter, the association
242 shall withhold from inspection and copying any record that is required
243 to be maintained as confidential under any state or federal law or any
244 regulation of a federal or state agency.
- 245 (e) The association may charge a fee for providing copies of any
246 records under this section and for supervising the unit owner's
247 inspection, provided such fees shall not exceed the actual cost of any
248 materials and labor incurred by the association.

249 (f) Any right to copy records under this section shall include the
250 right to receive copies by photocopying or other means, including
251 copies through an electronic transmission if available and so requested
252 by the unit owner.

253 (g) The association shall not be required to compile or synthesize
254 information pursuant to this section. Information provided pursuant to
255 this section may not be used by any person for a commercial purpose.

256 Sec. 7. Subsection (a) of section 22-332d of the general statutes is
257 repealed and the following is substituted in lieu thereof (*Effective*
258 *October 1, 2008*):

259 (a) Any animal control officer for a municipality which has adopted
260 an ordinance under subsection (b) of section 22-339d, as amended by
261 this act, may take into custody any cat found to be damaging property
262 other than property of its owner or keeper or property that is part of
263 the common elements of a common interest community, as defined in
264 section 47-202, or causing an unsanitary, dangerous or unreasonably
265 offensive condition unless such cat can be identified as under the care
266 of its owner or a registered keeper of feral cats. The officer shall
267 impound such cat at the pound serving the town where the cat is taken
268 unless, in the opinion of a licensed veterinarian, the cat is so injured or
269 diseased that it should be destroyed immediately, in which case the
270 municipal animal control officer of such town may cause the cat to be
271 mercifully killed by a licensed veterinarian or disposed of as the State
272 Veterinarian may direct. The municipal animal control officer shall
273 immediately notify the owner or keeper of any cat so taken, if known,
274 of its impoundment. If the owner or keeper of any such cat is
275 unknown, the officer shall immediately tag or employ such other
276 suitable means of identification of the cat as may be approved by the
277 Chief Animal Control Officer and shall promptly cause a description of
278 such cat to be published once in the lost and found column of a
279 newspaper having a circulation in such town.

280 Sec. 8. Subsection (b) of section 22-339d of the general statutes is

281 repealed and the following is substituted in lieu thereof (*Effective*
282 *October 1, 2008*):

283 (b) A municipality may adopt an ordinance providing that no
284 person owning or keeping any cat shall permit such animal to (1)
285 substantially damage property other than the property of the owner or
286 keeper; [or] (2) cause an unsanitary, dangerous or unreasonably
287 offensive condition; or (3) substantially damage property that is part of
288 the common elements of a common interest community, as defined in
289 section 47-202. Violation of such provision shall be an infraction.

290 Sec. 9. Section 22-357 of the general statutes is repealed and the
291 following is substituted in lieu thereof (*Effective October 1, 2008*):

292 If any dog does any damage to either the body or property of any
293 person, or property that is part of the common elements of a common
294 interest community, as defined in section 47-202, the owner or keeper,
295 or, if the owner or keeper is a minor, the parent or guardian of such
296 minor, shall be liable for such damage, except when such damage has
297 been occasioned to the body or property of a person who, at the time
298 such damage was sustained, was committing a trespass or other tort,
299 or was teasing, tormenting or abusing such dog. If a minor, on whose
300 behalf an action under this section is brought, was under seven years
301 of age at the time the damage was done, it shall be presumed that such
302 minor was not committing a trespass or other tort, or teasing,
303 tormenting or abusing such dog, and the burden of proof thereof shall
304 be upon the defendant in such action.

305 Sec. 10. Section 22-358 of the 2008 supplement to the general statutes
306 is repealed and the following is substituted in lieu thereof (*Effective*
307 *October 1, 2008*):

308 (a) (1) For the purposes of this section, the premises of the owner or
309 keeper of a dog, cat or other animal does not include property that is
310 part of the common elements of a common interest community, as
311 defined in section 47-202.

312 (2) Any owner or the agent of any owner of any domestic animal or
313 poultry, or the Chief Animal Control Officer or any animal control
314 officer or any municipal animal control officer, regional animal control
315 officer or any police officer or state policeman, may kill any dog which
316 he observes pursuing or worrying any such domestic animal or
317 poultry.

318 (b) Any person who is bitten, or who shows visible evidence of
319 attack by a dog, cat or other animal when such person is not upon the
320 premises of the owner or keeper of such dog, cat or other animal may
321 kill such dog, cat or other animal during such attack. Such person shall
322 make complaint concerning the circumstances of the attack to the Chief
323 Animal Control Officer, any animal control officer or the municipal
324 animal control officer or regional animal control officer of the town
325 wherein such dog, cat or other animal is owned or kept. Any such
326 officer to whom such complaint is made shall immediately make an
327 investigation of such complaint.

328 (c) If such officer finds that the complainant has been bitten or
329 attacked by such dog, cat or other animal when the complainant was
330 not upon the premises of the owner or keeper of such dog, cat or other
331 animal the officer shall quarantine such dog, cat or other animal in a
332 public pound or order the owner or keeper to quarantine it in a
333 veterinary hospital, kennel or other building or enclosure approved by
334 the commissioner for such purpose. When any dog, cat or other animal
335 has bitten a person on the premises of the owner or keeper of such
336 dog, cat or other animal, the Chief Animal Control Officer, any animal
337 control officer, any municipal animal control officer or regional animal
338 control officer may quarantine such dog, cat or other animal on the
339 premises of the owner or keeper of such dog, cat or other animal. The
340 commissioner, the Chief Animal Control Officer, any animal control
341 officer, any municipal animal control officer or any regional animal
342 control officer may make any order concerning the restraint or
343 disposal of any biting dog, cat or other animal as the commissioner or
344 such officer deems necessary. Notice of any such order shall be given

345 to the person bitten by such dog, cat or other animal within twenty-
346 four hours. The owner of such animal shall pay all fees as set forth in
347 section 22-333. On the fourteenth day of such quarantine the dog, cat
348 or other animal shall be examined by the commissioner or someone
349 designated by the commissioner to determine whether such quarantine
350 shall be continued or removed. Whenever any quarantine is ordered
351 under the provisions of this section, notice thereof shall be given to the
352 commissioner and to the person bitten or attacked by such dog, cat or
353 other animal within twenty-four hours. Any owner or keeper of such
354 dog, cat or other animal who fails to comply with such order shall be
355 fined not more than two hundred fifty dollars or imprisoned not more
356 than thirty days or both. If an owner or keeper fails to comply with a
357 quarantine or restraining order made pursuant to this subsection, the
358 Chief Animal Control Officer, any animal control officer, any
359 municipal animal control officer or regional animal control officer may
360 seize the dog, cat or other animal to insure such compliance and the
361 owner or keeper shall be responsible for any expenses resulting from
362 such seizure. Any person aggrieved by an order of any municipal
363 animal control officer, the Chief Animal Control Officer, any animal
364 control officer or any regional animal control officer may request a
365 hearing before the commissioner within fourteen days of the issuance
366 of such order. After such hearing, the commissioner may affirm,
367 modify or revoke such order as the commissioner deems proper. Any
368 dog owned by a police agency of the state or any of its political
369 subdivisions is exempt from the provisions of this subsection when
370 such dog is under the direct supervision, care and control of an
371 assigned police officer, has been vaccinated annually and is subject to
372 routine veterinary care.

373 (d) Any dog, while actually worrying or pursuing deer, may be
374 killed by the Chief Animal Control Officer or an animal control officer
375 or by a conservation officer or special conservation officer appointed
376 by the Commissioner of Environmental Protection, or by any police
377 officer or state policeman. The owner or keeper of any dog found
378 worrying or pursuing a deer shall be fined not less than twenty-five

379 dollars nor more than two hundred dollars or imprisoned not more
380 than sixty days or both.

381 (e) Any person who kills any dog, cat or other animal in accordance
382 with the provisions of this section shall not be held criminally or civilly
383 liable therefor.

384 (f) The owner of any dog, cat or other animal which has bitten or
385 attacked a person and has been quarantined pursuant to subsection (c)
386 of this section may authorize the humane euthanization of such dog,
387 cat or other animal by a licensed veterinarian at any time before the
388 end of the fourteenth day of such quarantine. Any such dog, cat or
389 other animal so euthanized before the end of the fourteenth day of
390 quarantine shall be examined for rabies by the Connecticut
391 Department of Public Health virology laboratory or any other
392 laboratory authorized by the Department of Public Health to perform
393 rabies examinations. The veterinarian performing the euthanasia shall
394 be responsible for ensuring that the head of the euthanized animal is
395 delivered by him or his designated agent within forty-eight hours to an
396 appropriate laboratory designated by said department for rabies
397 examination.

398 (g) Repealed by P.A. 05-175, S. 24.

399 (h) A person who sustains damage by a dog to such person's
400 poultry, ratite, domestic rabbit, companion animal or livestock as
401 defined in section 22-278 shall make complaint concerning
402 circumstances of the attack by such dog on any such animal or
403 livestock to the Chief Animal Control Officer, any animal control
404 officer or the municipal animal control officer or regional animal
405 control officer of the town in which such dog is owned or kept. An
406 officer to whom such complaint is made shall immediately investigate
407 such complaint. If such officer finds that the complainant's animal has
408 been bitten or attacked by a dog when the attacked animal was not on
409 the premises of the owner or keeper of the attacking dog and provided
410 the complainant's animal was under the control of the complainant or

411 on the complainant's property, such officer, the commissioner, the
412 Chief Animal Control Officer or any animal control officer may make
413 any order concerning the restraint or disposal of such attacking dog as
414 the commissioner or such officer deems necessary. An owner or keeper
415 of such dog who fails to comply with such order shall be fined not
416 more than two hundred fifty dollars or imprisoned not more than
417 thirty days, or both. If the owner or keeper of such dog fails to comply
418 with an order made pursuant to this subsection, the Chief Animal
419 Control Officer or any animal control officer, municipal animal control
420 officer or regional animal control officer may seize the dog to ensure
421 such compliance, and the owner or keeper of such dog shall be
422 responsible for any expenses resulting from such seizure. A person
423 aggrieved by an order of the Chief Animal Control Officer or any
424 animal control officer, municipal animal control officer or regional
425 animal control officer made pursuant to this subsection may request a
426 hearing before the commissioner not later than fourteen days after the
427 issuance of such order. After such hearing, the commissioner may
428 affirm, modify or revoke such order as the commissioner deems
429 proper. A dog owned by a police agency of the state or any of its
430 political subdivisions is exempt from the provisions of this section
431 when such dog is under the direct supervision, care and control of an
432 assigned police officer, has been vaccinated annually and is subject to
433 routine veterinary care.

434 Sec. 11. Subsection (a) of section 22-364 of the general statutes is
435 repealed and the following is substituted in lieu thereof (*Effective*
436 *October 1, 2008*):

437 (a) No owner or keeper of any dog shall allow such dog to roam at
438 large upon the land of another or upon property that is part of the
439 common elements of a common interest community, as defined in
440 section 47-202, and not under control of the owner or keeper or the
441 agent of the owner or keeper, nor allow such dog to roam at large on
442 any portion of any public highway and not attended or under control
443 of such owner or keeper or his agent, provided nothing in this

444 subsection shall be construed to limit or prohibit the use of hunting
445 dogs during the open hunting or training season. The unauthorized
446 presence of any dog on the land of any person other than the owner or
447 keeper of such dog, on property that is part of the common elements of
448 a common interest community, or on any portion of a public highway
449 when such dog is not attended by or under the control of such owner
450 or keeper, shall be prima facie evidence of a violation of the provisions
451 of this subsection. Violation of any provision of this subsection shall be
452 an infraction.

453 Sec. 12. Section 22-364a of the general statutes is repealed and the
454 following is substituted in lieu thereof (*Effective October 1, 2008*):

455 Any person who intentionally or recklessly releases a domestic
456 animal that enters upon the real property of another person or upon
457 property that is part of the common elements of a common interest
458 community, as defined in section 47-202, and causes damage to such
459 real property in an amount in excess of one hundred dollars shall have
460 committed an infraction.

461 Sec. 13. Section 22-364b of the general statutes is repealed and the
462 following is substituted in lieu thereof (*Effective October 1, 2008*):

463 The owner or keeper of a dog shall restrain and control such dog on
464 a leash when such dog is not on the property of its owner or keeper, or
465 is on property that is part of the common elements of a common
466 interest community, as defined in section 47-202, and is in proximity to
467 a blind, deaf or mobility impaired person accompanied by his guide
468 dog, provided the guide dog is in the direct custody of such blind, deaf
469 or mobility impaired person, is wearing a harness or an orange-colored
470 leash and collar which makes it readily-identifiable as a guide dog and
471 is licensed in accordance with section 22-345. Any person who violates
472 the provisions of this section shall have committed an infraction. If an
473 owner or keeper of a dog violates the provisions of this section and, as
474 a result of such violation, such dog attacks and injures the guide dog,
475 such owner or keeper shall be liable, as provided in section 22-357, as

476 amended by this act, for any damage done to such guide dog, and such
 477 liability shall include liability for any costs incurred by such blind, deaf
 478 or mobility-impaired person for the veterinary care, rehabilitation or
 479 replacement of the injured guide dog and for reasonable attorney's
 480 fees.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	New section
Sec. 3	<i>October 1, 2008</i>	4-5
Sec. 4	<i>October 1, 2008</i>	47-216(a)
Sec. 5	<i>October 1, 2008</i>	47-244(a)
Sec. 6	<i>October 1, 2008</i>	47-260
Sec. 7	<i>October 1, 2008</i>	22-332d(a)
Sec. 8	<i>October 1, 2008</i>	22-339d(b)
Sec. 9	<i>October 1, 2008</i>	22-357
Sec. 10	<i>October 1, 2008</i>	22-358
Sec. 11	<i>October 1, 2008</i>	22-364(a)
Sec. 12	<i>October 1, 2008</i>	22-364a
Sec. 13	<i>October 1, 2008</i>	22-364b

Statement of Purpose:

To: (1) Establish an Office of Condominium Ombudsman to hear and investigate matters related to common interest communities; (2) amend the applicability of certain common interest community provisions, and amend the records an association is required to maintain or provide; and (3) amend certain animal control statutes to clarify duties with respect to property that is a part of the common elements of a common interest community.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]