

March 19, 2009

**Testimony of COMMISSIONER WILLIAM R. BREETZ,
OF THE CONNECTICUT COMMISSION ON UNIFORM LAWS**

**IN SUPPORT of HB 6672, AN ACT CONCERNING THE 2008 AMENDMENTS
TO THE UNIFORM COMMON INTEREST OWNERSHIP ACT.**

Senator MCDONALD, Senator KISSEL, Representative LAWLOR, Representative O'NEILL, members of the Judiciary Committee: Thank you for the opportunity to appear before this Committee in SUPPORT of HB 6672, AN ACT CONCERNING THE 2008 AMENDMENTS TO THE UNIFORM COMMON INTEREST OWNERSHIP ACT.

My testimony will be brief. The bill before you reproduces sections 47-200 through 47-278 of the Connecticut General Statutes; they comprise Parts I through IV of Connecticut's adoption of the Uniform Common Interest Ownership Act or "UCIOA". The suggested amendments to those sections, as shown in the bill, represent all the substantive changes to the existing Connecticut act suggested by the 2008 amendments to UCIOA promulgated by the Uniform Law Commission at their 2008 annual meeting.

This lengthy bill deserves a bit of explanation. Connecticut was the first State in the nation to adopt UCIOA – in an essentially uniform version – in 1983; the Act became effective on January 1, 1984 and has governed the creation of all condominiums, cooperatives and planned communities for the last 25 years. Connecticut subsequently adopted the 1994 amendments to UCIOA. I think it fair to say that with these enactments, this General Assembly has provided Connecticut residents a more thoughtful, consistent and reliable body of common interest community law than exists in any other state. Moreover, our trial and appellate Courts, in interpreting this Act, have consistently sustained its provisions. In so doing, this body and our Courts have provided the country the Gold Standard by which law in this field has evolved.

The 2008 amendments represent the culmination of 5 years of study by a national body of advisors to a Drafting Committee on UCIOA of the Uniform Law Commission. I have been privileged to serve as Reporter to that Drafting Committee, both during the last 5 years and for the entire 33 years during which the Uniform Law Commission has considered UCIOA and its predecessor Acts.

As it did on 2 prior occasions, in late 2008 the Connecticut Law Revision Commission created a Study Committee to consider these amendments. The 21 members of that Study Committee, together with Representative Arthur O'Neill and his staff and Attorney Louise Nadeau of the Legislative Commissioner's Office, have met regularly over the last 3 months to study these proposals; the identity and affiliations of each member appear on the attached list. Representative O'Neill, who chairs the Law Revision Commission, appointed me as Chair of the Study Committee. Based on my experience in this State and nationally, I am confident that the assembled membership-

both because of their individual strengths and their collective deliberations over 25 years experience in dealing with this particular statute – represent the single most thoughtful and able group of lawyers and lay persons in the entire country as they parse these amendments.

This group has already met for more than 15 hours in 5 separate sessions and expects to complete its review before May. At that time, we hope to bring you a further series of suggested amendments to the bill that is before you, which I anticipate will represent the Study Committee's consensus recommendations for adoption. The Committee is enthusiastic in its work and eager to bring additional strength to this complex field, particularly in the areas of association governance and enhanced rights of individual unit owners in common interest communities.

For those reasons, I respectfully ask that this Committee give a Joint Favorable report to HB 6672 so that, at the appropriate time, both Houses of the General Assembly may be given the opportunity to consider the Study Committee's recommendations for final adoption of this important legislation.

Thank you for your time; I would be pleased to answer any questions you might have.

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ON THE 2008 AMENDMENTS TO THE UNIFORM COMMON INTEREST OWNERSHIP ACT

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