



General Assembly

January Session, 2009

Raised Bill No. 1006

LCO No. 3784

03784_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING CONDOMINIUMS AND OTHER COMMON INTEREST COMMUNITIES AND THE LICENSING OF COMMUNITY ASSOCIATION MANAGERS.

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

1 Section 1. Section 20-450 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2010*):

3 As used in sections 20-450 to 20-462, inclusive, as amended by this
4 act, and sections 13 to 16, inclusive, of this act, unless the context
5 otherwise requires:

6 (1) "Association" means (A) an association, as defined in section 47-
7 202, and an association of unit owners, as defined in section 47-68a and
8 in section 47-68 of the general statutes, revision of 1958, revised to
9 January 1, 1975, and (B) the mandatory owners organization of any
10 common interest community, as defined in section 47-202, which
11 community was not created under chapter 825 or 828 or under chapter
12 825 of the general statutes, revision of 1958, revised to January 1, 1975.
13 "Association" does not include an association of a common interest
14 community which contains only units restricted to nonresidential use;

15 (2) "Community association manager" means a person who
16 provides association management services, and includes any partner,
17 director, officer, employee or agent of such person who directly
18 provides association management services on behalf of such person;

19 (3) "Association management services" means services provided to
20 an association for remuneration, including one or more of the
21 following: (A) Collecting, controlling or disbursing funds of the
22 association or having the authority to do so; (B) preparing budgets or
23 other financial documents for the association; (C) assisting in the
24 conduct of or conducting association meetings; (D) advising or
25 assisting the association in obtaining insurance; (E) coordinating or
26 supervising the overall operations of the association; and (F) advising
27 the association on the overall operations of the association. Any person
28 licensed in this state under any provision of the general statutes or
29 rules of court who provides the services for which such person is
30 licensed to an association for remuneration shall not be deemed to be
31 providing association management services. Any director, officer or
32 other member of an association who provides services specified in this
33 subdivision to the association of which he or she is a member shall not
34 be deemed to be providing association management services unless
35 such director, officer or other member owns or controls more than
36 two-thirds but less than all of the votes in such association;

37 (4) "Commission" means the Connecticut [Real Estate Commission
38 appointed under the provisions of section 20-311a] Community
39 Association Commission appointed under section 13 of this act;

40 (5) "Department" means the Department of Consumer Protection;
41 and

42 (6) "Person" means an individual, partnership, corporation, limited
43 liability company or other legal entity.

44 Sec. 2. Section 20-451 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective January 1, 2010*):

46 No person shall hold himself or herself out to be a community
47 association manager or provide association management services
48 without first obtaining a [certificate of registration] license as provided
49 in sections 20-450 to 20-462, inclusive, as amended by this act, and
50 sections 13 to 16, inclusive, of this act.

51 Sec. 3. Section 20-452 of the general statutes is repealed and the
52 following is substituted in lieu thereof (*Effective January 1, 2010*):

53 (a) Any person seeking a [certificate of registration] license as a
54 community association manager shall apply to the department in
55 writing, on a form provided by the department. Such application shall
56 include the applicant's name, residence address, business address,
57 business telephone number and such other information as the
58 department may require.

59 (b) Each application for a [certificate of registration] license as a
60 community association manager shall be accompanied by an
61 application fee of sixty dollars and a [registration] license fee of one
62 hundred dollars. The department shall refund the [registration] license
63 fee if [it] the department refuses to issue a [certificate of registration]
64 license. The payment of an application fee shall entitle an applicant
65 who otherwise meets the requirements established by the commission
66 to take the written examination, as provided in subsection (c) of this
67 section, four times within the one-year period from the date of
68 payment. In addition to the application fee, applicants taking an
69 examination administered by a national testing service shall be
70 required to pay directly to such testing service an examination fee
71 covering the cost of such examination.

72 (c) The commission shall subject any applicant for a license under
73 this section to personal written examination as to the applicant's
74 competency to act as a community association manager. Such
75 examination shall be prepared by the Department of Consumer
76 Protection or by a national testing service designated by the
77 Commissioner of Consumer Protection and shall be administered to

78 applicants by the Department of Consumer Protection or by such
79 testing service at such times and places as the commissioner deems
80 necessary. The commission may waive the written examination
81 requirement in the case of an applicant who, in the opinion of the
82 commission, has taken an equivalent written examination in another
83 state and has received a score deemed satisfactory by the commission.

84 (d) Each applicant for a license as a community association manager
85 shall, before being admitted to an examination as provided in
86 subsection (c) of this section, prove to the satisfaction of the
87 commission that the applicant has successfully completed a course
88 approved by the commission in community association management
89 principles and practices, or that the applicant has equivalent
90 experience or education as determined by the commission.

91 Sec. 4. Section 20-453 of the general statutes is repealed and the
92 following is substituted in lieu thereof (*Effective January 1, 2010*):

93 Upon receipt of a completed application and the appropriate fees,
94 and after an examination as provided in subsection (c) of section 20-
95 452, as amended by this act, the department, upon authorization of the
96 commission, shall: (1) Issue and deliver to the applicant a [certificate of
97 registration] license as a community association manager; or (2) refuse
98 to issue [the certificate] or renew such license. The commission may
99 suspend, revoke or refuse to issue or renew any [certificate] license
100 issued under sections 20-450 to 20-462, inclusive, as amended by this
101 act, and sections 13 to 16, inclusive, of this act, or may place a
102 [registrant] license on probation or issue a letter of reprimand for any
103 of the reasons stated in subsection (a) of section 20-456, as amended by
104 this act. No application for the reinstatement of a [certificate] license
105 which has been revoked shall be accepted by the department within
106 one year after the date of such revocation.

107 Sec. 5. Section 20-454 of the general statutes is repealed and the
108 following is substituted in lieu thereof (*Effective January 1, 2010*):

109 (a) Upon refusal to issue or renew a [certificate] license as a
110 community association manager, the department shall notify the
111 applicant of the denial and of [his] the applicant's right to request a
112 hearing within ten days from the date of receipt of the notice of denial.

113 (b) In the event the applicant requests a hearing within such ten
114 days, the commission shall give notice of the grounds for its refusal
115 and shall conduct a hearing concerning such refusal in accordance
116 with the provisions of chapter 54 concerning contested cases.

117 (c) In the event the commission's denial of a [certificate] license is
118 sustained after such hearing, an applicant may make new application
119 not less than one year after the date on which such denial was
120 sustained.

121 Sec. 6. Section 20-455 of the general statutes is repealed and the
122 following is substituted in lieu thereof (*Effective January 1, 2010*):

123 (a) The commission may hold hearings on any matter under the
124 provisions of sections 20-450 to 20-462, inclusive, as amended by this
125 act, and sections 13 to 16, inclusive, of this act, and any matter
126 concerning a violation of chapter 825 or 828 by an association or the
127 governing board or any officer of such association. The commission or
128 department may issue subpoenas, administer oaths, compel testimony
129 and order the production of books, records and documents. If any
130 person refuses to appear, to testify or to produce any book, record,
131 paper or document when so ordered, upon application of the
132 commission or department, a judge of the Superior Court may make
133 such order as may be appropriate to aid in the enforcement of this
134 section.

135 (b) The Attorney General, at the request of the commission or
136 department or after investigation of a complaint concerning a violation
137 of chapter 825 or 828 by an association or the governing board or any
138 officer of such association, is authorized to apply in the name of the
139 state of Connecticut to the Superior Court for an order temporarily or

140 permanently restraining and enjoining any person from violating any
141 provision of sections 20-450 to 20-462, inclusive, as amended by this
142 act, sections 13 to 16, inclusive, of this act or chapter 825 or 828, or an
143 order requiring such person to make restitution for any damages
144 caused by the violation, or both.

145 (c) For the purposes of this section, "governing board" means (1) an
146 executive board, as defined in section 47-202, and (2) a board of
147 directors, as defined in section 47-68a.

148 Sec. 7. Section 20-456 of the general statutes is repealed and the
149 following is substituted in lieu thereof (*Effective January 1, 2010*):

150 (a) The commission may revoke, suspend or refuse to issue or renew
151 any [certificate of registration] license as a community association
152 manager or place a [registrant] licensee on probation or issue a letter of
153 reprimand for: (1) Making any material misrepresentation; (2) making
154 any false promise of a character likely to influence, persuade or induce;
155 (3) failing, within a reasonable time, to account for or remit any
156 moneys coming into [his] the licensee's possession which belong to
157 others; (4) conviction in a court of competent jurisdiction of this or any
158 other state of forgery, embezzlement, obtaining money under false
159 pretenses, larceny, extortion, conspiracy to defraud, or other like
160 offense or offenses, provided suspension or revocation under this
161 subdivision shall be subject to the provisions of section 46a-80; (5)
162 commingling funds of others in an escrow or trustee account; (6)
163 commingling funds of different associations; (7) any act or conduct
164 which constitutes dishonest, fraudulent or improper dealings; or (8) a
165 violation of any provision of sections 20-450 to 20-462, inclusive, as
166 amended by this act, or sections 13 to 16, inclusive, of this act, or any
167 regulation adopted under section 20-461, as amended by this act.

168 (b) The commission shall not revoke or suspend any [certificate of
169 registration] license as a community association manager except upon
170 notice and hearing in accordance with chapter 54.

171 Sec. 8. Section 20-457 of the general statutes is repealed and the
172 following is substituted in lieu thereof (*Effective January 1, 2010*):

173 (a) Each person engaged in providing association management
174 services shall (1) exhibit [his certificate of registration] such person's
175 license upon request by any interested party, (2) state in any
176 advertisement the fact that [he is registered] such person is licensed,
177 and (3) include [his registration] such person's license number in any
178 advertisement.

179 (b) No person shall: (1) Present or attempt to present, as [his] such
180 person's own, the [certificate] license of another, (2) knowingly give
181 false evidence of a material nature to the commission or department
182 for the purpose of procuring a [certificate] license, (3) represent himself
183 or herself falsely as, or impersonate, a [registered] licensed community
184 association manager, (4) use or attempt to use a [certificate] license
185 which has expired or which has been suspended or revoked, (5)
186 provide or offer to provide association management services without
187 having a current [certificate of registration] license under sections 20-
188 450 to 20-462, inclusive, as amended by this act, and sections 13 to 16,
189 inclusive, of this act, or (6) represent in any manner that [his
190 registration] such person's licensure constitutes an endorsement of the
191 quality of [his] such person's services or of [his] such person's
192 competency by the commission or department. In addition to any
193 other remedy provided for in sections 20-450 to 20-462, inclusive, as
194 amended by this act, and sections 13 to 16, inclusive, of this act, any
195 person who violates any provision of this subsection shall be fined not
196 more than five hundred dollars or imprisoned for not more than one
197 year, or be both fined and imprisoned. A violation of any of the
198 provisions of sections 20-450 to 20-462, inclusive, as amended by this
199 act, and sections 13 to 16, inclusive, of this act, shall be deemed an
200 unfair or deceptive trade practice under subsection (a) of section 42-
201 110b.

202 (c) [Certificates] Licenses issued to community association managers

203 shall not be transferable or assignable.

204 (d) All [certificates] licenses issued under the provisions of sections
205 20-450 to 20-462, inclusive, as amended by this act, and sections 13 to
206 16, inclusive, of this act, shall expire annually on the thirty-first day of
207 January, except as provided in section 16 of this act. The fee for
208 renewal of a [certificate] license shall be one hundred dollars.

209 (e) A community association manager whose [certificate] license has
210 expired more than one month before his or her application for renewal
211 is made shall have his [registration] or her license restored upon
212 payment of a fee of twenty-five dollars in addition to [his] the renewal
213 fee. Restoration of a [registration] license shall be effective upon
214 approval of the application for renewal by the commission.

215 (f) A [certificate] license shall not be restored unless it is renewed
216 not later than one year after its expiration.

217 (g) Failure to receive a notice of expiration or a renewal application
218 shall not exempt a community association manager from the obligation
219 to renew his or her license.

220 Sec. 9. Section 20-458 of the general statutes is repealed and the
221 following is substituted in lieu thereof (*Effective January 1, 2010*):

222 (a) No contract between a person contracting to provide association
223 management services and an association which provides for the
224 management of the association shall be valid or enforceable unless the
225 contract is in writing and:

226 (1) Provides that the person contracting to provide management
227 services shall be [registered] licensed as provided in sections 20-450 to
228 20-462, inclusive, as amended by this act, and sections 13 to 16,
229 inclusive, of this act, and shall obtain a bond as provided in section 20-
230 460, as amended by this act; and

231 (2) Provides that the person contracting to provide management

232 services shall not issue a check on behalf of the association or transfer
233 moneys exceeding a specified amount determined by the association
234 without the written approval of an officer designated by the
235 association; and

236 (3) Provides that the person contracting to provide management
237 services shall not enter into any contract binding the association
238 exceeding a specified amount determined by the association, except in
239 the case of an emergency, without the written approval of an officer
240 designated by the association.

241 (b) No contract to provide management services may be sold or
242 assigned to another person without the approval of a majority of the
243 executive board of the association.

244 Sec. 10. Subsection (a) of section 20-460 of the general statutes is
245 repealed and the following is substituted in lieu thereof (*Effective*
246 *January 1, 2010*):

247 (a) No person who provides association management services under
248 the provisions of sections 20-450 to 20-462, inclusive, as amended by
249 this act, and sections 13 to 16, inclusive, of this act, shall control,
250 collect, have access to or disburse funds of an association unless, at all
251 times during which the person controls, collects, has access to or
252 disburses such funds, there is in effect [,] a fidelity bond complying
253 with the provisions of this section.

254 Sec. 11. Section 20-461 of the general statutes is repealed and the
255 following is substituted in lieu thereof (*Effective January 1, 2010*):

256 The [department] Commissioner of Consumer Protection, with the
257 advice and assistance of the commission, shall adopt regulations in
258 accordance with chapter 54 to carry out the provisions of sections 20-
259 450 to 20-462, inclusive, as amended by this act, and sections 13 to 16,
260 inclusive, of this act. Such regulations shall include, but need not be
261 limited to: (1) Passing scores for examinations as provided in

262 subsection (c) of section 20-452, as amended by this act; (2) required
263 topics and classroom hours for courses as provided in subsection (d) of
264 said section; and (3) continuing education requirements for the
265 renewal of a license as a community association manager.

266 Sec. 12. Section 20-462 of the general statutes is repealed and the
267 following is substituted in lieu thereof (*Effective January 1, 2010*):

268 Any person aggrieved by an order or decision of the commission
269 under any provision of sections 20-450 to 20-462, inclusive, as
270 amended by this act, or sections 13 to 16, inclusive, of this act, may
271 appeal [therefrom] from such order or decision in accordance with the
272 provisions of section 4-183.

273 Sec. 13. (NEW) (*Effective January 1, 2010*) (a) There is created in the
274 Department of Consumer Protection the Connecticut Community
275 Association Commission.

276 (b) The commission shall consist of eight persons who shall be
277 electors of the state and appointed by the Governor. Five of the
278 members shall be at the time of appointment licensed community
279 association managers, except that the initial appointees shall be so
280 licensed at the time of or within one month after appointment, and
281 three of the members shall be public members. Not more than a bare
282 majority of the commission shall be members of the same political
283 party and there shall be at least one member from each congressional
284 district.

285 (c) The members of the commission shall serve until the expiration
286 of the term for which they were appointed and until their successors
287 have qualified. Members shall not be compensated for their services
288 but shall be reimbursed for necessary expenses incurred in the
289 performance of their duties. The Governor may remove any member
290 for cause upon notice and an opportunity to be heard. Upon the death,
291 resignation or removal of a member, the Governor shall appoint a
292 successor to serve for the unexpired portion of the vacated term and

293 until such member's successor is appointed and qualifies. Each
294 member shall, before entering upon such member's duties, take and
295 file with the commission an oath to faithfully perform the duties of
296 such member's office.

297 Sec. 14. (NEW) (*Effective January 1, 2010*) (a) Not later than thirty
298 days after the appointment of the members of the commission, the
299 commission shall meet in the city of Hartford for the purpose of
300 organizing by selecting such officers other than a chairperson as the
301 commission may deem necessary and appropriate. A majority of the
302 members of the commission shall constitute a quorum for the exercise
303 of the powers or authority conferred upon it.

304 (b) The commission shall:

305 (1) Authorize the department to issue licenses to community
306 association managers;

307 (2) Administer the provisions of sections 20-450 to 20-462, inclusive,
308 of the general statutes, as amended by this act, and sections 13 to 16,
309 inclusive, of this act as to the licensure and the issuance, renewal,
310 suspension or revocation of licenses of community association
311 managers; and

312 (3) Receive complaints of violations of chapter 825 or 828 of the
313 general statutes by associations or the governing boards or officers of
314 such associations.

315 (c) The commission shall be provided with the necessary office
316 space in Hartford by the Commissioner of Public Works. The place of
317 business of the commission and all files, records and property of the
318 commission shall at all times be and remain at such office, except that
319 inactive files shall be stored at a location designated by the
320 commission.

321 (d) The commission shall hold meetings and hearings in Hartford,
322 in space provided by the Commissioner of Administrative Services, or

323 at such places outside of Hartford as shall be determined by the
324 chairperson of the commission. The commission shall meet at least
325 once in each three-month period and may meet more often at the call
326 of its chairperson. The chairperson of the commission shall call a
327 meeting of the commission whenever requested to do so by a majority
328 of the members of the commission.

329 (e) The commission shall vote on all matters requiring a decision
330 and votes shall be recorded in the commission's minutes.

331 Sec. 15. (NEW) (*Effective January 1, 2010*) In addition to any other
332 remedy provided for in sections 20-450 to 20-462, inclusive, of the
333 general statutes, as amended by this act, sections 13 to 16, inclusive, of
334 this act or chapter 416 of the general statutes, the commission or the
335 Commissioner of Consumer Protection may, after notice and hearing,
336 impose a civil penalty on any person providing association
337 management services who has engaged in one or more of the activities
338 specified in subdivisions (1), (2), (3) and (5) to (8), inclusive, of
339 subsection (a) of section 20-456 of the general statutes, as amended by
340 this act, and subdivisions (1) to (6), inclusive, of subsection (b) of
341 section 20-457 of the general statutes, as amended by this act. Such civil
342 penalty shall be in an amount not more than one thousand dollars for a
343 first violation of this section, not more than one thousand five hundred
344 dollars for a second violation of this section and not more than three
345 thousand dollars for each violation of this section occurring less than
346 three years after a second or subsequent violation of this section.

347 Sec. 16. (NEW) (*Effective January 1, 2010*) The Department of
348 Consumer Protection shall issue a license as a community association
349 manager to any person holding a valid certificate of registration as a
350 community association manager on the effective date of this section,
351 upon payment of a license fee of one hundred dollars, provided such
352 person shall take and receive a satisfactory score on the examination
353 required by subsection (c) of section 20-452 of the general statutes, as
354 amended by this act, during the period commencing on the effective

355 date of this section and ending one year from said date. Such license
356 shall expire on the thirty-first day of January of the year immediately
357 following the year in which it is issued and shall not be renewed by the
358 department if such person fails to take or receive a satisfactory score
359 on such examination during such period. The provisions of subsection
360 (d) of section 20-452 of the general statutes, as amended by this act,
361 shall not apply to the issuance or renewal of any such license.

362 Sec. 17. Section 21a-6 of the general statutes is repealed and the
363 following is substituted in lieu thereof (*Effective January 1, 2010*):

364 The following boards shall be within the Department of Consumer
365 Protection:

366 (1) The Architectural Licensing Board established under chapter
367 390;

368 (2) Repealed by P.A. 93-151, S. 3, 4;

369 (3) The examining boards for electrical work; plumbing and piping
370 work; heating, piping, cooling and sheet metal work; elevator
371 installation, repair and maintenance work; fire protection sprinkler
372 systems work and automotive glasswork and flat glass work
373 established under chapter 393;

374 (4) The State Board of Television and Radio Service Examiners
375 established under chapter 394;

376 (5) The Commission of Pharmacy established under chapter 400j;

377 (6) The State Board of Landscape Architects established under
378 chapter 396;

379 (7) Deleted by P.A. 98-229;

380 (8) The State Board of Examiners for Professional Engineers and
381 Land Surveyors established under chapter 391;

382 (9) Repealed by P.A. 80-484, S. 175, 176;

383 (10) The Connecticut Real Estate Commission established under
384 chapter 392;

385 (11) The Connecticut Real Estate Appraisal Commission established
386 under chapter 400g;

387 (12) The State Board of Examiners of Shorthand Reporters
388 established under chapter 400l;

389 (13) The Liquor Control Commission established under chapter 545;

390 (14) Repealed by P.A. 06-187, S. 99, effective October 1, 2006;

391 (15) The Home Inspection Licensing Board established under
392 section 20-490a;

393 (16) The Connecticut Community Association Commission
394 appointed under section 13 of this act.

395 Sec. 18. Subsection (d) of section 21a-9 of the general statutes is
396 repealed and the following is substituted in lieu thereof (*Effective*
397 *January 1, 2010*):

398 (d) As used in chapters 390, 391, 392, 393, 394, 396, 400b, 400g, 400j,
399 482 and 400l:

400 (1) "Certificate" includes the whole or part of any Department of
401 Consumer Protection permit which the department issues under
402 authority of the general statutes and which (A) authorizes practice of
403 the profession by certified persons but does not prohibit the practice of
404 the profession by others, not certified, (B) prohibits a person from
405 falsely representing that such person is certified to practice the
406 profession unless the person holds a certificate issued by the
407 department, and (C) requires as a condition of certification that a
408 person submit specified credentials to the department which attest to
409 qualifications to practice the profession.

410 (2) "License" includes the whole or part of any Department of
411 Consumer Protection permit, approval, or similar form of permission
412 which the department issues under authority of the general statutes
413 and which requires (A) practice of the profession by licensed persons
414 only, (B) demonstration of competence to practice by examination or
415 other means and meeting of certain minimum standards, and (C)
416 enforcement of standards by the department or regulatory board or
417 commission.

418 (3) "Registration" includes the whole or part of any Department of
419 Consumer Protection permit which the department issues under
420 authority of the general statutes and which (A) requires persons to
421 place their names on a list maintained by the department before they
422 can engage in the practice of a specified profession or occupation, (B)
423 does not require a person to demonstrate competence by examination
424 or other means, and (C) may be revoked or suspended by the
425 commissioner for cause.

426 Sec. 19. Section 47-216 of the general statutes is repealed and the
427 following is substituted in lieu thereof (*Effective October 1, 2009*):

428 (a) Except as provided in section 47-217, sections 47-204, 47-205, 47-
429 206, 47-222, 47-223, 47-240, 47-244, as amended by this act, 47-253, 47-
430 258, 47-260, as amended by this act, 47-270 and 47-278, and
431 [subsection] subsections (b), (i) and (j) of section 47-236, and section 47-
432 202 to the extent necessary in construing any of those sections, apply to
433 all common interest communities created in this state before January 1,
434 1984; but those sections apply only with respect to events and
435 circumstances occurring after January 1, 1984, and do not invalidate
436 existing provisions of the declaration, bylaws or surveys or plans of
437 those common interest communities.

438 (b) Section 47-210 and subsections (b) to (d), inclusive, of section 47-
439 225 apply to all common interest communities created in this state
440 prior to January 1, 1984, but shall not invalidate existing provisions of
441 the declarations, bylaws or surveys or plans of those common interest

442 communities.

443 Sec. 20. Subsection (a) of section 47-244 of the general statutes is
444 repealed and the following is substituted in lieu thereof (*Effective*
445 *October 1, 2009*):

446 (a) Except as provided in subsection (b) of this section, and subject
447 to the provisions of the declaration, the association, even if
448 unincorporated, may:

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

450 (2) Adopt and amend budgets for revenues, expenditures and
451 reserves and collect assessments for common expenses from unit
452 owners;

453 (3) Hire and discharge managing agents and other employees,
454 agents and independent contractors;

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

458 (5) Make contracts and incur liabilities;

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

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

463 (8) Acquire, hold, encumber and convey in its own name any right,
464 title or interest to real property or personal property, but (A) common
465 elements in a condominium or planned community may be conveyed
466 or subjected to a security interest only pursuant to section 47-254 and
467 (B) part of a cooperative may be conveyed, or all or part of a
468 cooperative may be subjected to a security interest, only pursuant to
469 section 47-254;

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

472 (10) Impose and receive any payments, fees or charges for the use,
473 rental or operation of the common elements, other than limited
474 common elements described in subsections (2) and (4) of section 47-
475 221, and for services provided to unit owners;

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

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

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

485 (14) [Assign] Except as otherwise provided by the declaration,
486 assign its right to future income, including the right to receive common
487 expense assessments [, but only to the extent the declaration expressly
488 so provides] by the vote of unit owners of units to which at least fifty-
489 one per cent of the votes in the association are allocated;

490 (15) Exercise any other powers conferred by the declaration or
491 bylaws;

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

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

496 (18) Require, by regulation, that disputes between the executive
497 board and unit owners or between two or more unit owners regarding

498 the common interest community must be submitted to nonbinding
499 alternative dispute resolution in the manner described in the
500 regulation as a prerequisite to commencement of a judicial proceeding.

501 Sec. 21. Section 47-260 of the general statutes is repealed and the
502 following is substituted in lieu thereof (*Effective October 1, 2009*):

503 [(a) The association shall keep financial records sufficiently detailed
504 to enable the association to comply with section 47-270. All accounting,
505 financial and other books and records of the association, including, but
506 not limited to, minutes of meetings and voting records of the executive
507 board, shall be made reasonably available by the executive board or a
508 managing agent of the association for examination and copying by any
509 unit owner, or the unit owner's authorized agent, upon the request of
510 such unit owner or agent.

511 (b) Notwithstanding any provision of the declaration or bylaws to
512 the contrary, at least fourteen days prior to entering into any loan
513 agreement on behalf of the association, the executive board shall (1)
514 disclose in writing to all unit owners the amount and terms of the loan
515 and the estimated effect of such loan on any common expense
516 assessment, and (2) afford the unit owners a reasonable opportunity to
517 submit written comments to the executive board with respect to such
518 loan.]

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

520 (1) Detailed records of receipts and expenditures affecting the
521 operation and administration of the association and other appropriate
522 accounting records;

523 (2) Minutes of all meetings of its unit owners and executive board, a
524 record of all actions taken by the unit owners or executive board
525 without a meeting, and a record of all actions taken by a committee in
526 place of the executive board on behalf of the association;

527 (3) The names of unit owners in a form that permits preparation of a

528 list of the names and addresses of all owners in alphabetical order
529 showing the number of votes each owner is entitled to cast;

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

533 (5) Any financial statements and tax returns of the association for
534 the past three years;

535 (6) A list of the names and business addresses of the association's
536 current executive board members and officers;

537 (7) If incorporated, the association's most recent annual report
538 delivered to the Secretary of the State;

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

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

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

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

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

551 (1) Only if the unit owner describes with reasonable particularity
552 the records he or she desires to inspect;

553 (2) Only during reasonable business hours, unless the association
554 and the unit owner or the unit owner's authorized agent agree to

555 another time;

556 (3) At the office of the association, the office of the association's
557 managing agent, or at a location within the town or towns in which the
558 common interest community is located, or a town that immediately
559 borders the town or towns in which the common interest community is
560 located, unless the association and the unit owner or the unit owner's
561 authorized agent agree to another location; and

562 (4) Upon at least five days' written notice.

563 (c) Records kept by an association may be withheld from inspection
564 and copying to the extent the records concern:

565 (1) Personnel files of the employees or agents of the association;

566 (2) The medical records of any person that are in the possession of
567 the association;

568 (3) Contracts, leases and other commercial transactions to purchase
569 or provide goods or services, currently in or under negotiation;

570 (4) Pending or potential litigation;

571 (5) Matters involving state or local administrative or other formal
572 proceedings before a government agency for enforcement of the
573 declaration, bylaws or rules;

574 (6) Communications with legal counsel that are otherwise protected
575 by the attorney-client privilege or the attorney work product doctrine;

576 (7) Disclosure of information in violation of law;

577 (8) Records of an executive session of the executive board; or

578 (9) Individual unit files other than those of the requesting unit
579 owner.

580 (d) Notwithstanding any provision of this chapter, the association

581 shall withhold from inspection and copying any record that is required
582 to be maintained as confidential under any state or federal law or any
583 regulation of a state or federal agency.

584 (e) The association may charge a fee for providing copies of any
585 records under this section and for supervising the unit owner's
586 inspection, provided such fees shall not exceed the actual cost of any
587 materials and labor incurred by the association.

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

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

595 Sec. 22. Section 22-332d of the general statutes is repealed and the
596 following is substituted in lieu thereof (*Effective October 1, 2009*):

597 (a) Any animal control officer for a municipality which has adopted
598 an ordinance under subsection (b) of section 22-339d, as amended by
599 this act, may take into custody any cat found to be damaging property
600 other than property of its owner or keeper or property that is part of
601 the common elements of a common interest community, as defined in
602 section 47-202, or causing an unsanitary, dangerous or unreasonably
603 offensive condition unless such cat can be identified as under the care
604 of its owner or a registered keeper of feral cats. The officer shall
605 impound such cat at the pound serving the town where the cat is taken
606 unless, in the opinion of a licensed veterinarian, the cat is so injured or
607 diseased that it should be destroyed immediately, in which case the
608 municipal animal control officer of such town may cause the cat to be
609 mercifully killed by a licensed veterinarian or disposed of as the State
610 Veterinarian may direct. The municipal animal control officer shall
611 immediately notify the owner or keeper of any cat so taken, if known,

612 of its impoundment. If the owner or keeper of any such cat is
613 unknown, the officer shall immediately tag or employ such other
614 suitable means of identification of the cat as may be approved by the
615 Chief Animal Control Officer and shall promptly cause a description of
616 such cat to be published once in the lost and found column of a
617 newspaper having a circulation in such town.

618 (b) If such cat is not claimed by and released to the owner within
619 seven days after the date of publication, the municipal animal control
620 officer, upon finding such cat to be in satisfactory health, may have a
621 licensed veterinarian spay or neuter any such cat and sell such cat to
622 any person who satisfies such officer that he is purchasing it as a pet
623 and that he can give it a good home and proper care. The municipal
624 animal control officer may retain possession of such cat for such
625 additional period of time as he may deem advisable in order to place
626 such cat as a pet and may have a licensed veterinarian spay or neuter
627 such cat. If, within such period, any cat is not claimed by and released
628 to the owner or keeper or purchased as a pet, the officer shall cause
629 such cat to be mercifully killed by a licensed veterinarian or disposed
630 of as the State Veterinarian may direct. No person who so destroys a
631 cat shall be held criminally or civilly liable therefor nor shall any
632 licensed veterinarian who spays or neuters a cat pursuant to this
633 section be held civilly liable, including, but not limited to, liability for
634 reconstructive neutical implantation surgery.

635 (c) Any cat captured or impounded under the provisions of
636 subsection (a) of this section shall be redeemed by the owner or keeper
637 thereof, or the agent of such owner or keeper, upon proper
638 identification, and presentation to the municipal animal control officer
639 of a license, tag or other means of identification for such cat, and upon
640 the payment by such owner or keeper or his agent of (1) the
641 redemption fee established by the municipality, which shall not exceed
642 fifteen dollars, and (2) the cost of advertising incurred under the
643 provisions of subsection (a) of this section. When the owner or keeper
644 of any such impounded cat fails to redeem such cat within twenty-four

645 hours after receiving notification to do so, or, where the owner was
646 unknown, within twenty-four hours after notification was effected by
647 means of publication in a newspaper, such owner or keeper shall pay,
648 in addition to such redemption fee and the cost of advertising, the
649 amount determined by the municipality to be the full cost of detention
650 and care of such impounded cat. In addition, any owner or keeper of
651 any such impounded cat who fails to redeem such cat within one
652 hundred twenty hours after receiving notification to do so shall have
653 committed an infraction. The legislative body of the municipality shall
654 set any fees imposed by the municipality under this section.

655 Sec. 23. Subsection (b) of section 22-339d of the general statutes is
656 repealed and the following is substituted in lieu thereof (*Effective*
657 *October 1, 2009*):

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

665 Sec. 24. Section 22-357 of the general statutes is repealed and the
666 following is substituted in lieu thereof (*Effective October 1, 2009*):

667 If any dog does any damage to either the body or property of any
668 person, or property that is part of the common elements of a common
669 interest community, as defined in section 47-202, the owner or keeper,
670 or, if the owner or keeper is a minor, the parent or guardian of such
671 minor, shall be liable for such damage, except when such damage has
672 been occasioned to the body or property of a person who, at the time
673 such damage was sustained, was committing a trespass or other tort,
674 or was teasing, tormenting or abusing such dog. If a minor, on whose
675 behalf an action under this section is brought, was under seven years
676 of age at the time the damage was done, it shall be presumed that such

677 minor was not committing a trespass or other tort, or teasing,
678 tormenting or abusing such dog, and the burden of proof thereof shall
679 be upon the defendant in such action.

680 Sec. 25. Section 22-358 of the general statutes is repealed and the
681 following is substituted in lieu thereof (*Effective October 1, 2009*):

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

686 (2) Any owner or the agent of any owner of any domestic animal or
687 poultry, or the Chief Animal Control Officer or any animal control
688 officer or any municipal animal control officer, regional animal control
689 officer or any police officer or state policeman, may kill any dog which
690 he observes pursuing or worrying any such domestic animal or
691 poultry.

692 (b) Any person who is bitten, or who shows visible evidence of
693 attack by a dog, cat or other animal when such person is not upon the
694 premises of the owner or keeper of such dog, cat or other animal may
695 kill such dog, cat or other animal during such attack. Such person shall
696 make complaint concerning the circumstances of the attack to the Chief
697 Animal Control Officer, any animal control officer or the municipal
698 animal control officer or regional animal control officer of the town
699 wherein such dog, cat or other animal is owned or kept. Any such
700 officer to whom such complaint is made shall immediately make an
701 investigation of such complaint.

702 (c) If such officer finds that the complainant has been bitten or
703 attacked by such dog, cat or other animal when the complainant was
704 not upon the premises of the owner or keeper of such dog, cat or other
705 animal the officer shall quarantine such dog, cat or other animal in a
706 public pound or order the owner or keeper to quarantine it in a
707 veterinary hospital, kennel or other building or enclosure approved by

708 the commissioner for such purpose. When any dog, cat or other animal
709 has bitten a person on the premises of the owner or keeper of such
710 dog, cat or other animal, the Chief Animal Control Officer, any animal
711 control officer, any municipal animal control officer or regional animal
712 control officer may quarantine such dog, cat or other animal on the
713 premises of the owner or keeper of such dog, cat or other animal. The
714 commissioner, the Chief Animal Control Officer, any animal control
715 officer, any municipal animal control officer or any regional animal
716 control officer may make any order concerning the restraint or
717 disposal of any biting dog, cat or other animal as the commissioner or
718 such officer deems necessary. Notice of any such order shall be given
719 to the person bitten by such dog, cat or other animal within twenty-
720 four hours. The owner of such animal shall pay all fees as set forth in
721 section 22-333. On the fourteenth day of such quarantine the dog, cat
722 or other animal shall be examined by the commissioner or someone
723 designated by the commissioner to determine whether such quarantine
724 shall be continued or removed. Whenever any quarantine is ordered
725 under the provisions of this section, notice thereof shall be given to the
726 commissioner and to the person bitten or attacked by such dog, cat or
727 other animal within twenty-four hours. Any owner or keeper of such
728 dog, cat or other animal who fails to comply with such order shall be
729 fined not more than two hundred fifty dollars or imprisoned not more
730 than thirty days or both. If an owner or keeper fails to comply with a
731 quarantine or restraining order made pursuant to this subsection, the
732 Chief Animal Control Officer, any animal control officer, any
733 municipal animal control officer or regional animal control officer may
734 seize the dog, cat or other animal to insure such compliance and the
735 owner or keeper shall be responsible for any expenses resulting from
736 such seizure. Any person aggrieved by an order of any municipal
737 animal control officer, the Chief Animal Control Officer, any animal
738 control officer or any regional animal control officer may request a
739 hearing before the commissioner within fourteen days of the issuance
740 of such order. After such hearing, the commissioner may affirm,
741 modify or revoke such order as the commissioner deems proper. Any

742 dog owned by a police agency of the state or any of its political
743 subdivisions is exempt from the provisions of this subsection when
744 such dog is under the direct supervision, care and control of an
745 assigned police officer, has been vaccinated annually and is subject to
746 routine veterinary care.

747 (d) Any dog, while actually worrying or pursuing deer, may be
748 killed by the Chief Animal Control Officer or an animal control officer
749 or by a conservation officer or special conservation officer appointed
750 by the Commissioner of Environmental Protection, or by any police
751 officer or state policeman. The owner or keeper of any dog found
752 worrying or pursuing a deer shall be fined not less than twenty-five
753 dollars or more than two hundred dollars or be imprisoned not more
754 than sixty days, or both.

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

758 (f) The owner of any dog, cat or other animal which has bitten or
759 attacked a person and has been quarantined pursuant to subsection (c)
760 of this section may authorize the humane euthanization of such dog,
761 cat or other animal by a licensed veterinarian at any time before the
762 end of the fourteenth day of such quarantine. Any such dog, cat or
763 other animal so euthanized before the end of the fourteenth day of
764 quarantine shall be examined for rabies by the Connecticut
765 Department of Public Health virology laboratory or any other
766 laboratory authorized by the Department of Public Health to perform
767 rabies examinations. The veterinarian performing the euthanasia shall
768 be responsible for ensuring that the head of the euthanized animal is
769 delivered by him or his designated agent within forty-eight hours to an
770 appropriate laboratory designated by said department for rabies
771 examination.

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

773 (h) A person who sustains damage by a dog to such person's
774 poultry, ratite, domestic rabbit, companion animal or livestock as
775 defined in section 22-278 shall make complaint concerning
776 circumstances of the attack by such dog on any such animal or
777 livestock to the Chief Animal Control Officer, any animal control
778 officer or the municipal animal control officer or regional animal
779 control officer of the town in which such dog is owned or kept. An
780 officer to whom such complaint is made shall immediately investigate
781 such complaint. If such officer finds that the complainant's animal has
782 been bitten or attacked by a dog when the attacked animal was not on
783 the premises of the owner or keeper of the attacking dog and provided
784 the complainant's animal was under the control of the complainant or
785 on the complainant's property, such officer, the commissioner, the
786 Chief Animal Control Officer or any animal control officer may make
787 any order concerning the restraint or disposal of such attacking dog as
788 the commissioner or such officer deems necessary. An owner or keeper
789 of such dog who fails to comply with such order shall be fined not
790 more than two hundred fifty dollars or imprisoned not more than
791 thirty days, or both. If the owner or keeper of such dog fails to comply
792 with an order made pursuant to this subsection, the Chief Animal
793 Control Officer or any animal control officer, municipal animal control
794 officer or regional animal control officer may seize the dog to ensure
795 such compliance, and the owner or keeper of such dog shall be
796 responsible for any expenses resulting from such seizure. A person
797 aggrieved by an order of the Chief Animal Control Officer or any
798 animal control officer, municipal animal control officer or regional
799 animal control officer made pursuant to this subsection may request a
800 hearing before the commissioner not later than fourteen days after the
801 issuance of such order. After such hearing, the commissioner may
802 affirm, modify or revoke such order as the commissioner deems
803 proper. A dog owned by a police agency of the state or any of its
804 political subdivisions is exempt from the provisions of this section
805 when such dog is under the direct supervision, care and control of an
806 assigned police officer, has been vaccinated annually and is subject to

807 routine veterinary care.

808 Sec. 26. Subsection (a) of section 22-364 of the general statutes is
809 repealed and the following is substituted in lieu thereof (*Effective*
810 *October 1, 2009*):

811 (a) No owner or keeper of any dog shall allow such dog to roam at
812 large upon the land of another or upon property that is part of the
813 common elements of a common interest community, as defined in
814 section 47-202, and not under control of the owner or keeper or the
815 agent of the owner or keeper, nor allow such dog to roam at large on
816 any portion of any public highway and not attended or under control
817 of such owner or keeper or his agent, provided nothing in this
818 subsection shall be construed to limit or prohibit the use of hunting
819 dogs during the open hunting or training season. The unauthorized
820 presence of any dog on the land of any person other than the owner or
821 keeper of such dog, on property that is part of the common elements of
822 a common interest community, or on any portion of a public highway
823 when such dog is not attended by or under the control of such owner
824 or keeper, shall be prima facie evidence of a violation of the provisions
825 of this subsection. Violation of any provision of this subsection shall be
826 an infraction.

827 Sec. 27. Section 22-364a of the general statutes is repealed and the
828 following is substituted in lieu thereof (*Effective October 1, 2009*):

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

835 Sec. 28. Section 22-364b of the general statutes is repealed and the
836 following is substituted in lieu thereof (*Effective October 1, 2009*):

837 The owner or keeper of a dog shall restrain and control such dog on
 838 a leash when such dog is not on the property of its owner or keeper, or
 839 is on property that is part of the common elements of a common
 840 interest community, as defined in section 47-202, and is in proximity to
 841 a blind, deaf or mobility impaired person accompanied by his guide
 842 dog, provided the guide dog is in the direct custody of such blind, deaf
 843 or mobility impaired person, is wearing a harness or an orange-colored
 844 leash and collar which makes it readily-identifiable as a guide dog and
 845 is licensed in accordance with section 22-345. Any person who violates
 846 the provisions of this section shall have committed an infraction. If an
 847 owner or keeper of a dog violates the provisions of this section and, as
 848 a result of such violation, such dog attacks and injures the guide dog,
 849 such owner or keeper shall be liable, as provided in section 22-357, as
 850 amended by this act, for any damage done to such guide dog, and such
 851 liability shall include liability for any costs incurred by such blind, deaf
 852 or mobility-impaired person for the veterinary care, rehabilitation or
 853 replacement of the injured guide dog and for reasonable attorney's
 854 fees.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010</i>	20-450
Sec. 2	<i>January 1, 2010</i>	20-451
Sec. 3	<i>January 1, 2010</i>	20-452
Sec. 4	<i>January 1, 2010</i>	20-453
Sec. 5	<i>January 1, 2010</i>	20-454
Sec. 6	<i>January 1, 2010</i>	20-455
Sec. 7	<i>January 1, 2010</i>	20-456
Sec. 8	<i>January 1, 2010</i>	20-457
Sec. 9	<i>January 1, 2010</i>	20-458
Sec. 10	<i>January 1, 2010</i>	20-460(a)
Sec. 11	<i>January 1, 2010</i>	20-461
Sec. 12	<i>January 1, 2010</i>	20-462
Sec. 13	<i>January 1, 2010</i>	New section
Sec. 14	<i>January 1, 2010</i>	New section
Sec. 15	<i>January 1, 2010</i>	New section

Sec. 16	<i>January 1, 2010</i>	New section
Sec. 17	<i>January 1, 2010</i>	21a-6
Sec. 18	<i>January 1, 2010</i>	21a-9(d)
Sec. 19	<i>October 1, 2009</i>	47-216
Sec. 20	<i>October 1, 2009</i>	47-244(a)
Sec. 21	<i>October 1, 2009</i>	47-260
Sec. 22	<i>October 1, 2009</i>	22-332d
Sec. 23	<i>October 1, 2009</i>	22-339d(b)
Sec. 24	<i>October 1, 2009</i>	22-357
Sec. 25	<i>October 1, 2009</i>	22-358
Sec. 26	<i>October 1, 2009</i>	22-364(a)
Sec. 27	<i>October 1, 2009</i>	22-364a
Sec. 28	<i>October 1, 2009</i>	22-364b

Statement of Purpose:

To: (1) Establish the Connecticut Community Association Commission and provide for the licensing of community association managers, (2) enhance the enforcement authority of the Department of Consumer Protection and the Attorney General with respect to violations of law by condominium associations and their governing boards and officers, (3) amend the applicability of certain common interest community provisions, and amend the records an association is required to maintain or provide; and (4) 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.]