



General Assembly

Substitute Bill No. 129

February Session, 2010

* _____SB00129GL_____031610_____*

**AN ACT 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 January 1, 2011*) (a) For the purposes of
2 this section and sections 2 to 4, inclusive, of this act:

3 (1) "Board of directors" means a board of directors, as defined in
4 section 47-68a of the general statutes, of a condominium;

5 (2) "Commissioner" means the Commissioner of Consumer
6 Protection;

7 (3) "Community association manager" means a community
8 association manager, as defined in section 20-450 of the general
9 statutes;

10 (4) "Common interest community" means a common interest
11 community, as defined in section 47-202 of the general statutes;

12 (5) "Condominium" means a condominium, as defined in section 47-
13 68a of the general statutes;

14 (6) "Executive board" means an executive board, as defined in
15 section 47-202 of the general statutes, of a common interest
16 community; and

17 (7) "Unit owner" means a unit owner, as defined in section 47-68a of
18 the general statutes, of a condominium unit, or section 47-202 of the
19 general statutes, of a common interest community unit.

20 (b) There is established an Office of Condominium Ombudsman
21 within the Department of Consumer Protection. The Office of
22 Condominium Ombudsman shall be under the direction of the
23 Commissioner of Consumer Protection, or the commissioner's
24 designee.

25 (c) With respect to the Office of Condominium Ombudsman, the
26 Commissioner of Consumer Protection, or the commissioner's
27 designee may:

28 (1) Investigate and resolve complaints concerning unit owners,
29 boards of directors, executive boards, community association
30 managers, and managing agents of condominiums or common interest
31 communities;

32 (2) Analyze the laws regarding condominiums and common interest
33 communities and make recommendations to the Governor and the
34 General Assembly for legislation;

35 (3) Publish information concerning laws and regulations related to
36 condominiums and common interest communities; and

37 (4) Refer any complaint received by the office to the appropriate law
38 enforcement agency for prosecution, if deemed appropriate by the
39 commissioner.

40 (d) The Commissioner of Consumer Protection may adopt
41 regulations, in accordance with chapter 54 of the general statutes, to
42 implement this section and sections 2 to 4, inclusive, of this act.

43 Sec. 2. (NEW) (*Effective January 1, 2011*) (a) Any unit owner or group
44 of unit owners may file a request with the Office of Condominium
45 Ombudsman that the commissioner or the commissioner's designee
46 review the complaint of the unit owner or group of unit owners

47 regarding alleged violations of any provision of chapter 825 or 828 of
48 the general statutes, as the case may be, or a bylaw of a condominium
49 association or common interest community association concerning the
50 budget and appropriation of condominium association or common
51 interest community association funds, the calling and conduct of
52 condominium association or common interest community association
53 meetings, or access to public records of the condominium association
54 or common interest community association, provided (1) the complaint
55 of the unit owner or group of unit owners was reviewed through the
56 dispute resolution process established in section 3 of this act, or (2) the
57 unit owner or group of unit owners has filed a sworn affidavit that the
58 condominium association or common interest community association
59 has not established such dispute resolution process. Such request shall
60 be in writing, on such form as the commissioner may prescribe, and
61 shall be accompanied by a fee of thirty-five dollars. Upon receipt of
62 such request and after a determination by the commissioner or the
63 commissioner's designee that such complaint presents a colorable
64 claim of a violation of any of said provisions of statute or bylaws and
65 that such complaint was not filed with malicious intent to unjustly vex
66 or trouble the condominium association or common interest
67 community association, the commissioner or the commissioner's
68 designee shall notify the condominium association or common interest
69 community association that is the subject of the complaint of such
70 request and the fee required by this subsection. Not later than thirty
71 days after receiving notice of the complaint from the commissioner or
72 the commissioner's designee, the condominium association or common
73 interest community association shall pay to the commissioner a fee of
74 thirty-five dollars. If such condominium association or common
75 interest community association fails to pay such fee not later than
76 thirty days after the date of such notice, the commissioner shall assess
77 a penalty of one hundred dollars against such condominium
78 association or common interest community association, in addition to
79 such thirty-five-dollar fee.

80 (b) The commissioner or the commissioner's designee may mediate

81 a complaint pursuant to a request filed under subsection (a) of this
82 section.

83 (c) The commissioner or the commissioner's designee may conduct
84 an investigation and make findings and recommendations regarding
85 any matter concerning a violation of chapter 825 of the general
86 statutes, chapter 828 of the general statutes, or the bylaws of a
87 condominium association or common interest community association.

88 (d) After notice and hearing pursuant to chapter 54 of the general
89 statutes, the commissioner may:

90 (1) Issue an order to any person found to have violated any
91 provision of chapter 825 or 828 of the general statutes, or the bylaws of
92 the condominium association or common interest community
93 association, requiring such person to cease such violation;

94 (2) Order any person found to have violated any such provision to
95 make restitution for damages caused by such violation;

96 (3) Assess a penalty up to two hundred dollars per knowing
97 violation; or

98 (4) Through the Attorney General, petition the superior court for the
99 judicial district where the violation occurred for the enforcement of
100 any order issued by the commissioner, or for appropriate temporary
101 relief or a restraining order, and shall certify and file in the court a
102 transcript of the entire record of all hearings, including all testimony
103 upon which such order was made and the findings and orders made
104 by the commissioner. The commissioner shall provide written notice of
105 the filing of such petition to the condominium association or common
106 interest community association not later than three business days after
107 the date such petition is filed in the superior court. The court may
108 grant such relief by injunction or otherwise, including temporary
109 relief, as it deems equitable and may make and enter a decree
110 enforcing, modifying and enforcing as so modified, or setting aside, in
111 whole or in part, any order of the commissioner.

112 (e) Any person aggrieved by a final decision of the commissioner
113 may appeal therefrom in accordance with section 4-183 of the general
114 statutes.

115 (f) Any fee or penalty collected pursuant to this section shall be
116 deposited in the General Fund.

117 Sec. 3. (NEW) (*Effective from passage*) Not later than January 1, 2011,
118 each condominium association or common interest community
119 association shall establish a dispute resolution process for unit owner
120 complaints regarding compliance by the condominium association or
121 common interest community association with any provision of chapter
122 825 of the general statutes, chapter 828 of the general statutes, or a
123 bylaw of a condominium association or common interest community
124 association concerning the budget and appropriation of condominium
125 association or common interest community association funds, the
126 calling and conduct of condominium association or common interest
127 community association meetings, or access to public records of the
128 condominium association or common interest community association.
129 The dispute resolution process shall provide the opportunity for the
130 unit owner to be heard regarding such complaint. Any complaint that
131 is not resolved through the dispute resolution process established
132 under this section may be filed with the Office of Condominium
133 Ombudsman on or after January 1, 2011, pursuant to section 2 of this
134 act.

135 Sec. 4. (NEW) (*Effective January 1, 2011*) (a) On January 1, 2011, and
136 annually thereafter, each condominium association and common
137 interest community association shall provide the Commissioner of
138 Consumer Protection a certified copy of the last annual or biennial
139 report of the association filed with the Secretary of the State, and shall
140 pay a fee to the commissioner in an amount of four dollars for each
141 condominium or common interest community unit within such
142 condominium association or common interest community association.
143 Any condominium association or common interest community
144 association that fails to pay such fee shall, in addition to such fee, be

145 assessed a penalty of one hundred dollars for each year such fee was
146 not paid. The Attorney General, upon referral by the commissioner,
147 may bring an action in the superior court to collect such fees and
148 penalties.

149 (b) All fees and penalties collected pursuant to this section shall be
150 deposited by the commissioner in a separate, nonlapsing fund, which
151 shall be solely used for the operational expenditures of the Office of
152 Condominium Ombudsman and for the administration of the
153 programs performed by said office. The commissioner shall annually
154 review such fund and, upon a finding by the commissioner that the
155 balance of the fund is in excess of the amount necessary to operate said
156 office and such programs, shall order that the annual fee collected
157 pursuant to subsection (a) of this section be suspended or reduced
158 until such time as the balance falls below that amount necessary to
159 operate said office and such programs.

160 Sec. 5. Section 20-452 of the general statutes is repealed and the
161 following is substituted in lieu thereof (*Effective January 1, 2011*):

162 (a) Any person seeking a certificate of registration shall apply to the
163 department in writing, on a form provided by the department. Such
164 application shall include the applicant's name, residence address,
165 business address, business telephone number and such other
166 information as the department may require.

167 (b) Each application for a certificate of registration as a community
168 association manager shall be accompanied by an application fee of
169 sixty dollars and a registration fee of [one] four hundred dollars. The
170 department shall refund the registration fee if it refuses to issue a
171 certificate of registration.

172 Sec. 6. Subsection (d) of section 20-457 of the 2010 supplement to the
173 general statutes is repealed and the following is substituted in lieu
174 thereof (*Effective January 1, 2011*):

175 (d) All certificates issued under the provisions of sections 20-450 to

176 20-462, inclusive, as amended by this act, shall expire [annually]
177 biennially on the thirty-first day of January. The fee for renewal of a
178 certificate shall be [~~two~~] four hundred dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2011</i>	New section
Sec. 2	<i>January 1, 2011</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>January 1, 2011</i>	New section
Sec. 5	<i>January 1, 2011</i>	20-452
Sec. 6	<i>January 1, 2011</i>	20-457(d)

GL *Joint Favorable Subst.*