



General Assembly

January Session, 2011

**Raised Bill No. 6234**

LCO No. 2424

\*02424\_\_\_\_\_INS\*

Referred to Committee on Insurance and Real Estate

Introduced by:  
(INS)

**AN ACT CONCERNING ELECTIONS OF THE EXECUTIVE BOARDS  
OF DIRECTORS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS  
AND CHANGES TO THE COMMON INTEREST OWNERSHIP ACT.**

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

1 Section 1. Section 47-245 of the general statutes is amended by  
2 adding subsections (j) and (k) as follows (*Effective October 1, 2011*):

3 (NEW) (j) No person shall provide or offer to any executive board  
4 member or a person seeking election as an executive board member,  
5 and no executive board member or person seeking election as an  
6 executive board member shall accept, any item of value based on any  
7 understanding that the vote, official action or judgment of such  
8 member or person seeking election would be or has been influenced  
9 thereby.

10 (NEW) (k) No managing agent of an association or person  
11 providing association management services to such association shall  
12 solicit proxies from any unit owners or campaign for any person  
13 seeking election as an executive board member.

14 Sec. 2. Section 47-239 of the general statutes is amended by adding

15 subsection (f) as follows (*Effective October 1, 2011*):

16 (NEW) (f) No person shall provide or offer to any member of the  
17 master association's executive board or a person seeking election as a  
18 member of the master association's executive board, and no member of  
19 the master association's executive board or a person seeking election as  
20 a member of the master association's executive board shall accept, any  
21 item of value based on any understanding that the vote, official action  
22 or judgment of such member or person seeking election would be or  
23 has been influenced thereby.

24 Sec. 3. Section 20-458 of the general statutes is repealed and the  
25 following is substituted in lieu thereof (*Effective October 1, 2011*):

26 (a) No contract between a person contracting to provide association  
27 management services and an association which provides for the  
28 management of the association shall be valid or enforceable unless the  
29 contract is in writing and:

30 (1) Provides that the person contracting to provide management  
31 services shall be registered as provided in sections 20-450 to 20-462,  
32 inclusive, and shall obtain a bond as provided in section 20-460; and

33 (2) Provides that the person contracting to provide management  
34 services shall not issue a check on behalf of the association or transfer  
35 moneys exceeding a specified amount determined by the association  
36 without the written approval of an officer designated by the  
37 association; and

38 (3) Provides that the person contracting to provide management  
39 services shall not enter into any contract binding the association  
40 exceeding a specified amount determined by the association, except in  
41 the case of an emergency, without the written approval of an officer  
42 designated by the association.

43 (b) No contract to provide management services [may be] shall:

44 (1) Be sold or assigned to another person without the approval of a  
45 majority of the executive board of the association; or

46 (2) Include any clause, covenant or agreement that indemnifies or  
47 holds harmless the person contracting to provide management services  
48 from or against any liability for loss or damage resulting from such  
49 person's negligence or intentional acts or omissions.

50 Sec. 4. Subsection (e) of section 47-257 of the general statutes is  
51 repealed and the following is substituted in lieu thereof (*Effective*  
52 *October 1, 2011*):

53 (e) If any common expense is caused by the wilful misconduct [,  
54 failure to comply with a written maintenance standard promulgated  
55 by the association] or gross negligence of any unit owner, [or tenant or  
56 a guest or invitee of a unit owner or tenant,] the association may, after  
57 notice and hearing, assess the portion of that common expense in  
58 excess of any insurance proceeds received by the association under its  
59 insurance policy, whether that portion results from the application of a  
60 deductible or otherwise, exclusively against that owner's unit.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	47-245
Sec. 2	<i>October 1, 2011</i>	47-239
Sec. 3	<i>October 1, 2011</i>	20-458
Sec. 4	<i>October 1, 2011</i>	47-257(e)

**Statement of Purpose:**

To prohibit the providing or offering to, or acceptance by, an executive board member of a common interest community or a person seeking election as an executive board member any item of value based on any understanding that the vote, official action or judgment of such member or person seeking election would be or has been influenced thereby; to prohibit the managing agent or manager of an association from soliciting proxies from unit owners or campaigning for any candidate seeking election as an executive board member; to prohibit

clauses in contracts for the provision of management services that hold harmless the person providing such services from liability resulting from such person's negligence or intentional acts or omissions; and to change the standard governing assessments for common expenses relating to wilful misconduct, failure to comply with a written maintenance standard or gross negligence.

*[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.]*