



General Assembly

**Substitute Bill No. 6620**

January Session, 2011

\* \_\_\_\_\_HB06620JUD\_\_\_041511\_\_\_\_\_\*

**AN ACT CONCERNING CONDOMINIUMS AND COMMON INTEREST OWNERSHIP COMMUNITIES.**

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

1 Section 1. Section 47-278 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) A declarant, association, unit owner or any other person subject  
4 to this chapter may bring an action to enforce a right granted or  
5 obligation imposed by this chapter, the declaration or the bylaws. The  
6 court may award reasonable attorney's fees and costs.

7 (b) Parties to a dispute arising under this chapter, the declaration or  
8 the bylaws [may] shall agree to resolve the dispute by any form of  
9 binding or nonbinding alternative dispute resolution, provided: (1) A  
10 declarant may agree with the association to do so only after the period  
11 of declarant control has expired; and (2) an agreement to submit to any  
12 form of binding alternative dispute resolution must be in a record  
13 authenticated by the parties.

14 Sec. 2. Section 20-458 of the general statutes is repealed and the  
15 following is substituted in lieu thereof (*Effective October 1, 2011*):

16 (a) No contract between a person contracting to provide association  
17 management services and an association which provides for the

18 management of the association shall be valid or enforceable unless the  
19 contract is in writing and:

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

23 (2) Provides that the person contracting to provide management  
24 services shall not issue a check on behalf of the association or transfer  
25 moneys exceeding a specified amount determined by the association  
26 without the written approval of an officer designated by the  
27 association; and

28 (3) Provides that the person contracting to provide management  
29 services shall not enter into any contract binding the association  
30 exceeding a specified amount determined by the association, except in  
31 the case of an emergency, without the written approval of an officer  
32 designated by the association.

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

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

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

40 Sec. 3. Subsection (b) of section 47-255 of the general statutes is  
41 repealed and the following is substituted in lieu thereof (*Effective*  
42 *October 1, 2011*):

43 (b) In the case of a [~~building that contains~~] common interest  
44 community having attached units that are divided either by horizontal  
45 boundaries described in the declaration, or by vertical boundaries that  
46 comprise or are located within common walls between units, the  
47 insurance maintained under subdivision (1) of subsection (a) of this

48 section, to the extent reasonably available, shall include the attached  
49 units, and all improvements and betterments installed by [unit]  
50 owners of the attached units, unless the declaration limits the  
51 association's authority to insure all improvements and betterments or  
52 the executive board decides, after giving notice and an opportunity for  
53 unit owners to comment, not to insure such improvements and  
54 betterments. In the case of common interest communities containing  
55 more than twelve units, unless the association insures all  
56 improvements and betterments, the association shall:

57 (1) Prepare and maintain a schedule of the standard fixtures,  
58 improvements and betterments in the units, including any standard  
59 wall, floor and ceiling coverings covered by the association's insurance  
60 policy;

61 (2) Provide such schedule at least annually to the unit owners in  
62 order to enable unit owners to coordinate their homeowners insurance  
63 coverage with the coverage afforded by the association's insurance  
64 policy; and

65 (3) Include such schedule in any resale certificate prepared pursuant  
66 to section 47-270.

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

70 (e) If any common expense is caused by the wilful misconduct of, or  
71 failure to comply with a written maintenance standard promulgated  
72 by the association by, [or gross negligence of] any unit owner or tenant  
73 or a guest or invitee of a unit owner or tenant, the association may,  
74 after notice and hearing, assess the portion of that common expense in  
75 excess of any insurance proceeds received by the association under its  
76 insurance policy, whether that portion results from the application of a  
77 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>	47-278
Sec. 2	<i>October 1, 2011</i>	20-458
Sec. 3	<i>October 1, 2011</i>	47-255(b)
Sec. 4	<i>October 1, 2011</i>	47-257(e)

**JUD**      *Joint Favorable Subst.*