



General Assembly

January Session, 2011

**Raised Bill No. 1205**

LCO No. 4730

\*04730\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING FORECLOSURE ACTIONS AGAINST UNIT OWNERS IN CONDOMINIUMS OR COMMON INTEREST COMMUNITIES FOR OVERDUE ASSESSMENTS.**

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

1 Section 1. Section 47-77 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011, and*  
3 *applicable to actions commenced on or after said date*):

4 (a) All sums assessed by the association of unit owners, but unpaid,  
5 for the share of the common expenses chargeable to any unit shall  
6 constitute a lien on such unit prior to all other liens, except only (1) tax  
7 liens on the unit in favor of any assessing authority and special district,  
8 including any state and federal tax liens, and (2) all sums unpaid on  
9 mortgages of record. Such lien shall exist from the due date of the  
10 assessment as established by the association of unit owners, and shall  
11 be perfected by filing a notice of lien signed by an officer of the  
12 condominium on the land records of the municipality in which the  
13 property lies, and by leaving a true and attested copy thereof with the  
14 unit owner against whom such lien is claimed or at his usual place of  
15 abode, or, if such unit owner resides outside the municipality in which

16 the property lies, by mailing such copy to him at the place where he  
17 resides. Such notice of lien shall contain the address of the property,  
18 volume and page of record of the declaration, the name of the record  
19 owner of the unit, the unit designation, the amount due and the date  
20 when due. Such lien shall be limited and discharged in accordance  
21 with sections 49-39 and 49-40a. Such lien may be foreclosed by suit by  
22 the association in like manner as a mortgage of real property, and shall  
23 include reimbursement for costs and reasonable attorneys' fees, except  
24 that no lien may be foreclosed unless the unit owner, at the time the  
25 foreclosure action is commenced, owes a sum that is at least three  
26 months past due or constitutes an amount of two thousand dollars or  
27 more. Any officer or agent of the condominium, acting on behalf of the  
28 unit owners, shall have power, unless prohibited by the declaration, to  
29 bid in the unit at foreclosure sale, and to acquire and hold, lease,  
30 mortgage and convey the same in the name of the association of unit  
31 owners. Suit to recover a money judgment for unpaid assessments  
32 shall be maintainable without foreclosing or waiving the lien securing  
33 the same.

34 (b) Where a mortgagee or a purchaser at a foreclosure sale obtains  
35 title to a unit, such acquirer of title, his heirs, successors and assigns,  
36 shall not be liable for the entire unpaid share of the common expenses  
37 or assessments by the association of unit owners chargeable to such  
38 unit which became due prior to the acquisition of title to such unit by  
39 such acquirer, but such expenses or assessments, if not fully satisfied  
40 out of the proceeds of such sale, shall become common expenses  
41 collectible from all of the unit owners, including such acquirer, his  
42 heirs, successors and assigns.

43 Sec. 2. Subsection (m) of section 47-258 of the general statutes is  
44 repealed and the following is substituted in lieu thereof (*Effective*  
45 *October 1, 2011, and applicable to actions commenced on or after said date*):

46 (m) An association may not commence an action to foreclose a lien  
47 on a unit under this section unless: (1) The unit owner, at the time the

48 action is commenced, owes a sum equal to at least [two] (A) three  
49 months of common expense assessments based on the periodic budget  
50 last adopted by the association pursuant to subsection (a) of section 47-  
51 257, or (B) two thousand dollars; (2) the association has made a  
52 demand for payment in a record; and (3) the executive board has either  
53 voted to commence a foreclosure action specifically against that unit or  
54 has adopted a standard policy that provides for foreclosure against  
55 that unit.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011, and applicable to actions commenced on or after said date</i>	47-77
Sec. 2	<i>October 1, 2011, and applicable to actions commenced on or after said date</i>	47-258(m)

**Statement of Purpose:**

To prohibit a condominium or common interest community association from foreclosing on a unit unless the overdue assessments and fees are at least three months past due or total at least two thousand dollars.

*[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.]*