



General Assembly

Amendment

January Session, 2011

LCO No. 7972

HB0623407972HDO

Offered by:

REP. MEGNA, 97th Dist.

REP. O'NEILL, 69th Dist.

REP. ALBIS, 99th Dist.

REP. RITTER E., 38th Dist.

REP. FOX, 146th Dist.

SEN. CRISCO, 17th Dist.

REP. HENNESSY, 127th Dist.

SEN. DOYLE, 9th Dist.

REP. HETHERINGTON, 125th Dist.

SEN. COLEMAN, 2nd Dist.

REP. OLSON, 46th Dist.

To: House Bill No. 6234

File No. 9

Cal. No. 30

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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

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

10 member or person seeking election would be or has been influenced
11 thereby.

12 (NEW) (k) No managing agent of an association or person
13 providing association management services to such association shall
14 campaign for any person seeking election as an executive board
15 member.

16 Sec. 2. Section 47-239 of the general statutes is amended by adding
17 subsection (f) as follows (*Effective October 1, 2011*):

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

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 Section 20-458 of the general statutes is repealed and the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

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

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

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

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

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

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

48 (2) Include any clause, covenant or agreement that indemnifies or
49 holds harmless the person contracting to provide management services
50 from or against any liability for loss or damage resulting from such
51 person's negligence or wilful misconduct.

52 Sec. 4. Section 47-278 of the general statutes is repealed and the
53 following is substituted in lieu thereof (*Effective October 1, 2011*):

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

58 (b) Parties to a dispute arising under this chapter, the declaration or
59 the bylaws may agree to resolve the dispute by any form of binding or
60 nonbinding alternative dispute resolution, provided: (1) A declarant
61 may agree with the association to do so only after the period of
62 declarant control has expired; and (2) an agreement to submit to any
63 form of binding alternative dispute resolution must be in a record
64 authenticated by the parties.

65 (c) (1) (A) Except as otherwise provided under subdivision (2) of
66 this subsection, before an association brings an action or institutes a
67 proceeding against a unit owner other than a declarant, the association
68 shall schedule a hearing to be held during a regular or special meeting
69 of the executive board and shall send a written notice by certified mail,

70 return receipt requested, and by regular mail, to the unit owner at least
71 ten business days prior to the date of such hearing. Such notice shall
72 include a statement of the nature of the claim against the unit owner
73 and the date, time and place of the hearing.

74 (B) The unit owner shall have the right to give testimony orally or in
75 writing at the hearing, either personally or through a representative,
76 and the executive board shall consider such testimony in making a
77 decision whether to bring an action or institute a proceeding against
78 such unit owner.

79 (C) The executive board shall make such decision and the
80 association shall send such decision in writing by certified mail, return
81 receipt requested, and by regular mail, to the unit owner, not later than
82 thirty days after the hearing.

83 (2) The provisions of subdivision (1) of this subsection shall not
84 apply to an action brought by an association against a unit owner (A)
85 to prevent immediate and irreparable harm, or (B) to foreclose a lien
86 for an assessment attributable to a unit or fines imposed against a unit
87 owner pursuant to section 47-258.

88 (d) (1) Any unit owner other than a declarant, seeking to enforce a
89 right granted or obligation imposed by this chapter, the declaration or
90 the bylaws against the association or another unit owner other than a
91 declarant, may submit a written request to the association for a hearing
92 before the executive board. Such request shall include a statement of
93 the nature of the claim against the association or another unit owner.

94 (2) Not later than thirty days after the association receives such
95 request, the association shall schedule a hearing to be held during a
96 regular or special meeting of the executive board and shall send
97 written notice by certified mail, return receipt requested, and by
98 regular mail, to the unit owner at least ten business days prior to the
99 date of such hearing. Such notice shall include the date, time and place
100 of the hearing. Such hearing shall be held not later than forty-five days
101 after the association receives such request.

102 (3) The executive board shall make a decision on the unit owner's
103 claim and the association shall send such decision in writing by
104 certified mail, return receipt requested, and by regular mail, to the unit
105 owner, not later than thirty days after the hearing.

106 (4) The failure of the association to comply with the provisions of
107 this subsection shall not affect a unit owner's right to bring an action
108 pursuant to subsection (a) of this section.

109 Sec. 5. Subsection (b) of section 47-255 of the general statutes is
110 repealed and the following is substituted in lieu thereof (*Effective*
111 *October 1, 2011*):

112 (b) (1) In the case of a building that contains units divided by
113 horizontal boundaries described in the declaration, or by vertical
114 boundaries that comprise or are located within common walls between
115 units, the insurance maintained under subdivision (1) of subsection (a)
116 of this section, to the extent reasonably available, shall include the
117 units, and all improvements and betterments installed by unit owners,
118 unless the declaration limits the association's authority to insure all
119 improvements and betterments or the executive board decides, after
120 giving notice and an opportunity for unit owners to comment, not to
121 insure such improvements and betterments. In the case of common
122 interest communities containing more than twelve units, unless the
123 association insures all improvements and betterments, the association
124 shall:

125 [(1)] (A) Prepare and maintain a schedule of the standard fixtures,
126 improvements and betterments in the units, including any standard
127 wall, floor and ceiling coverings covered by the association's insurance
128 policy;

129 [(2)] (B) Provide such schedule at least annually to the unit owners
130 in order to enable unit owners to coordinate their homeowners
131 insurance coverage with the coverage afforded by the association's
132 insurance policy; and

133 [(3)] (C) Include such schedule in any resale certificate prepared
 134 pursuant to section 47-270.

135 (2) The provisions of this subsection shall not apply to a building in
 136 a common interest community that has not more than two units
 137 divided by a single horizontal or vertical boundary unless such
 138 common interest community voluntarily chooses to comply with this
 139 subsection."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	47-245
Sec. 2	October 1, 2011	47-239
Sec. 3	October 1, 2011	20-458
Sec. 4	October 1, 2011	47-278
Sec. 5	October 1, 2011	47-255(b)