



General Assembly

Substitute Bill No. 5536

February Session, 2012

* _____HB05536JUD___040212_____*

**AN ACT CONCERNING REQUIREMENTS FOR CERTIFICATION AS A
COMMUNITY ASSOCIATION MANAGER, LICENSURE AS A REAL
ESTATE BROKER OR SALESPERSON AND ORGANIZATION OF A
UNIT OWNERS' ASSOCIATION.**

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

1 Section 1. Subsection (a) of section 20-452 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2012*):

4 (a) Any person seeking a certificate of registration shall apply to the
5 department in writing, on a form provided by the department. Such
6 application shall include the applicant's name, residence address,
7 business address, business telephone number, a question as to whether
8 the applicant has been convicted of a felony in any state or jurisdiction
9 and such other information as the department may require. On and
10 after October 1, 2012, any person seeking an initial certificate of
11 registration shall submit to a request by the commissioner for a state
12 and national criminal history records check. No registration shall be
13 issued unless the commissioner has received the results of such
14 records check.

15 Sec. 2. Section 20-453 of the general statutes is repealed and the
16 following is substituted in lieu thereof (*Effective October 1, 2012*):

17 (a) Upon receipt of a completed application and the appropriate

18 fees, the department, upon authorization of the commission, shall: (1)
19 Issue and deliver to the applicant a certificate of registration; or (2)
20 refuse to issue the certificate. The commission may suspend, revoke or
21 refuse to issue or renew any certificate issued under sections 20-450 to
22 20-462, inclusive, as amended by this act, or may place a registrant on
23 probation or issue a letter of reprimand for any of the reasons stated in
24 section 20-456, as amended by this act. No application for the
25 reinstatement of a certificate which has been revoked shall be accepted
26 by the department within one year after the date of such revocation.

27 (b) Any person issued an initial certificate of registration on or after
28 October 1, 2012, shall, not later than one year following the date of
29 issuance of such certificate, successfully complete a nationally
30 recognized course on community association management and pass
31 the National Board of Certification for Community Association
32 Managers' Certified Manager of Community Associations
33 examination, or a similar examination as may be prescribed by the
34 Commissioner of Consumer Protection in regulations adopted
35 pursuant to subsection (d) of this section.

36 (c) Any person who is a holder of a certificate of registration issued
37 prior to October 1, 2012, who has held such certificate for (1) less than
38 ten years shall, on or before October 1, 2014, successfully complete a
39 nationally recognized course on community association management
40 and pass the National Board of Certification for Community
41 Association Managers' Certified Manager of Community Associations
42 examination, or a similar examination as may be prescribed by the
43 Commissioner of Consumer Protection in regulations adopted
44 pursuant to subsection (d) of this section, or (2) ten years or more shall,
45 on or before October 1, 2014, successfully complete a nationally
46 recognized course on community association management.

47 (d) The department, with the advice and assistance of the
48 commission, shall adopt regulations, in accordance with chapter 54,
49 concerning any examination required for certification under this
50 chapter and the approval of schools, institutions or organizations

51 offering courses in current practices and laws concerning community
52 association management and the content of such courses. Such
53 regulations shall include, but not be limited to: (1) Specifications for
54 meeting the educational requirements prescribed in this section; and
55 (2) exemptions from the educational requirements for reasons of health
56 or instances of individual hardship. In adopting such regulations, the
57 department may not disapprove a school, institution or organization
58 that offers an examination or courses in current practices and laws
59 concerning community association management solely because its
60 examination or courses are offered or taught by electronic means, nor
61 may the department disapprove an examination or course solely
62 because it is offered or taught by electronic means.

63 Sec. 3. Section 20-456 of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective October 1, 2012*):

65 (a) The commission may revoke, suspend or refuse to issue or renew
66 any certificate of registration as a community association manager or
67 place a registrant on probation or issue a letter of reprimand for: (1)
68 Making any material misrepresentation; (2) making any false promise
69 of a character likely to influence, persuade or induce; (3) failing, within
70 a reasonable time, to account for or remit any moneys coming into his
71 possession which belong to others; (4) conviction in a court of
72 competent jurisdiction of this or any other state of forgery,
73 embezzlement, obtaining money under false pretenses, larceny,
74 extortion, conspiracy to defraud, or other like offense or offenses,
75 provided suspension or revocation under this subdivision shall be
76 subject to the provisions of section 46a-80; (5) commingling funds of
77 others in an escrow or trustee account; (6) commingling funds of
78 different associations; (7) any act or conduct which constitutes
79 dishonest, fraudulent or improper dealings; or (8) a violation of any
80 provision of sections 20-450 to 20-462, inclusive, as amended by this
81 act, including, but not limited to, failure to comply with the
82 educational requirements prescribed in section 20-453, as amended by
83 this act, or any regulation adopted under section 20-461.

84 (b) The commission shall not revoke or suspend any certificate of
85 registration except upon notice and hearing in accordance with chapter
86 54.

87 Sec. 4. Subsection (d) of section 20-457 of the general statutes is
88 repealed and the following is substituted in lieu thereof (*Effective*
89 *October 1, 2012*):

90 (d) All certificates issued under the provisions of sections 20-450 to
91 20-462, inclusive, as amended by this act, shall expire annually on the
92 thirty-first day of January. A holder of a certificate of registration who
93 seeks to renew his or her certificate shall, when filing an application for
94 renewal of the certificate, submit documentation to the department
95 which establishes that he or she has passed any examination and
96 completed any educational coursework, as the case may be, required
97 for certification under this chapter. The fee for renewal of a certificate
98 shall be two hundred dollars.

99 Sec. 5. Section 20-319 of the general statutes is repealed and the
100 following is substituted in lieu thereof (*Effective October 1, 2012*):

101 (a) The commission shall authorize the Department of Consumer
102 Protection to issue an annual renewal license to any applicant who
103 possesses the qualifications specified in and otherwise has complied
104 with the provisions of this chapter and any regulation adopted under
105 this chapter. The commission shall authorize said department to issue
106 an annual renewal of a real estate broker's license to any entity licensed
107 pursuant to subsection (b) of section 20-312, provided such entity: (1)
108 Was so licensed as of September 30, 2005, notwithstanding the fact
109 such entity does not meet the requirements for publicly traded
110 corporations required by subdivision (3) of subsection (b) of section 20-
111 312, or (2) changes its designated real estate broker pursuant to
112 subsection (c) of section 20-312.

113 (b) There is hereby established an annual renewal license to be
114 issued by the Department of Consumer Protection. Persons licensed in
115 accordance with the provisions of this chapter shall fulfill a continuing

116 education requirement. Applicants for an annual renewal license for
117 real estate brokers or real estate salespersons shall, in addition to the
118 other requirements imposed by the provisions of this chapter, in any
119 even-numbered year, submit proof of compliance with the continuing
120 education requirements of this subsection to the commission,
121 accompanied by an eight-dollar processing fee. The continuing
122 education requirement may be satisfied by successful completion of
123 any of the following during the two-year period preceding such
124 renewal: (1) A course or courses, approved by the commission, of
125 continuing education in current real estate practices and licensing
126 laws, including, but not limited to, practices and laws concerning
127 common interest communities, consisting of not less than twelve hours
128 of classroom study; or (2) a written examination prepared and
129 administered by either the Department of Consumer Protection, or by
130 a national testing service approved by the department, which
131 demonstrates a knowledge of current real estate practices and licensing
132 laws; or (3) equivalent continuing educational experience or study as
133 determined by regulations adopted pursuant to subsection (d) of this
134 section. An applicant for examination under subdivision (2) of this
135 subsection shall pay the required examination fee to the national
136 testing service, if administered by such testing service, or to the
137 Department of Consumer Protection, if administered by the
138 department.

139 (c) If the commission refuses to grant an annual renewal license, the
140 licensee or applicant, upon written notice received as provided for in
141 this chapter, may have recourse to any of the remedies provided by
142 sections 20-314 and 20-322.

143 (d) The Commissioner of Consumer Protection, in consultation with
144 the commission, shall adopt regulations, in accordance with chapter
145 54, concerning the approval of schools, institutions or organizations
146 offering courses in current real estate practices and licensing laws,
147 including, but not limited to, practices and laws concerning common
148 interest communities, and the content of such courses. Such
149 regulations shall include, but not be limited to: (1) Specifications for

150 meeting equivalent continuing educational experience or study; (2)
151 exceptions from continuous education requirements for reasons of
152 health or instances of individual hardship. No school, institution or
153 organization that offers a course in current real estate practices and
154 licensing laws may be disapproved solely because its courses are
155 offered or taught by electronic means, and no course may be
156 disapproved solely because it is offered or taught by electronic means.

157 Sec. 6. Section 47-243 of the general statutes is repealed and the
158 following is substituted in lieu thereof (*Effective October 1, 2012*):

159 A unit owners' association shall be organized no later than the date
160 the first unit in the common interest community is conveyed. The
161 membership of the association at all times shall consist exclusively of
162 all unit owners or, following termination of the common interest
163 community, of all former unit owners entitled to distributions of
164 proceeds under section 47-237 or their heirs, successors or assigns. The
165 association shall have an executive board. The association shall be
166 organized as a business or nonstock corporation, trust, partnership or
167 unincorporated association, except that on and after October 1, 2012,
168 any newly created association shall be organized as a business or
169 nonstock corporation.

170 Sec. 7. Subsection (a) of section 47-278 of the 2012 supplement to the
171 general statutes is repealed and the following is substituted in lieu
172 thereof (*Effective October 1, 2012*):

173 (a) A declarant, association, unit owner or any other person subject
174 to this chapter may bring an action to enforce a right granted or
175 obligation imposed by this chapter, the declaration or the bylaws. The
176 court may award reasonable attorney's fees and costs. In addition, the
177 court may impose a civil penalty in an amount not to exceed five
178 thousand dollars against any person who is found to have violated the
179 provisions of this chapter.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2012</i>	20-452(a)
Sec. 2	<i>October 1, 2012</i>	20-453
Sec. 3	<i>October 1, 2012</i>	20-456
Sec. 4	<i>October 1, 2012</i>	20-457(d)
Sec. 5	<i>October 1, 2012</i>	20-319
Sec. 6	<i>October 1, 2012</i>	47-243
Sec. 7	<i>October 1, 2012</i>	47-278(a)

JUD *Joint Favorable Subst.*