



# OLR RESEARCH REPORT

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## **APPLICABILITY OF COMMON INTEREST OWNERSHIP ACT**

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You asked for a list of provisions in the Common Interest Ownership Act (CIOA) that apply to common interest communities created before 1984.

### **SUMMARY**

CIOA generally applies to common interest communities (such as cooperatives and condominiums) created since 1984. However, many provisions of CIOA also apply to older common interest communities. These include, among other things, provisions concerning association powers; budgets and assessments; meeting and voting requirements; insurance; and dispute resolution. Pre-1984 communities may also choose to be governed by CIOA.

### **APPLICABILITY OF CIOA TO COMMUNITIES FORMED BEFORE 1984**

CIOA generally governs the creation, alteration, management, termination, and sale of common interest communities (CGS § 47-200 et seq.). It generally applies to common interest communities formed in Connecticut on or after January 1, 1984 (CGS § 47-214). But some CIOA provisions, to the extent necessary to construe them, also apply to most common interest communities created in Connecticut before January 1, 1984 (CGS § [47-216](#)). These provisions generally apply to such older communities only with respect to events and circumstances occurring after January 1, 1984, and do not invalidate existing provisions of such

communities' declarations, bylaws, surveys, or plans. Table 1 lists these provisions.

**Table 1: CIOA Provisions That Apply to Pre-1984 Common Interest Communities**

<b>Statute (CGS §)</b>	<b>Subject Matter</b>
<a href="#">47-202</a>	Definitions
<a href="#">47-204</a>	Separate titles and taxation, recording of certificate by cooperative, and conveyance of interest in cooperative
<a href="#">47-205</a>	Applicability of local land use laws to building conversions
<a href="#">47-206</a>	Eminent domain
<a href="#">47-210</a>	Unconscionable contracts, including leases that are presumed to be unconscionable
<a href="#">47-218</a>	Amendments to governing instruments by pre-1984 communities
<a href="#">47-221</a> and <a href="#">-223</a>	Description of units and unit boundaries
<a href="#">47-222</a>	Interpretation and validity of bylaws, declaration, and rules; marketability of title; and recording surveys and plans
<a href="#">47-225(b) to (d)</a>	Certain provisions relating to leaseholds
<a href="#">47-236(b), (d), (i), and (j)</a>	Certain provisions relating to amendments to declarations or bylaws
<a href="#">47-237</a>	Termination of common interest communities
<a href="#">47-240</a>	Merger or consolidation
<a href="#">47-244</a>	Association powers
<a href="#">47-245(f)</a>	Election of the executive board and officers
<a href="#">47-250, -261b</a>	Meetings and rules
<a href="#">47-251</a> and <a href="#">-252</a>	Voting and quorums
<a href="#">47-253</a>	Liability
<a href="#">47-255</a>	Insurance
<a href="#">47-257</a> and <a href="#">-258</a>	Assessments, including liens for assessments
<a href="#">47-260</a>	Association records
<a href="#">47-261c</a>	Notice to unit owners
<a href="#">47-261d</a>	Removal of officers and directors
<a href="#">47-261e</a>	Budgets, special assessments, and loan agreements
<a href="#">47-270</a>	Resale of units
<a href="#">47-278</a>	Statutory right of action and other methods to resolve disputes

The law exempts certain types of common interest communities from most or all requirements of CIOA, such as non-residential communities (see CGS §§ [47-215](#) and [-217](#))).

**PRE-1984 COMMUNITIES MAY CHOOSE TO BE GOVERNED BY CIOA**

CIOA allows common interest communities created before January 1, 1984 to amend their declaration, bylaws, or surveys and plans to achieve any result CIOA permits regardless of what the applicable law provided before January 1, 1984. Such amendments must generally be adopted in

conformity with procedures and requirements specified by the community's instruments or, if there are none, in conformity with CIOA (additional provisions apply in certain situations) (CGS § [47-218](#)).

Pre-1984 common interest communities formed by a special act of the legislature are exempt from CIOA, unless a majority of unit owners vote, in conformity with applicable law, to subject the community to CIOA. In that case, CIOA applies to the community in the same manner as it applies to other pre-1984 communities, as described above (CGS § [47-217](#)).

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