**PA 12-113**—sHB 5536
*Judiciary Committee*

# AN ACT CONCERNING CERTIFICATION AS A COMMUNITY ASSOCIATION MANAGER, LICENSURE AS A REAL ESTATE BROKER OR SALESPERSON AND THE DISPLAY OF AN OBJECT RELATED TO A RELIGIOUS PRACTICE OR BELIEF ON THE DOOR OR DOOR FRAME OF A CONDOMINIUM UNIT

**SUMMARY:** This act generally prohibits anyone from prohibiting or hindering a condominium unit's owner, lessee, or sublessee from attaching a religious item to the unit's entry door or entry door frame. Subject to the constitutional protection of religious liberty, the act provides certain exceptions, such as for items that are beyond a certain size or patently offensive.

The act requires new applicants for community association manager registration to submit to criminal background checks. It also establishes education and testing requirements for such managers and requires the Department of Consumer Protection (DCP) to adopt regulations pertaining to these requirements. The testing requirement does not apply to anyone registered for at least 10 years as of October 1, 2012. The act specifies that failure to comply with the education requirement is grounds for suspending or revoking a registration among other things.

By law, to renew their licenses, real estate brokers and salespersons must generally complete continuing education requirements, which can be satisfied, among other things, by completing courses approved by the Real Estate Commission within DCP. The act provides that such courses must include practices and laws on common interest communities (e.g., condominiums). It makes a conforming change regarding the DCP commissioner's regulations on the approval of institutions offering such courses and course contents.

EFFECTIVE DATE: October 1, 2012, except the provision concerning religious items at condominiums is effective July 1, 2012.

## § 6 — RELIGIOUS ITEMS ON CONDOMINIUM UNIT ENTRY DOORS

The act generally bars anyone from prohibiting or hindering a condominium unit's owner, lessee, or sublessee from attaching to the unit's entry door or entry door frame an object being displayed as part of a religious practice or sincerely held religious belief.

Despite this general ban, the act allows condominium associations to adopt and enforce bylaws prohibiting items from being displayed or affixed on such doors or door frames when they:

1. threaten public health or safety;
2. hinder the entry door from opening and closing;

3. violate any federal, state, or local law;
4. contain graphics, language, or any display that is obscene or otherwise patently offensive;
5. if displayed or affixed on an entry door frame, are larger than 25 square inches, individually or in combination with other such items; or
6. if displayed or affixed on the entry door itself, are larger than four square feet, individually or in combination with other such items.

Such bylaws must not conflict with the First Amendment of the U.S. Constitution (which, among other things, protects the free exercise of religion and freedom of speech) and Article I, Section 3 of the state constitution (which protects the right of religious liberty).

## COMMUNITY ASSOCIATION MANAGERS

### *§ 1 — Criminal Convictions and Background Checks*

By law, community association managers must register with DCP. The act requires the application form for a registration certificate to include a question about whether the applicant has any felony convictions in any jurisdiction.

The act also requires anyone applying for an initial community association manager registration certificate on and after October 1, 2012 to submit to the DCP commissioner's request for a state and national criminal background check. (The act does not specify who must pay for the background check.) The act prohibits DCP from issuing the registration before getting the background check results.

### *§§ 2, 3, & 4 — Education and Testing Requirements*

The act requires all community association managers to successfully complete a nationally recognized course on community association management. Anyone registered before October 1, 2012 has until October 1, 2014 to complete the course; anyone initially registered on or after October 1, 2012 must complete it within one year of registration.

The act also requires community association managers who initially register on or after October 1, 2012, as well as those who registered before then and have been registered for less than 10 years, to pass an examination, with the same deadlines as for the course completion outlined above. The examination may be the National Board of Certification for Community Association Managers' Certified Manager of Community Associations examination or a similar examination that the DCP commissioner prescribes in regulations (see below).

By law, the Real Estate Commission can take various actions against someone who violates any provision of the community association manager law. The act specifies that this includes the failure to comply with its educational requirements. These actions include (1) revoking, suspending, or refusing to issue or renew a community association manager's registration certificate; (2) placing a registrant on probation; or (3) issuing a letter of reprimand. By law, the commission can revoke or suspend a registration certificate only after notice and a hearing in accordance with the Uniform Administrative Procedure Act.

*Registration Renewal.* The act requires community association managers, when applying to renew their annual registration, to submit to DCP documentation showing that they have passed any required examination or completed any required coursework.

*Regulations.* The act requires DCP, with the Real Estate Commission's advice and assistance, to adopt regulations on (1) any examination required for community association manager certification and (2) the approval of (a) schools, institutions, or organizations that offer courses in community association management practices and laws and (b) course contents. The regulations must specify how to meet the educational requirements and include exemptions for health or individual hardship.

The act prohibits DCP, in adopting the regulations, from disapproving an examination or course, or the school, institution, or organization that offers an examination or course, solely because the examination or course is offered or taught electronically.

OLR Tracking: JO:JR:VR:ts:eh