



House Bill No. 6477

Public Act No. 13-289

AN ACT CONCERNING VARIOUS REVISIONS TO THE COMMON INTEREST OWNERSHIP ACT AND THE CONDOMINIUM ACT.

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

Section 1. Subsection (a) of section 20-456 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) The commission may revoke, suspend or refuse to issue or renew any certificate of registration as a community association manager or place a registrant on probation or issue a letter of reprimand for: (1) Making any material misrepresentation; (2) making any false promise of a character likely to influence, persuade or induce; (3) failing, within a reasonable time, to account for or remit any moneys coming into his possession which belong to others; (4) conviction in a court of competent jurisdiction of this or any other state of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or other like offense or offenses, provided suspension or revocation under this subdivision shall be subject to the provisions of section 46a-80; (5) commingling funds of others in an escrow or trustee account; (6) commingling funds of different associations; (7) any act or conduct which constitutes dishonest, fraudulent or improper dealings; [or] (8) a knowing and

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material violation of any provision of chapter 825 or 828; or (9) a violation of any provision of sections 20-450 to 20-462, inclusive, including, but not limited to, failure to comply with the educational requirements prescribed in section 20-453, or any regulation adopted under section 20-461.

Sec. 2. Subdivision (5) of subsection (b) of section 47-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(5) Unless the meeting is included in a schedule given to the unit owners or the meeting is called to deal with an emergency, the secretary or other officer specified in the bylaws shall give notice of each executive board meeting to each board member and to the unit owners. The notice shall be given at least five days before the meeting and shall state the time, date, place and agenda of the meeting, except that notice of a meeting called to adopt, amend or repeal a rule shall be given in accordance with subsection (a) of section 47-261b. If notice of the meeting is included in a schedule given to the unit owners, the secretary or other officer specified in the bylaws shall make available an agenda for such meeting to each board member and to the unit owners not later than forty-eight hours prior to the meeting.

Sec. 3. Subsection (c) of section 47-252 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(c) Except as otherwise provided in the declaration or bylaws, the following requirements apply with respect to proxy voting:

(1) Votes allocated to a unit may be cast pursuant to a directed or undirected proxy duly executed by a unit owner;

(2) The association may provide a proxy form to any unit owner who seeks to vote pursuant to a directed or undirected proxy. If the

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association provides a proxy form, the proxy form, (A) shall include a blank space reserved for the insertion of the name of the proxy holder, and (B) may include the name of a person designated by the association to be the default proxy holder, who shall be authorized to exercise the proxy in the event the unit owner fails to otherwise specify the name of the proxy holder subject to the limitations set forth in this subsection;

[(2)] (3) If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through a duly executed proxy;

[(3)] (4) A unit owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association;

[(4)] (5) A proxy is void if it is not dated or purports to be revocable without notice;

[(5)] (6) A proxy terminates one year after its date, unless it specifies a shorter term; and

[(6)] (7) A person may not cast votes representing more than fifteen per cent of the votes in the association pursuant to undirected proxies.

Sec. 4. Subdivision (1) of subsection (a) of section 47-260 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(1) Detailed records of receipts and expenditures affecting the operation and administration of the association and other appropriate accounting records, including, but not limited to, records relating to reserve accounts, if any;

Sec. 5. Section 47-253 of the general statutes is amended by adding

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subsection (e) as follows (*Effective October 1, 2013*):

(NEW) (e) No member of the executive board or officer of the association shall be subject to criminal liability for an alleged violation of the Fire Safety Code, the State Building Code or a municipal health, housing or safety code when, pursuant to subsection (b) of section 47-261e, the executive board of an association proposes a special assessment to cover the cost of the repairs necessary to ensure compliance with the terms of such codes and the special assessment is rejected by a vote of the unit owners.

Sec. 6. (NEW) (*Effective October 1, 2013*) No member of a board of directors, as defined in section 47-68a of the general statutes, or officer, as defined in section 47-68a of the general statutes, shall be subject to criminal liability for an alleged violation of the Fire Safety Code, the State Building Code or a municipal health, housing or safety code when the board of directors of an association proposes a special assessment to cover the cost of the repairs necessary to ensure compliance with the terms of such codes and the special assessment is rejected by a vote of the unit owners.

Approved July 12, 2013