



General Assembly

January Session, 2013

**Raised Bill No. 6662**

LCO No. 4564



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING THE RECOUPMENT OF MONEYS OWED TO A UNIT OWNERS' ASSOCIATION DUE TO NONPAYMENT OF ASSESSMENTS.**

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

1 Section 1. Subsection (b) of section 47-258 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2013*):

4 (b) A lien under this section is prior to all other liens and  
5 encumbrances on a unit except (1) liens and encumbrances recorded  
6 before the recordation of the declaration and, in a cooperative, liens  
7 and encumbrances which the association creates, assumes or takes  
8 subject to, (2) a first or second security interest on the unit recorded  
9 before the date on which the assessment sought to be enforced became  
10 delinquent, or, in a cooperative, a first or second security interest  
11 encumbering only the unit owner's interest and perfected before the  
12 date on which the assessment sought to be enforced became  
13 delinquent, and (3) liens for real property taxes and other  
14 governmental assessments or charges against the unit or cooperative.

15 The lien is also prior to all security interests described in subdivision  
 16 (2) of this subsection to the extent of (A) an amount equal to the  
 17 common expense assessments based on the periodic budget adopted  
 18 by the association pursuant to subsection (a) of section 47-257 which  
 19 would have become due in the absence of acceleration during the [six]  
 20 twelve months immediately preceding institution of an action to  
 21 enforce either the association's lien or a security interest described in  
 22 subdivision (2) of this subsection and (B) the association's costs and  
 23 attorney's fees in enforcing its lien. A lien for any assessment or fine  
 24 specified in subsection (a) of this section shall have the priority  
 25 provided for in this subsection in an amount not to exceed the amount  
 26 specified in subparagraph (A) of this subsection. This subsection does  
 27 not affect the priority of mechanics' or materialmen's liens or the  
 28 priority of liens for other assessments made by the association. This  
 29 subsection shall not preclude an association from seeking payment of  
 30 unpaid assessments that are not included in the lien amount specified  
 31 under subparagraph (A) of this subsection. Upon the conclusion of a  
 32 foreclosure action, at the time of closing on the unit, the association  
 33 may be reimbursed for any unpaid assessments that accrued in the  
 34 twelve-month period immediately following the lien period specified  
 35 under subparagraph (A) of this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	47-258(b)

**Statement of Purpose:**

To: (1) Extend the number of months for which common expense assessments due a common interest unit owners' association may be counted for purposes of a lien from six months to twelve months; and (2) provide greater statutory protections to unit owners' associations seeking reimbursement for unpaid assessments that are incurred during the pendency of a foreclosure action.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*