



General Assembly

Amendment

January Session, 2013

LCO No. 8544

HB0651308544SR0

Offered by:

SEN. FASANO, 34th Dist.

SEN. DOYLE, 9th Dist.

SEN. KANE, 32nd Dist.

REP. O'NEILL, 69th Dist.

To: Subst. House Bill No. 6513

File No. 667

Cal. No. 613

"AN ACT CONCERNING THE BUDGET AND SPECIAL ASSESSMENT APPROVAL PROCESS IN COMMON INTEREST COMMUNITIES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsections (a) and (b) of section 47-261e of the general
4 statutes are repealed and the following is substituted in lieu thereof
5 (*Effective October 1, 2013*):

6 (a) [The] (1) Except as provided in subdivision (2) of this subsection,
7 the executive board, at least annually, shall adopt a proposed budget
8 for the common interest community for consideration by the unit
9 owners. Not later than thirty days after the adoption of a proposed
10 budget, the executive board shall provide to all unit owners a
11 summary of the proposed budget, including a statement of the amount

12 of any reserves, and a statement of the basis on which such reserves
13 are calculated and funded. Simultaneously, the board shall set a date
14 not less than ten days or more than sixty days after providing the
15 summary for either a meeting of the unit owners or a vote by ballot
16 without a meeting to consider approval or rejection of the proposed
17 budget. If, at that meeting or in the vote by ballot, a majority of all unit
18 owners or any larger number specified in the declaration votes to reject
19 the proposed budget, the proposed budget shall be rejected. If, at that
20 meeting or in the vote by ballot, a majority of all unit owners or any
21 larger number specified in the declaration does not vote to reject the
22 proposed budget, the proposed budget shall be approved. The absence
23 of a quorum at such meeting or participating in the vote by ballot shall
24 not affect rejection or approval of the proposed budget. If a proposed
25 budget is rejected, the budget last approved by the unit owners
26 continues until unit owners approve a subsequent budget. If a
27 proposed budget is not rejected in accordance with the provisions of
28 this subdivision, the proposed budget shall be deemed approved.

29 (2) The executive board of an association of a common interest
30 community, or of a master association as defined in section 47-239
31 exercising the powers on behalf of one or more common interest
32 communities or for the benefit of the unit owners of one or more
33 common interest communities, which community or communities
34 were established prior to July 3, 1991, and have more than two
35 thousand four hundred residential units, at least annually, shall adopt
36 a proposed budget for the common interest community for
37 consideration by the unit owners. Not later than thirty days after the
38 adoption of a proposed budget, the executive board shall provide to all
39 unit owners a summary of the proposed budget, including a statement
40 of the amount of any reserves, and a statement of the basis on which
41 such reserves are calculated and funded. Simultaneously, the board
42 shall set a date not less than ten days or more than sixty days after
43 providing the summary for either a meeting of the unit owners or a
44 vote by ballot without a meeting to consider approval or rejection of
45 the proposed budget. If, at that meeting or in the vote by ballot, a

46 majority of unit owners votes to reject the proposed budget, the
47 proposed budget shall be rejected, provided not less than thirty-three
48 and one-third per cent of the unit owners entitled to vote on the
49 proposed budget vote at that meeting or in the vote by ballot to reject
50 the proposed budget. If an association's declaration or bylaws include
51 quorum requirements for a meeting, the absence of a quorum at such
52 meeting or participating in the vote by ballot shall not affect rejection
53 or approval of the proposed budget. If a proposed budget is rejected,
54 the budget last approved by the unit owners continues until unit
55 owners approve a subsequent budget. If a proposed budget is not
56 rejected in accordance with the provisions of this subdivision, the
57 proposed budget shall be deemed approved.

58 (b) [The] (1) Except as provided in subdivision (2) of this subsection,
59 the executive board, at any time, may propose a special assessment.
60 Not later than thirty days after adoption of a proposed special
61 assessment, the executive board shall provide to all unit owners a
62 summary of the proposed special assessment. Unless the declaration or
63 bylaws otherwise provide, if [such] the proposed special assessment,
64 together with all other special and emergency assessments proposed
65 by the executive board in the same calendar year, do not exceed fifteen
66 per cent of the association's last adopted periodic budget for that
67 calendar year, the proposed special assessment is effective without
68 approval of the unit owners. Otherwise, the board shall set a date not
69 less than ten days or more than sixty days after providing the
70 summary for either a meeting of the unit owners or a vote by ballot
71 without a meeting to consider approval or rejection of the proposed
72 special assessment. If, at [such] that meeting or in the [balloting] vote
73 by ballot, a majority of all unit owners or any larger number specified
74 in the declaration votes to reject the special assessment, the special
75 assessment shall be rejected. If, at such meeting or in the balloting, a
76 majority of all unit owners or any larger number specified in the
77 declaration does not vote to reject the special assessment, the special
78 assessment shall be approved. The absence of a quorum at such
79 meeting or participating in the vote by ballot shall not affect the

80 rejection or approval of the special assessment. If a proposed special
81 assessment is not rejected in accordance with the provisions of this
82 subdivision, the proposed special assessment shall be deemed
83 approved.

84 (2) The executive board of an association of a common interest
85 community, or of a master association as defined in section 47-239
86 exercising the powers on behalf of one or more common interest
87 communities or for the benefit of the unit owners of one or more
88 common interest communities, which community or communities
89 were established prior to July 3, 1991, and have more than two
90 thousand four hundred residential units, at any time, may propose a
91 special assessment. Not later than thirty days after adoption of a
92 proposed special assessment, the executive board shall provide to all
93 unit owners a summary of the proposed special assessment. Unless the
94 declaration or bylaws otherwise provide, if the proposed special
95 assessment, together with all other special and emergency assessments
96 proposed by the executive board in the same calendar year, do not
97 exceed fifteen per cent of the association's last adopted periodic budget
98 for that calendar year, the proposed special assessment is effective
99 without approval of the unit owners. Otherwise, the board shall set a
100 date not less than ten days or more than sixty days after providing the
101 summary for either a meeting of the unit owners or a vote by ballot
102 without a meeting to consider approval or rejection of the proposed
103 special assessment. If, at that meeting or in the vote by ballot, a
104 majority of unit owners votes to reject the proposed special
105 assessment, the proposed special assessment shall be rejected,
106 provided not less than thirty-three and one-third per cent of the unit
107 owners entitled to vote on the proposed special assessment vote at that
108 meeting or in the vote by ballot to reject the proposed special
109 assessment. If an association's declaration or bylaws include quorum
110 requirements for a meeting, the absence of a quorum at such meeting
111 or participating in the vote by ballot shall not affect the rejection or
112 approval of the proposed special assessment. If a proposed special
113 assessment is not rejected in accordance with the provisions of this

114 subsection, the proposed special assessment shall be deemed
115 approved."

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2013</i> | 47-261e(a) and (b) |