



General Assembly

Amendment

February Session, 2014

LCO No. 4776

SB0045704776SD0

Offered by:

SEN. DOYLE, 9th Dist.

REP. NAFIS, 27th Dist.

REP. ALBIS, 99th Dist.

REP. O'NEILL, 69th Dist.

To: Subst. Senate Bill No. 457

File No. 613

Cal. No. 405

"AN ACT CONCERNING REVISIONS TO THE COMMON INTEREST OWNERSHIP ACT."

1 In line 29, bracket "of subsection (b) of this section" and after the
2 closing bracket insert "or (9) of this subsection"

3 Strike section 2 in its entirety and substitute the following in lieu
4 thereof:

5 "Sec. 2. Subsection (b) of section 47-252 of the 2014 supplement to
6 the general statutes is repealed and the following is substituted in lieu
7 thereof (*Effective October 1, 2014*):

8 (b) At either a meeting of unit owners or in a vote conducted
9 without a meeting the following requirements apply:

10 (1) If only one of several owners of a unit is present at a meeting of

11 the association or participating in the vote without a meeting, that
12 owner is entitled to cast all the votes allocated to that unit. If more than
13 one of the owners are present at the meeting or participating in the
14 vote without a meeting, the votes allocated to that unit may be cast
15 only in accordance with the agreement of a majority in interest of the
16 owners, unless the declaration expressly provides otherwise. There is
17 majority agreement if any one of the owners casts the votes allocated
18 to the unit without protest being made promptly to the person
19 presiding over the meeting by any of the other owners of the unit.

20 (2) [Unless] Except as otherwise provided in this subsection, unless
21 a greater number or fraction of the votes in the association is required
22 by this chapter or other law or the declaration, a majority of the votes
23 cast is the decision of the unit owners.

24 (3) Unless a greater number or fraction of the votes in the
25 association is required by the declaration, bylaws or certificate of
26 incorporation of the association, directors shall be elected by a
27 plurality of the votes cast by the unit owners. If the declaration, bylaws
28 or certificate of incorporation of the association requires any or all
29 directors to be elected by unit owners of a specified group or class of
30 units, then such directors shall be elected by a plurality of the votes
31 cast by the unit owners of units of such group or class of units. The
32 provisions of this subdivision shall not apply to directors who may be
33 appointed by the declarant or under subsection (g) of section 47-245.

34 (4) If the declaration, bylaws or certificate of incorporation of the
35 association provide for the election of officers by the unit owners, then
36 unless a greater number or fraction of the votes in the association is
37 required by the declaration, bylaws or certificate of incorporation of
38 the association, officers shall be elected by a plurality of the votes cast
39 by the unit owners. If the declaration, bylaws or certificate of
40 incorporation of the association requires any or all officers to be elected
41 by unit owners of a specified group or class of units, then such officers
42 shall be elected by a plurality of the votes cast by the unit owners of
43 units of such group or class of units. The provisions of this subdivision

44 shall not apply to directors who may be appointed by the declarant or
45 under subsection (g) of section 47-245."

46 Strike section 7 in its entirety and substitute the following in lieu
47 thereof:

48 "Sec. 7. (NEW) (*Effective January 1, 2015*) In the case of a master
49 association: (1) That is comprised of common interest communities
50 consisting of not less than four hundred units, (2) in which the master
51 association is governed by a board of directors consisting of one
52 individual representing each constituent common interest community,
53 who is on the board of directors of the constituent common interest
54 community, and (3) in which the master association board of directors
55 has a weighted vote based on the number of units in the constituent
56 common interest community represented by the director:

57 (A) On the written consent of unit owners owning not less than
58 twenty-five per cent of the units in the constituent common interest
59 communities of such master association, the master association shall be
60 terminated and dissolved and shall convey all assets owned by the
61 master association to a new nonstock corporation that shall be formed
62 not later than sixty days after the termination and dissolution of the
63 master association.

64 (B) The associations of unit owners of the constituent common
65 interest communities shall be the members of the new nonstock
66 corporation. Each of the member associations shall appoint one person
67 to be a member of the board of directors of the new nonstock
68 corporation. Each member of the board of directors of the new
69 nonstock corporation shall have one equal vote on matters to be voted
70 on by the board of directors.

71 (C) The unit owners of each constituent common interest
72 community shall have equal rights to utilize the facilities owned by the
73 new nonstock corporation and each constituent common interest
74 community shall share in the cost of the operation, maintenance, repair

75 and replacement of the facilities of the new nonstock corporation on
76 the basis of the number of units in each constituent common interest
77 community as a percentage of the total number of units in all
78 constituent common interest communities that comprise the master
79 association.

80 (D) The Superior Court shall have jurisdiction to enter such orders
81 as may be appropriate in the circumstances to implement the
82 termination and transfer and the organization and operation of the
83 new nonstock corporation."

84 In line 485, strike "subsection" and insert "[subsection] subdivision"
85 in lieu thereof