



General Assembly

January Session, 2015

***Raised Bill No. 1121***

LCO No. 5549



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE OBLIGATIONS OF AN ASSOCIATION  
AND UNIT OWNERS IN A COMMON INTEREST OWNERSHIP  
COMMUNITY.***

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

1 Section 1. Section 47-261b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) At least ten days before adopting, amending or repealing any  
4 rule, the executive board shall give all unit owners notice of: (1) The  
5 executive board's intention to adopt, amend or repeal a rule and shall  
6 include with such notice the text of the proposed rule or amendment,  
7 or the text of the rule proposed to be repealed; and (2) the date on  
8 which the executive board will act on the proposed rule, amendment  
9 or repeal after considering comments from unit owners.

10 (b) Following adoption, amendment or repeal of a rule, the  
11 association shall give all unit owners notice of its action and include  
12 with such notice a copy of any new or amended rule.

13 (c) Subject to the provisions of the declaration, an association may

14 adopt rules to establish and enforce construction and design criteria  
15 and aesthetic standards. If an association adopts such rules, the  
16 association shall adopt procedures for enforcement of those rules and  
17 for approval of construction applications, including a reasonable time  
18 within which the association must act after an application is submitted  
19 and the consequences of its failure to act.

20 (d) A rule regulating display of the flag of the United States must be  
21 consistent with federal law. In addition, the association may not  
22 prohibit display, on a unit or on a limited common element adjoining a  
23 unit, of the flag of this state, or signs regarding candidates for public or  
24 association office or ballot questions, but the association may adopt  
25 rules governing the time, place, size, number and manner of those  
26 displays.

27 (e) An association may not prohibit a unit owner from affixing one  
28 or more solar panels to the roof of his or her unit. An association may  
29 adopt rules governing: (1) The size of, number of and manner of  
30 affixing or removing solar panels; (2) the unit owner's responsibilities  
31 for periodic upkeep and maintenance of any such solar panel; and (3)  
32 the unit owner's financial responsibilities to the association when he or  
33 she is permitted to install one or more solar panels to the roof of his or  
34 her unit.

35 [(e)] (f) Unit owners may peacefully assemble on the common  
36 elements to consider matters related to the common interest  
37 community, but the association may adopt rules governing the time,  
38 place and manner of those assemblies.

39 [(f)] (g) An association may adopt rules that affect the use of or  
40 behavior in units that may be used for residential purposes, only to:

41 (1) Implement a provision of the declaration;

42 (2) Regulate any behavior in or occupancy of a unit which violates  
43 the declaration or adversely affects the use and enjoyment of other

44 units or the common elements by other unit owners; or

45 (3) Restrict the leasing of residential units to the extent those rules  
46 are reasonably designed to meet underwriting requirements of  
47 institutional lenders that regularly make loans secured by first  
48 mortgages on units in common interest communities or regularly  
49 purchase those mortgages, provided no such restriction shall be  
50 enforceable unless notice thereof is recorded on the land records of  
51 each town in which any part of the common interest community is  
52 located. Such notice shall be indexed by the town clerk in the grantor  
53 index of such land records in the name of the association.

54 [(g)] (h) An association's internal business operating procedures  
55 need not be adopted as rules.

56 [(h)] (i) Each rule of the association must be reasonable.

57 Sec. 2. Subsection (a) of section 47-253 of the general statutes is  
58 repealed and the following is substituted in lieu thereof (*Effective*  
59 *October 1, 2015*):

60 (a) A unit owner is not liable, solely by reason of being a unit owner,  
61 for injury or damage arising out of the condition or use of the common  
62 elements. A unit owner whose negligence causes property damage to a  
63 unit is personally liable for the property damage caused to such unit.  
64 Neither the association nor any unit owner except the declarant is  
65 liable for that declarant's torts in connection with any part of the  
66 common interest community which that declarant has the  
67 responsibility to maintain.

68 Sec. 3. Subdivision (12) of subsection (a) of section 47-224 of the  
69 general statutes is repealed and the following is substituted in lieu  
70 thereof (*Effective October 1, 2015*):

71 (12) Any restrictions (A) on alienation of the units, including any  
72 restrictions on leasing which exceed the restrictions on leasing units

73 which executive boards may impose pursuant to subdivision (3) of  
74 subsection [(f)] (g) of section 47-261b, and (B) on the amount for which  
75 a unit may be sold or on the amount that may be received by a unit  
76 owner on sale, condemnation or casualty loss to the unit or to the  
77 common interest community, or on termination of the common  
78 interest community;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	47-261b
Sec. 2	<i>October 1, 2015</i>	47-253(a)
Sec. 3	<i>October 1, 2015</i>	47-224(a)(12)

**Statement of Purpose:**

To: (1) Allow the unit owner of a common interest community to install one or more solar panels to the roof of his or her unit, and (2) hold unit owners liable for property damage caused to a unit that is attributable to such owner's negligence.

*[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.]*