



## LIABILITY FOR CERTAIN DAMAGE AT CONDOMINIUMS

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### ISSUE

This report summarizes any recent amendments to the Common Interest Ownership Act's provision on liability for damages at condominiums caused by misconduct or related reasons ([CGS § 47-257\(e\)](#)).

There is currently a bill ([HB 5588](#)) pending before the legislature that would amend this statute. The bill would reduce the financial liability of unit owners for certain expenses caused by guests, tenants, or invitees. The complete bill analysis is available [here](#).

### SUMMARY

The only recent amendment to [CGS § 47-257](#) was in 2009, effective July 1, 2010 ([PA 09-225](#), § 31). This change was part of a bill that made many changes to condominium laws.

Under prior law, if any common expense was caused by a unit owner's misconduct, the association could, after notice and a hearing, assess that expense exclusively against the owner's unit. The act instead authorized the association to assess against the unit the portion of the common expense above any insurance proceeds the association received. The act applied this provision to willful misconduct. It also expanded this authority to include damages caused by the:

1. unit owner's gross negligence or failure to comply with a written maintenance standard the association adopts or
2. willful misconduct, gross negligence, or failure to comply with a written maintenance standard of any unit owner's tenant or the owner's or tenant's guest or invitee.

According to [testimony](#), the 2009 bill was based on suggestions from the Connecticut Law Revision Commission. The provision cited above was not discussed in detail in the hearing testimony or debate transcripts. During the House debate, Rep. O'Neill stated that the bill, among many other things, "expands the association's right to charge unit owners for losses following failure to comply with a maintenance standard."

JO:cmg