



General Assembly

January Session, 2021

Raised Bill No. 6538

LCO No. 3957



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT MAKING REVISIONS TO THE COMMON INTEREST OWNERSHIP ACT.

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

1 Section 1. Subsection (a) of section 47-250 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) The following requirements apply to unit owner meetings:

5 (1) An association shall hold a meeting of unit owners annually at a
6 time, date and place stated in or fixed in accordance with the bylaws;

7 (2) An association shall hold a special meeting of unit owners if its
8 president, a majority of the executive board, or unit owners having at
9 least twenty per cent, or any lower percentage specified in the bylaws,
10 of the votes in the association request that the secretary call the meeting.
11 If the association does not notify unit owners of a special meeting within
12 fifteen days after the requisite number or percentage of unit owners
13 request the secretary to do so, the requesting members may directly
14 notify the unit owners of the meeting. Only matters described in the

15 meeting notice required by subdivision (3) of this subsection may be
16 considered at a special meeting;

17 (3) An association shall notify unit owners of the time, date and place
18 of each annual and special meeting of unit owners not less than ten days
19 or more than sixty days before the meeting date. Notice may be by any
20 means described in section 47-261c. The notice of any meeting shall state
21 the time, date and place of the meeting and the items on the agenda,
22 including (A) a statement of the general nature of any proposed
23 amendment to the declaration or bylaws, (B) any budget changes, and
24 (C) any proposal to remove an officer or member of the executive board;

25 (4) Unit owners shall be given a reasonable opportunity at any
26 meeting to comment regarding any matter affecting the common
27 interest community or the association; and

28 (5) [The] Unless prohibited by the declaration or bylaws, [may allow
29 for] meetings of unit owners [to] may be conducted by telephonic, video
30 or other conferencing process if the alternative process is consistent with
31 subdivision (7) of subsection (b) of this section.

32 Sec. 2. Subsections (a) and (b) of section 47-252 of the general statutes
33 are repealed and the following is substituted in lieu thereof (*Effective*
34 *from passage*):

35 (a) Unless prohibited or limited by the declaration or bylaws, unit
36 owners may vote (1) at a meeting in person [,] or electronically, (2) by a
37 proxy pursuant to subsection (c) of this section or, (3) when a vote is
38 conducted without a meeting, by electronic or paper ballot pursuant to
39 subsection (d) of this section.

40 (b) At [either] a meeting of unit owners conducted in person,
41 electronically or both in person and electronically, or in a vote
42 conducted without a meeting, the following requirements apply:

43 (1) If only one of several owners of a unit is present at a meeting of
44 the association or participating in the vote without a meeting, that

45 owner is entitled to cast all the votes allocated to that unit. If more than
46 one of the owners are present at the meeting or participating in the vote
47 without a meeting, the votes allocated to that unit may be cast only in
48 accordance with the agreement of a majority in interest of the owners,
49 unless the declaration expressly provides otherwise. There is majority
50 agreement if any one of the owners casts the votes allocated to the unit
51 without protest being made promptly to the person presiding over the
52 meeting by any of the other owners of the unit.

53 (2) Except as otherwise provided in this subsection, unless a greater
54 number or fraction of the votes in the association is required by this
55 chapter or other law or the declaration, a majority of the votes cast is the
56 decision of the unit owners.

57 (3) Unless a greater number or fraction of the votes in the association
58 is required by the declaration, bylaws or certificate of incorporation of
59 the association, directors shall be elected by a plurality of the votes cast
60 by the unit owners. If the declaration, bylaws or certificate of
61 incorporation of the association requires any or all directors to be elected
62 by unit owners of a specified group or class of units, then such directors
63 shall be elected by a plurality of the votes cast by the unit owners of
64 units of such group or class of units. The provisions of this subdivision
65 shall not apply to directors who may be appointed by the declarant or
66 under subsection (g) of section 47-245.

67 (4) If the declaration, bylaws or certificate of incorporation of the
68 association provide for the election of officers by the unit owners, then
69 unless a greater number or fraction of the votes in the association is
70 required by the declaration, bylaws or certificate of incorporation of the
71 association, officers shall be elected by a plurality of the votes cast by
72 the unit owners. If the declaration, bylaws or certificate of incorporation
73 of the association requires any or all officers to be elected by unit owners
74 of a specified group or class of units, then such officers shall be elected
75 by a plurality of the votes cast by the unit owners of units of such group
76 or class of units. The provisions of this subdivision shall not apply to
77 directors who may be appointed by the declarant or under subsection

78 (g) of section 47-245.

79 Sec. 3. Subsection (b) of section 47-260 of the general statutes is
80 repealed and the following is substituted in lieu thereof (*Effective from*
81 *passage*):

82 (b) [Subject] Notwithstanding any provision of the declaration or
83 bylaws to the contrary, and subject to subsections (c) and (d) of this
84 section, all records retained by an association shall be available for
85 examination in person or electronically and for copying by a unit owner
86 or the owner's authorized agent:

87 (1) During reasonable business hours or at a mutually convenient
88 time and location; and

89 (2) Upon [five] thirty days' notice in a record reasonably identifying
90 the specific records of the association requested, provided the
91 association shall, not later than five business days following the date of
92 receiving such notice, provide the requesting unit owner or owner's
93 authorized agent with two dates at which the records may be examined,
94 copied, or both.

95 Sec. 4. Section 47-278 of the general statutes is repealed and the
96 following is substituted in lieu thereof (*Effective from passage*):

97 (a) A declarant, association, unit owner or any other person subject
98 to this chapter may bring an action to enforce a right granted or
99 obligation imposed by this chapter, the declaration or the bylaws. The
100 court may award reasonable attorney's fees and costs.

101 (b) Parties to a dispute arising under this chapter, the declaration or
102 the bylaws may agree to resolve the dispute by any form of binding or
103 nonbinding alternative dispute resolution, provided: (1) A declarant
104 may agree with the association to do so only after the period of declarant
105 control has expired; and (2) an agreement to submit to any form of
106 binding alternative dispute resolution must be in a record authenticated
107 by the parties.

108 (c) (1) (A) [~~Except~~] Notwithstanding any provision of the declaration
109 or bylaws to the contrary, and except as otherwise provided under
110 subdivision (2) of this subsection, before an association brings an action
111 or institutes a proceeding against a unit owner other than a declarant,
112 the association shall schedule a hearing to be held during a regular or
113 special meeting of the executive board and shall send a written notice
114 [by certified mail, return receipt requested, and] by regular mail, to the
115 unit owner at least ten business days prior to the date of such hearing.
116 Such notice shall include a statement of the nature of the claim against
117 the unit owner and the date, time and place of the hearing.

118 (B) The unit owner shall have the right to give testimony orally or in
119 writing at the hearing, either personally or through a representative,
120 and the executive board shall consider such testimony in making a
121 decision whether to bring an action or institute a proceeding against
122 such unit owner.

123 (C) [~~The~~] Notwithstanding any provision of the declaration or bylaws
124 to the contrary, the executive board shall make such decision and the
125 association shall send such decision in writing [by certified mail, return
126 receipt requested, and] by regular mail, to the unit owner, not later than
127 thirty days after the date on which the hearing concludes.

128 (2) The provisions of subdivision (1) of this subsection shall not apply
129 to an action brought by an association against a unit owner (A) to
130 prevent immediate and irreparable harm, or (B) to foreclose a lien for an
131 assessment attributable to a unit or fines imposed against a unit owner
132 pursuant to section 47-258.

133 (d) (1) Any unit owner other than a declarant, seeking to enforce a
134 right granted or obligation imposed by this chapter, the declaration or
135 the bylaws against the association or another unit owner other than a
136 declarant, may submit a written request to the association for a hearing
137 before the executive board. Such request shall include a statement of the
138 nature of the claim against the association or another unit owner.

139 (2) [~~Not~~] Notwithstanding any provision of the declaration or bylaws

140 to the contrary, not later than thirty days after the date on which the
141 association receives such request, the association shall schedule a
142 hearing to be held during a regular or special meeting of the executive
143 board and shall send written notice [by certified mail, return receipt
144 requested, and] by regular mail, to the unit owner at least ten business
145 days prior to the date of such hearing. Such notice shall include the date,
146 time and place of the hearing. Such hearing shall be held not later than
147 forty-five days after the date on which the association receives such
148 request.

149 (3) [The] Notwithstanding any provision of the declaration or bylaws
150 to the contrary, the executive board shall make a decision on the unit
151 owner's claim and the association shall send such decision in writing [by
152 certified mail, return receipt requested, and] by regular mail, to the unit
153 owner, not later than thirty days after the date on which the hearing
154 concludes.

155 (4) The failure of the association to comply with the provisions of this
156 subsection shall not affect a unit owner's right to bring an action
157 pursuant to subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	47-250(a)
Sec. 2	<i>from passage</i>	47-252(a) and (b)
Sec. 3	<i>from passage</i>	47-260(b)
Sec. 4	<i>from passage</i>	47-278

Statement of Purpose:

To make revisions to the Common Interest Ownership Act, regarding electronic meetings of an association, access to association records and certain notices from an association.

[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.]