



General Assembly

Amendment

January Session, 2021

LCO No. 7946



Offered by:

REP. STAFSTROM, 129th Dist.

REP. ROJAS, 9th Dist.

REP. FISHBEIN, 90th Dist.

REP. DOUCETTE, 13th Dist.

To: Subst. House Bill No. 6665

File No. 582

Cal. No. 409

"AN ACT CONCERNING THE REMOVAL OF RESTRICTIVE COVENANTS BASED ON RACE AND ELIMINATION OF THE RACE DESIGNATION ON MARRIAGE LICENSES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 47-70a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2021*):

5 (a) [The] Except as provided in subsection (d) of this section, the
6 declaration shall be amended only by vote of two-thirds of the unit
7 owners, and the bylaws shall be amended by vote of a majority of unit
8 owners, at any meeting of the unit owners' association duly called for
9 either purpose, following written notice to all unit owners and their
10 mortgagees appearing on the records of the association, except that if
11 such amendment whether of the declaration or of the bylaws directly or
12 indirectly changes the boundaries of any unit, the undivided interest in

13 the common elements appertaining thereto, the liability for common
14 elements appertaining thereto, the liability for common expenses or
15 rights to common profits appertaining thereto, or the number of votes
16 in the unit owners' association appertaining thereto, such amendment
17 shall require the affirmative vote of seventy-five per cent of the unit
18 owners and shall, in addition, require the consent of the mortgagees of
19 at least seventy-five per cent of the units subject to mortgage.

20 (b) The declarant may require a unit owner or purchaser to execute
21 and to deliver to the declarant a power of attorney or other document
22 assigning to the declarant the right of a unit owner to vote on the
23 amendment of condominium instruments pursuant to subsection (a) of
24 this section, provided such power of attorney or other document shall
25 be exercised or implemented only to amend the condominium
26 instruments for the purpose of adding additional land in an expandable
27 condominium pursuant to section 47-71a, and to reallocate the
28 undivided interests in the common elements resulting from such
29 expansion pursuant to subsection (c) of section 47-74, and the power of
30 attorney or other document shall be expressly so limited.

31 (c) Notwithstanding any other provision of this chapter or the
32 condominium instruments, the designation of the agent for the service
33 of process named in the declaration may be changed from time to time
34 by recording in the land records wherein the declaration is recorded the
35 instrument for designation of an agent for service of process, which if
36 the association is incorporated, shall be a copy of the instrument
37 transmitted to the Secretary of the State or if not incorporated, an
38 instrument including the same information as such an instrument for
39 designation of agent. In addition, the instrument for designation shall
40 refer to the volume and first page of the original condominium
41 instruments.

42 (d) (1) The board of directors may, by a vote of a majority of the
43 members of said board and without further need for a vote by unit
44 owners, amend the declaration to remove from such declaration any
45 provision that purports to restrict ownership or occupancy of units

46 within the condominium on the basis of race.

47 (2) If a unit owner submits a written request to the board of directors
48 for an amendment to the declaration to remove a provision that
49 purports to restrict ownership or occupancy of units within the
50 condominium on the basis of race, the board shall, not later than ninety
51 days after receipt of such a request, hold a meeting to determine
52 whether such a provision exists in the declaration and should be
53 removed pursuant to the provisions of subdivision (1) of this subsection.

54 Sec. 502. Section 47-236 of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective July 1, 2021*):

56 (a) Except in cases of amendments that may be executed by a
57 declarant under subsection (f) of section 47-228 or section 47-229, or by
58 the association under section 47-206, subsection (d) of section 47-225,
59 subsection (c) of section 47-227, subsection (a) of section 47-231 or
60 section 47-232, or by certain unit owners under subsection (b) of section
61 47-227, subsection (a) of section 47-231, subsection (b) of section 47-232,
62 subsection (b) of section 47-237 or section 47-242, or by the executive
63 board under subsection (k) of this section, and except as limited by
64 subsections (d) and (f) of this section, the declaration, including any
65 surveys and plans, may be amended only as follows:

66 (1) By vote or agreement of unit owners of units to which at least
67 sixty-seven per cent of the votes in the association are allocated, unless
68 the declaration specifies either a larger percentage or a smaller
69 percentage, but not less than a majority, for all amendments or for
70 specific subjects of amendment;

71 (2) The declaration may provide that all amendments or specific
72 subjects of amendment may be approved by the unit owners of units
73 having any of the percentages of votes, as provided in subdivision (1) of
74 this subsection, of a specified group of units that would be affected by
75 the amendment, rather than all of the units in the common interest
76 community; or

77 (3) The declaration may specify a smaller number only if all of the
78 units are restricted exclusively to nonresidential use.

79 (b) No action to challenge the validity of an amendment adopted by
80 the association pursuant to this section may be brought more than one
81 year after the amendment is recorded.

82 (c) Every amendment to the declaration shall be recorded in every
83 town in which any portion of the common interest community is located
84 and is effective only on recordation. An amendment, except an
85 amendment pursuant to subsection (a) of section 47-231, shall be
86 indexed in the grantee's index in the name of the common interest
87 community and the association and in the grantor's index in the name
88 of the parties executing the amendment.

89 (d) Except in the case of the exercise of development rights pursuant
90 to section 47-229 or to the extent otherwise expressly permitted or
91 required by other provisions of this chapter, with respect to a common
92 interest community, whether created before, on or after January 1, 1984,
93 no amendment may create or increase special declarant rights, increase
94 the number of units or change the boundaries of any unit or the
95 allocated interests of a unit, in the absence of unanimous consent of the
96 unit owners.

97 (e) Amendments to the declaration required by this chapter to be
98 recorded by the association shall be prepared, executed, recorded and
99 certified on behalf of the association by any officer of the association
100 designated for that purpose or, in the absence of designation, by the
101 president of the association.

102 (f) An amendment to the declaration may prohibit or materially
103 restrict the permitted uses or occupancy of a unit or the number or other
104 qualifications of persons who may occupy units only by vote or
105 agreement of unit owners of units to which at least eighty per cent of the
106 votes in the association are allocated, unless the declaration specifies
107 that a larger percentage of unit owners must vote or agree to that
108 amendment or that such an amendment may be approved by the unit

109 owners of units having at least eighty per cent of the votes of a specified
110 group of units that would be affected by the amendment. An
111 amendment approved under this subsection must provide reasonable
112 protection for a use or occupancy permitted at the time the amendment
113 was adopted.

114 (g) The time limits specified in the declaration pursuant to
115 subdivision (8) of subsection (a) of section 47-224, within which reserved
116 development rights and special declarant rights must be exercised may
117 be extended, the number of units may be increased and new
118 development rights or other special declarant rights may be created by
119 amendment to the declaration if persons entitled to cast at least eighty
120 per cent of the votes in the association, including eighty per cent of the
121 votes allocated to units not owned by the declarant, agree to that action.
122 The amendment must identify the association or other persons who
123 hold any new rights that are created. Notice of the proposed
124 amendment to the declaration must be delivered in a record to all
125 persons holding development rights or security interests in those rights.
126 Notwithstanding the provisions of subsection (c) of this section, the
127 amendment to the declaration is effective thirty days after the
128 amendment is recorded and notice is delivered unless any of the persons
129 entitled to notice under this subsection records an objection in a record
130 within the thirty-day period, in which case the amendment is void, or
131 unless all of the persons entitled to notice under this subsection consent
132 in a record at the time the amendment is recorded, in which case the
133 amendment is effective when recorded.

134 (h) Provisions in the declaration creating special declarant rights that
135 have not expired may not be amended without the consent of the
136 declarant.

137 (i) If any provision of this chapter or of the declaration or bylaws of
138 any common interest community created before, on or after January 1,
139 1984, requires the consent of a person holding a security interest in a
140 unit as a condition to the effectiveness of any amendment to the
141 declaration or bylaws, that consent shall be deemed granted if a refusal

142 to consent in a record is not received by the association within forty-five
143 days after the association delivers notice of the proposed amendment to
144 the holder of the interest or mails the notice to the holder of the interest
145 by certified mail, return receipt requested. The association may rely on
146 the last-recorded security interest of record in delivering or mailing
147 notice to the holder of that interest. Notwithstanding any provision of
148 this section, an amendment to the declaration or bylaws that affects the
149 priority of a holder's security interest, other than an amendment
150 regarding the priority of the association's lien authorized by section 47-
151 258 or the ability of that holder to foreclose its security interest may not
152 be adopted without that holder's consent in a record if the declaration
153 or bylaws require that consent as a condition to the effectiveness of the
154 amendment.

155 (j) If the declaration or bylaws of a common interest community,
156 whether created before, on or after January 1, 1984, contains a provision
157 requiring that amendments to the declaration or bylaws, other than
158 amendments described in subsection (d) of this section, may be adopted
159 only by the vote or agreement of unit owners of units to which more
160 than eighty per cent of the votes in the association are allocated, such a
161 proposed amendment shall be deemed approved if:

162 (1) (A) Unit owners of units to which more than eighty per cent of the
163 votes in the association are allocated vote for or agree to the proposed
164 amendment;

165 (B) No unit owner votes against the proposed amendment; and

166 (C) Notice of the proposed amendment is delivered to the unit
167 owners holding the votes in the association that have not voted or
168 agreed to the proposed amendment and no objection in a record to the
169 proposed amendment is received by the association within thirty days
170 after the association delivers notice; or

171 (2) Unit owners of units to which more than eighty per cent of the
172 votes in the association are allocated vote for or agree to the proposed
173 amendment but at least one unit owner objects to the proposed

174 amendment and, pursuant to an action brought by the association in the
 175 Superior Court against all objecting unit owners, the court finds that the
 176 objecting unit owner or owners do not have a unique minority interest,
 177 different in kind from the interests of the other unit owners, that the
 178 voting requirement of the declaration was intended to protect.

179 (k) (1) The executive board may, by a vote of a majority of the
 180 members of said board at a meeting held pursuant to section 47-250,
 181 amend the declaration of a common interest community to remove from
 182 such declaration a provision that purports to restrict ownership or
 183 occupancy of units within the common interest community on the basis
 184 of race.

185 (2) If a unit owner submits a written request to the executive board
 186 for an amendment to the declaration to remove a provision that
 187 purports to restrict ownership or occupancy of units within the common
 188 interest community on the basis of race, the board shall, not later than
 189 ninety days after receipt of such a request, hold a meeting to determine
 190 whether such a provision exists in the declaration and should be
 191 removed pursuant to the provisions of subdivision (1) of this
 192 subsection."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	July 1, 2021	47-70a
Sec. 502	July 1, 2021	47-236