
OLR Bill Analysis

HB 6538

AN ACT MAKING REVISIONS TO THE COMMON INTEREST OWNERSHIP ACT.

SUMMARY

This bill makes various revisions to the Common Interest Ownership Act (CIOA).

It allows unit owner meetings, and votes at these meetings, to be held by telephone, video, or other conferencing process unless the association's declaration or bylaws prohibit it. By contrast, current statute allows meetings in this manner only if the declaration or bylaws authorize it.

As under current statute, (1) the meeting notice must state the conferencing process to be used and how unit owners may participate and (2) the process must provide all unit owners the opportunity to hear the discussion and offer comments on relevant matters. Under existing law, unchanged by the bill, unit-owner votes conducted without a meeting may occur by electronic or paper ballot.

The bill specifies that the standard CIOA rules for unit-owner meetings apply to in-person, electronic, or combined in-person and electronic meetings.

(In May 2020, the governor issued an executive order allowing unit-owner and board meetings and votes under CIOA to be held electronically under these same procedures, despite any contrary provisions in the declaration or bylaws (EO 7HH, § 2).)

Additionally, the bill:

1. gives associations more time to produce records for examination or copying by unit owners or their agents, and

specifically allows the records to be presented electronically;
and

2. eliminates the requirement for associations to send hearing and decision notices by certified mail.

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

§ 3 — ASSOCIATION RECORDS

By law, common interest community associations must keep various records and make them available to unit owners. Subject to certain exceptions, the association must make these records available for examination and copying by unit owners or their authorized agents (1) during reasonable business hours or at a mutually convenient time and location and (2) upon specified notice in a record reasonably identifying the specific records requested.

The bill (1) specifically allows these records to be made available for examination in person or electronically and (2) extends the required notice period from five to 30 days.

It requires the association, within five business days after receiving the request, to provide the unit owner or agent with two dates at which the records may be available for examination or copying.

The bill also specifies that the association's declaration or bylaws cannot override these record access provisions.

§ 4 — HEARING AND DECISION NOTICES

The bill eliminates the current requirement that common interest community associations provide the appropriate unit owner with board hearing notices and related decisions by certified mail in addition to regular mail. It also specifies that these notice provisions, and the existing deadlines, apply despite any contrary provisions in the association's declaration or bylaws.

Specifically, the bill applies to mailing notices and decisions for the

following hearings:

1. those that are generally required before an association may bring an action or proceeding against a unit owner, and
2. those that a unit owner requested when seeking to enforce CIOA or association governing documents.

BACKGROUND

Common Interest Ownership Act

CIOA governs condominiums and other common interest communities formed in Connecticut on and after January 1, 1984 (CGS § 47-200 et seq.). Certain CIOA provisions also apply to common interest communities created in Connecticut before January 1, 1984, but do not invalidate existing provisions of the communities' governing instruments. Common interest communities created before that date can amend their governing instruments to conform to portions of CIOA that do not automatically apply (CGS §§ 47-214, 216 & 218).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 36 Nay 1 (03/29/2021)