

Legislative History for Connecticut Act

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HB 5727	PA 92	1977
House 1314		1p
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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1977

VOL. 20  
PART 4  
1279-1679

Thank you, Mr. Speaker. The first item on page 6 is Calendar No. 347, H.B. No. 6456, File No. 202, An Act Concerning Drug Administration Records Maintained by Hospitals; page 7, Calendar No. 367, H.B. No. 7973, File No. 226, An Act Amending Certification Procedure for State Standards; Calendar No. 368, H.B. No. 5727, File No. 228, An Act Concerning a Technical Amendment to The Condominium Act of 1976; Calendar No. 372, H.B. No. 8000, File No. 227, An Act Concerning the Storage of Real Estate Commission Records; Calendar No. 376, H.B. No. 5103, File No. 233, An Act Concerning Suspension of Retirement Allowance of Municipal Employees Upon Reemployment for Longer Than Ninety Days; Calendar No. 378, H.B. No. 5102, File No. 234, An Act Concerning Notice of Ratings on Examinations for State Personnel; on page 9, Calendar No. 382, H.B. No. 6111, File No. 231, An Act Concerning Qualifications for Participation in the Handicapped Driver Education Program; Calendar No. 385, H.B. No. 6037, File No. 258, An Act Concerning the Setting of Speed Limits by Municipalities; page 10, Calendar No. 393, H.B. No. 6771, File No. 269, An Act Concerning Mortgage Loans by Credit Unions.

THE SPEAKER:

You have the motion of the gentleman from the 10th. Is there objection on the part of any individual member of the chamber to any of the items within the purvue of the motion of the gentleman from the 10th being placed on consent at this time? Is there any such objection? Hearing none, it is so ordered.

MR. MOYNIHAN (10th):

Mr. Speaker, I move adoption of the items placed on the Consent Calendar.

THE SPEAKER:

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CONNECTICUT  
GEN. ASSEMBLY

SENATE

PROCEEDINGS  
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VOL. 20  
PART 3  
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Thursday, April 21, 1977

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THE CLERK:

Turning to page 10 of the Calendar, top item on the page, Calendar 443, File 228, Favorable Report of the Joint Standing Committee on Judiciary. House Bill 5727. An Act Concerning A Technical Amendment To The Condominium Act of 1976.

THE CHAIR:

Senator DePiano.

SENATOR DEPIANO:

Mr. President, I move for the acceptance of the committee's favorable report on this bill and its passage.

THE CHAIR:

Will you remark, Senator?

SENATOR DEPIANO:

Yes. This bill would clarify that the Connecticut condominium statutes in effect prior to the effective date of 1976 Condominium Act continue with certain exceptions to apply to condominiums for which the prescribed land records filings were made before the 1976 Act became effective. Certain provisions of the 1976 Act were made applicable to pre-existing condominiums and would continue to apply to such condominiums under this bill. If there's no objection, I move it be placed on the Consent Calendar.

THE CHAIR:

So ordered.

THE CLERK:

Calendar 444, File 266, Favorable Report of the Joint Standing Committee on Labor and Industrial Relations. House Bill 5417. An

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
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354-671**

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## JUDICIARY

REPRESENTATIVE ABATE: Yes. A bill that would address the specific problem and not have a broad application. I can see where it could really have an adverse effect to a seller of a home who in order to get this deal completed takes back a second mortgage and then at some point in the future, the first mortgagee extends the original principle amount of the loan because of some repair that's done and what does that do? That obviously is going to affect the equity of the second mortgage holder.

MARGARET FOX: So, your concern is with the repair situation.

REPRESENTATIVE ABATE: Any other questions?

SENATOR DE PIANO: You answered the question I would have put.

REPRESENTATIVE ABATE: Thank you, that's a compliment coming from you. Thank you Mrs. Fox. Benson Cohn.

BENSON COHN: My name is Benson Cohn, I'm a condominium unit owner and I'm here on behalf of the Residents Association of Cinnamon Springs Condominiums. I'm here to testify in favor of RAISED COMMITTEE BILL 5727. The Condominium Act of 1976, PUBLIC ACT 76-308 was drafted in a manner which raised a serious question as to whether existing condominiums were still covered by the laws that had been on the books previously to that new act. This BILL 5727 should take care of all doubts that were raised. These doubts whether based on reality or just confusion, have caused serious problems for unit owners in terms of marketability and maybe worse problems that are yet to be seen.

REPRESENTATIVE ABATE: Mr. Cohn, did you appear before the General Law Committee? I think they addressed this problem already or they are about to again. This is a duplication of effort. This bill, we decided that we would take testimony on this but recognizing that what we would do with what we heard is just transfer it over to the General Law Committee. I'm hoping that you did make comments there.

BENSON COHN: Yes, I submitted written comment. I wanted to point out however, that I think your version is better.

REPRESENTATIVE ABATE: That's understandable and usually the case.

BENSON COHN: This committee's version unequivocally states that those -that whole chapter that was on the books before that applied to the existing condominiums still applies and always did apply and that has to erase all doubts. In looking at General Law's version, the last section of 1314, I was a little concerned, more than a little concerned with the language they used which was just more general in terms of affirming that all rights and obligations of unit owners that existed previously still exist. There was more to the law perhaps, than just rights and obligations. There were also some sections that specified procedures that affected third parties such as tax assessors, town clerks, perhaps courts that might possibly not be within the language rights and obligations.

March 9, 1977

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## JUDICIARY

BENSON COHN: I'd really rather see your version included in their bill if that's the way to do it. Just to make sure there's no doubt. One of the reasons for doubt on that is that if you look at the old chapter 825, there are two particular sections. One is called "Rights of Unit Owners" and one unit called, "Obligations of Unit Owners" and there are 19 other sections-17 other sections that come under other titles and I think it's really important to erase all confusion and do it the way this committee has proposed to do it.

REPRESENTATIVE ABATE: Thank you, any questions of Mr. Cohn? Robert Burns.

ROBERT BURNS: Mr. Chairman, my name is Robert Burns, representing River-Meade Mobile Home Parks and Colonial Mobile Home Park in East Hartford. I'm here to speak in opposition to SENATE BILL 740, AN ACT CONCERNING MOBILE HOME RENTAL CONTROL. While I do not deny there are certain incidences within the state of Connecticut which Senator Beck may be addressing herself to. I do feel it is an extreme hardship to punish an entire industry for the poor acts of a few. While sitting here this morning, waiting to testify, I quickly took a back look and I think we all remember the double digit inflation that we previously have gone through in the last two and a half to three years, our park has been in existence and in operation for the past 18 years during that 18 years the average rent increase, and we have never done it as an annual increase but have done it on a basis of cost-need. It works out to be \$1.75 a month over the last 18 years. Up until August 1, of last year we did not make a rent change structure in our operation during the double digit inflation for 22 solid months, yet I am forced by current state law which has not been totally implemented and hopefully, or unhelpfully -I don't know which, we should be starting ours this year which will mandate that we give each resident a model rental agreement that fixes their rent for a 12 month period. I have been telling people in the park this is not to your advantage because we can no longer go the 18, 15, 22 months but must take a solid look and project because there is nothing in the legislation that would even allow a tax cost pass-through or street lighting cost pass-through or rubbish collection cost pass-through so consequently, we're going to have to anticipate and certainly any management is going to anticipate to it's own advantage. I think this is a detriment to the residents living in a park. The fact that there are some parks that are totally unfair-let's find a law that will take care of the unfairness but not take the incentive away from management that has tried over the years to maintain this type of operation. When you get into rent control, you're going to have a real serious problem when you're dealing with mobile home parks. Many parks were constructed by the owner. You may not have some good cost records that the man is really entitled to so this man who has used his own man power and effort to create this park may be punished under a rent control versus somebody who had a higher cost. You take parks that have been sold recently and I'm talking about the last four or five years. In most cases, the first thing a buyer of a mobile home park must do is increase the rent to take care of the debt service because the seller got an exorbitant price. Consequently, you are not going to