

Act Number: 09-225
Bill Number: 6672
Senate Pages: 6099, 6100-6102 4
House Pages: 9861-9879 19
Committee: Judiciary: (4552), 4725-4726,
4961-4964 6

Page Total: 29

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
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PART 19
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President, that item, again, appears on Senate Agenda number one, it is substitute for House bill 6672. Mr. President, would move to place that item on the Consent Calendar from Senate Agenda number one, House bill 6672.

THE CHAIR:

There is a motion on the floor to move House Bill number 6672 off of Senate Agenda number one to the Consent Calendar. Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President, and Mr. President, before calling the Consent Calendar, I have a number of items to mark go which we will take up after the Consent Calendar.

The first of those go items, Mr. President, is on Calendar page 7, Calendar 583, House bill 6592. The second, Mr. President, is on Calendar page 14, Calendar 688, House bill 6585. The third, Mr. President, is on Calendar page 19, Calendar 722, House bill 6097. The next item to be marked go, Mr. President, is on Calendar page 35, Calendar 683, House Joint Resolution number 1. And then two more items earlier in the Calendar, Mr. President, to mark as go.

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Back on Calendar page 18, Calendar 719, House Bill 6676 is marked go and Calendar page 33, Calendar 354, Senate bill 499 is marked go.

Yes, Mr. President, thank you. At this point if the Clerk might call the items on the Consent Calendar.

THE CHAIR:

Mr. Clerk, please call the Consent Calendar.

THE CLERK:

Immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Mr. President, the items placed on the first Consent Calendar begin on Senate Agenda number one, Substitute for House bill 5211, Substitute for House bill 6672 and Senate bill 880.

From Senate Agenda number two, Substitute for House bill 6481 and Senate bill 1128.

Going to Senate Calendar, calendar page 229, Substitute for Senate bill 549. Calendar 229, substitute for Senate bill 547. Calendar page 7,

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Calendar 602, substitute for House bill 6584.

Calendar page 10, Calendar 639, House bill 6684.

Calendar page 12, Calendar 667, substitute for House

bill 6539. Calendar page 13, Calendar 678, substitute

for House bill 6306. Calendar 679, substitute for

House bill 6279 and Calendar 682, substitute for House

bill 6041. Calendar page 14, Calendar 692, House bill

6248. Calendar page 15, Calendar 700, substitute for

House bill 6693. Calendar 701, substitute for House

bill 6642. Calendar page 17, Calendar 714, substitute

for House bill 6280. Calendar page 21, Calendar 735,

House bill 6523. Calendar page 26, Calendar 337,

Senate bill 1047.

THE CHAIR:

Sir, I believe that was 377.

THE CLERK:

Yes, Mr. President, Calendar 377, Senate bill 1047. And Calendar page 33, Calendar 378, substitute for Senate bill 1048. Mr. President, that completes the items placed on the first Consent Calendar.

THE CHAIR:

Please call for Roll Call vote.

Please call for a Roll Call vote on Consent number

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one, the machine will be open.

THE CLERK:

The Senate is now voting by Roll Call on the Consent Calendar. Will all Senators please return to the Chamber? The Senate is now voting by Roll Call. Will all Senators please return to the Chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote, the machine will be locked, the Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number One.

| | |
|-----------------------------|----|
| Total number voting | 36 |
| Those voting Yea | 36 |
| Those voting Nay | 0 |
| Those absent and not voting | 0 |

THE CHAIR:

Consent Calendar Number One passes.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President, would move for immediate transmittal to the House of Representatives

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THE CLERK:

On Page 12, Calendar Number 523, Substitute for
House Bill Number 6672 AN ACT CONCERNING THE 2008
AMENDMENTS TO THE UNIFORM COMMON INTEREST OWNERSHIP
ACT. Favorable Report of the Committee on Judiciary.

SPEAKER DONOVAN:

Representative Gerry Fox.

REP. FOX (146th):

Thank you, Mr. Speaker, good morning.

SPEAKER DONOVAN:

Good morning, sir.

REP. FOX (146th):

I move for the acceptance of the Joint
Committee's Favorable Report and passage of the Bill.

SPEAKER DONOVAN:

The question is on acceptance of the Joint
Committee's Favorable Report and passage of the Bill.
Will you remark, sir?

REP. FOX (146th):

Thank you, Mr. Speaker. Late last year the
Connecticut Law Revision Commission created a study
committee to consider 2008 amendments to the Uniform
Common Interest Ownership Act.

The study committee consisted of 21 individuals, all of whom have an area of expertise in this area of the law.

The goals of the study committee were to provide significant new rights to individual unit owners when dealing with the association's elected board of directors.

They also wanted to enhance the association's authority to address issues that arise in the daily life of the common interest community, as well as find means by which they could encourage resolution of conflicts between the associations and developers without going to court and further costs of litigation.

And they also, there were certain questions that existed under existing law that the study group attempted to clarify.

Now, Mr. Speaker, the Law Revision Commission is shared by the distinguished Ranking Member of the Judiciary Committee and it is my understanding that he has an amendment that he will offer, which is an amendment that I support and I hope the Members of the Chamber will support as well.

SPEAKER DONOVAN:

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Thank you, Representative. Will you remark further? Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. I want to thank the Vice-Chair of the Judiciary Committee for his work with me on this, and I also want to thank the members of the Law Revision Commission, a study group that worked on this. It was headed up by an attorney and law professor named William Breets, and he worked very hard on this, both as a uniform law commissioner for the last four years, and as a member of the Law Revision Commission.

The Clerk has in his possession an Amendment, LCO Number 9252. Would he please call and I be allowed to summarize.

SPEAKER DONOVAN:

The Chamber will stand at ease. The Clerk is not in possession of the Amendment at this point.

(Chamber at ease.)

REP. O'NEILL (69th):

Mr. Speaker.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

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I was wondering if I could withdraw that request?

SPEAKER DONOVAN:

The question is on withdrawal. Any objection?

Hearing none, the Amendment is withdrawn.

REP. O'NEILL: (69th):

Thank you, Mr. Speaker. The correct Amendment LCO Number is 8238. If the Clerk has that in his possession, and may I be allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO Number 8238, which is designated House "A".

THE CLERK:

LCO Number 8238, House "A", offered by Representative O'Neill.

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to summarize the Amendment. Is there objection to summarization? Hearing none, Representative, you may proceed with summarization.

REP. O'NEILL (69th):

Thank you. Mr. Speaker, what this Amendment does is, it strikes the underlying file copy and becomes the Bill.

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In short, what the Amendment accomplishes is a fairly substantial rewrite of the condominium laws of the State of Connecticut.

It provides for a mandated notice to unit owners of association litigation.

It restricts the association's power to stifle dissent.

It permits direct election of officers by unit owners.

It mandates open meetings of association, executive board and committees.

It empowers unit owners to speak at all association meetings, grants unit owners access to all board's materials, grants unit owners, makes sure that unit owners are entitled to notice of executive board meetings. Unit owners would be entitled to speak at all executive board meetings.

It places a ban on executive board meetings held without notice.

It requires that Robert's Rules of Order apply to unit owner meetings.

It provides re-enhanced quorum requirements for executive board meetings.

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It permits unit owners voting by written or electronic ballots.

It limits, it places limits on collection of undirected processes at unit owner meetings.

It increases association responsibility for the disclosure of owner insurance.

It provides new protections for unit owners facing foreclosure. It delays commencement of the foreclosure action, mandates communications between association and owners, mandates that all foreclosure procedures be commercially reasonable.

It provides enhanced procedures for association record access, but protects personnel files, and has objective disclosure standards.

It provides new owner friendly rules and procedures, new disclosure requirements.

It mandates procedures for dealing with unit owner requests for construction permits.

It provides new ways for owners to display flags, political signs, assemble on common elements and it provides the broad requirement that all rules have to be reasonable.

It provides improved procedures for giving notice to unit owners.

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It enhances the power of unit owners to recall officers and directors.

It increases unit owners incent requirements for budgets, special assessment and loans.

It provides more disclosure before unit, before original sales and resale.

And it provides increased applicability and benefits to pre-1984 development.

It enhances the authority of the association and provides flexibility. The association is going to be granted the authority to deny inappropriate access to common elements, provide more flexibility to terminate the project following a catastrophe.

This clarifies the association's powers and discretions with respect to investments, borrowing powers, suspension of unit owner privileges for nonpayment with various restrictions.

It clarifies the association's discretion to enforce the rules.

It enhances the power to cancel declarant rights made during declarant control.

It clarifies the role of the by-laws, provides authority to secure unit owner decisions without a meeting.

It clarifies the association's ability to distinguish association unit owner insurance responsibilities.

It expands the association's right to charge unit owners for losses following failure to comply with a maintenance standard.

It enhances the association's lien for common charges.

It clarifies the association's authority and responsibility regarding records.

It clarifies and expands the association's authority for special assessments.

It provides for encouragement of resolution of association and developer conflicts, new special declarant rights that the right to control a design review committee, the right to attend unit owner meetings as any unit owner, and the same right to access to association records would be given to the declarant.

It provides for a mandated cooling off period before construction litigation.

It provides authority to label models to limit express warranties.

It also clarifies certain questions under existing law. New and amended definitions are provided in Section 1 regarding assessment, by-laws, record rule, common interest community.

It makes clear applicability to put up, of these changes to pre-1984 common interest communities.

It makes clear the applicability to non-residential communities.

It confirms real estate arrangements not subject to the act. It makes clear what those are, explains the interplay between the leasehold planned communities and the landlord/tenant act.

It provides a default rule for nonconforming planned communities.

And it provides various miscellaneous but significant and technical and non-controversial amendments.

Mr. Speaker, I would move adoption.

SPEAKER DONOVAN:

The question before the Chamber is on adoption of House "A". Will you remark on House "A"?

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. This Amendment, which will be followed by a second Amendment if it is adopted, becomes the Bill. It provides greater expanded rights for the unit owners.

It clarifies the relationship between the declarant who creates the condominium association and the association, the organization of the association and the unit owners. There are, in this regard, at least three players that have to be attended to, and it also, I think, clarifies the relationships that the organization has with the outside world, particularly the banking community, which has concerns about how foreclosures would take place in condominium association situations.

And also, explains the rights and powers of the condominium association in terms of borrowing money and investing its assets.

This is the product of, as indicated earlier, the Law Revision Commission's study group that began work in earnest in January of this year and finished its work on May 15th of this year, just in time for us to be able to act on it.

The Law Revision Commission itself is working on the Uniform Commissioner's Act, which was adopted in

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August and Connecticut would become a leader in this area, once again, in terms of the Uniform Act in condominium law if we move forward at this time with this Bill.

And I would move adoption. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Will you remark further on the Amendment? Representative Megna.

REP. MEGNA (97th):

Thank you, Mr. Speaker. Mr. Speaker, I just had one quick question on the Amendment.

SPEAKER DONOVAN:

Please proceed.

REP. MEGNA (97th):

Through you, Mr. Speaker, under current law if an amendment is introduced in the association that establishes development rights, in an existing association, I believe that there needs to be an 80 percent of the unit owners need to approve that, and you cannot have one dissenting vote, or one no vote against the development project.

Otherwise if you do, the project, I believe can't move forward and the association has to bring an

action against that unit owner to prove in court that their actual interest isn't going to be impacted by the establishment of these development rights.

So through you, Mr. Speaker, does that still hold true with this proposed Amendment?

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker, and I thank the Representative for his question.

It is my understanding that with respect to the provisions of this Bill, the Amendment, rather, that the change in the requirement that, or the entitlement of one individual unit owner to dissent and thereby prevent an expansion of a condominium is not substantially changed.

It is my understanding that Section 15 of the act provides that the unit owner would still be able to exercise their rights under the, as it currently exists.

The change that exists there as I understand it, is that there would be a preliminary determination of the, whether or not a particular unit owner is affected by an expansion.

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So in that regard, it is my understanding that if a unit owner, if a section of a condominium, and I'll use the ones that are in my area, if a condominium has 100 units and 25 of them are in one building and 25 in another and 25 in another and so forth, if the expansion would only affect building A, then the unit owners in building A would have the right to object to the expansion.

But if the other three buildings would be unaffected by the expansion, then they would be limited. They would not be able to in effect, veto the expansion.

That is my understanding of how this would work from reading through the Section 15 and those other sections that seem to relate to this.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Megna.

REP. MEGNA (97th):

So, through you, Mr. Speaker, then, if there was an objection by one or more unit owners, the, would the association still have to bring an action against those unit owners in the court system in order to try to move forward with the development rights?

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Through you, Mr. Speaker, is that what you're saying?

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. I will attempt to do that. I have to look through the Bill and try to verify that provision.

It is my understanding that the, through you, Mr. Speaker, it is my understanding that the law in this regard remains unchanged by the Amendment. Through you, Mr. Speaker.

So that it is my understanding that in answer to the Representative's question, under existing law a lawsuit is required in order to overcome that one unit owner's objection. It would still be required to have litigation.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Megna.

REP. MEGNA (97th):

Thank you. And thank you for your answer. Thank you, Mr. Speaker, for your time.

SPEAKER DONOVAN:

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Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. I rise in support of the Amendment, and once again, I would like to thank the distinguished Ranking Member for all of his efforts in bringing this Bill and this Amendment to the Chamber, and I urge adoption.

SPEAKER DONOVAN:

Thank you, Representative. Do you care to remark further on the Amendment? Do you care to remark further on House "A"? If not, let me try your minds.

All those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

Those opposed, Nay. The Ayes have it. The Amendment is adopted. Will you remark further on the Bill as amended? Will you remark further?

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. The Clerk also has in his possession, I hope this time we got the right number, LCO 9259. If he might call and I be allowed to summarize.

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SPEAKER DONOVAN:

The Clerk please call LCO Number 9259, which will be designated House "B".

THE CLERK:

LCO Number 9259, House "B", offered by
Representatives O'Neill, Lawlor and Senators Kissel
and McDonald.

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to summarize. Is there objection to summarization?

Representative O'Neill, you may proceed.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. This would make some changes to the now amended act. Primarily, it has changes to two sections. In fact, entirely two sections.

One of them would be to provide that the effect of this legislation would only be prospective. There would be no retroactive effect except in the very few specific circumstances where it called for within the act itself, in case there was any doubt about whether a particular action was meant to be retroactive. It makes clear that it is not.

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And in Section 19, that it provides that there shall be an executive board that would not include LLCs as a possible vehicle. That type of organization after some review was considered to be too unstable to be reliable in this regard, so the LLCs would be taken out as organizational structures, corporations, trusts, partnerships, et cetera. It would still be in existence as possible vehicles, and I would move adoption.

SPEAKER DONOVAN:

The question is on adoption of House Amendment Schedule "B". Would you remark on the Amendment? Remark on the Amendment? If not, let me try your minds.

All those in favor of the Amendment please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, Nay. The Ayes have it. The Amendment is adopted.

Will you remark further on the Bill as amended?
Remark further on the Bill as amended?

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If not, staff and guests come to the Well of the House. Members take their seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber.

The House is voting by Roll Call. Members to the Chamber.

SPEAKER DONOVAN:

Have all the Members voted? Have all the Members voted? Please check the Roll Call board to make sure your vote has been properly cast.

If all the Members have voted, you've got to move quick, everybody. If all the Members have voted, the machine will be locked and the Clerk will take a tally.

Will the Clerk announce the tally.

THE CLERK:

House Bill Number 6672 as amended by House "A" and

"B".

| | |
|-----------------------|-----|
| Total Number Voting | 141 |
| Necessary for Passage | 71 |
| Those voting Yea | 141 |

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| | |
|-----------------------------|----|
| Those voting Nay | 0 |
| Those absent and not voting | 10 |

SPEAKER DONOVAN:

The Bill as amended is passed.

Any announcements or introductions?

Representative Conway.

Will the Clerk please call Calendar Number 677.

THE CLERK:

On Page 21, Calendar Number 677, Substitute for
Senate Bill Number 838 AN ACT CONCERNING CONSUMER
PRIVACY AND IDENEITY THEFT. Favorable Report of the
Committee on Appropriations.

SPEAKER DONOVAN:

Representative Taborsak.

REP. TABORSAK (109th):

Thank you, Mr. Speaker. I move for acceptance of
the Joint Committee's Favorable Report and passage of
the Bill.

SPEAKER DONOVAN:

The question is on acceptance of the Joint
Committee's Favorable Report and passage of the Bill.
Will you remark?

REP. TABORSAK (109th):

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HEARINGS**

**JUDICIARY
PART 14
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have to go out to hire lawyers if they think their place is being plundered and stuff like that.

So your points are well taken, and I appreciate you making them.

SCOTT SANDLER: On some of those issues, Representative Lawlor, there is another bill on the hearing scheduled for today having to do with much more comprehensive changes to the Common Interest Ownership Act.

(HB 6672)

Many of those changes will have to do with open governance and transparency, and in fact, I would encourage the General Assembly to consider allowing those proposals to become effective and monitoring how associations and unit owners react to their effectiveness before suggesting such other proposals as the creation of an ombudsman's office.

I believe those more comprehensive amendments to the Common Interest Ownership Act will strike at the very heart at some of those issues.

REP. LAWLOR: Are there other questions?
Representative O'Neill.

REP. O'NEILL: Thank you. Your testimony about the lack of reciprocity that the association can't file a complaint with the ombudsman against an individual unit owner to enforce, because they're violating a provision of the bylaws or the declaration or something, and I'm put in mind, if I'm not mistaken, isn't there a section of the statutes that provides, I think it's 47-478, that provides that there's an enforcement action that is available to the condominium associations as well as unit, individual unit owners.

**JOINT
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HEARINGS**

**JUDICIARY
PART 15
4598 - 4928**

2009

**COMMENTS CONCERNING RAISED BILL NO.1119
AN ACT ESTABLISHING AN OFFICE OF CONDOMINIUM OMBUDSMAN
AND REVISING CERTAIN COMMON INTEREST COMMUNITY REQUIREMENTS
By Kim McClain**

Summary

S.B. 1119 proposes to do the following:

- A. Establish an office of a condominium ombudsman to investigate and resolve complaints filed by unit owners against their associations or against the officers, directors or managers of their associations.
- B. Eliminate cumbersome and expensive procedures that many associations must currently follow in order for them to take advantage of certain powers and flexibilities granted by the Common Interest Ownership Act.
- C. Clarify the kinds of records that associations must keep, and the ability of the unit owners to examine those records.
- D. Empower the animal control officer to enter onto the common elements of the community to impound animals that are not under the control of their owners.

For the reasons stated below, the Connecticut General Assembly should not adopt the provisions of the bill that establish an office of a condominium ombudsman, but should adopt the balance of the bill.

Kim McClain

I currently serve as the Executive Director of the Connecticut Chapter of the Community Associations Institute (CAI-CT). CAI-CT is the educational and technical assistance entity for community associations and their service providers in Connecticut.

I am submitting comments, to present my insights into how the proposed bill will affect the more than 4,000 common interest communities in Connecticut, and the hundreds of thousands of people who live in them.

Statement

CAI-CT OPPOSES the provision regarding the creation of the Office of Condominium Ombudsman in S.B. 1119 for the following reasons:

1. Most of the complaints received in the CAI-CT office are typically caused by lack of education on the part of the association boards and/or unit owners. The community associations in the State of Connecticut would be better served if all parties were better educated about the rights and responsibilities of boards and owners.
2. The amendments to the Common Interest Ownership Act (CIOA) proposed in H.B. 6672 address the many of issues that would cause a grievance to be filed.



3. H.B. 1119 would create an imbalance, as boards would not be given the opportunity to file a grievance against and abusive unit owner. Under the proposed bill, all boards would be required to pay a fee to defend a grievance filed by a unit owner.
4. Associations will incur increased expenses due to their likely need to hire legal counsel to defend against a grievance. Also, property managers will be forced to pass onto their clients the increased costs for time allocated to defend complaints.
5. Association boards are democratically elected. Unit owners are responsible for electing or removing board members. State government should not be acting in a supervisory capacity with respect to associations.
6. In these times of dire deficits, Connecticut cannot afford the \$350,000+ cost of creating an Office of the Ombudsman.

CAI-CT SUPPORTS the provisions of S.B. 1119 which will eliminate cumbersome and expensive procedures that many associations must currently follow in order for them to take advantage of certain powers and flexibilities granted by the Common Interest Ownership Act. These provisions will also accomplish the following:

1. Limitations on challenges to amendments.
2. Rights of secured lenders.
3. Clarifies the kinds of records that associations must keep, and the ability of the unit owners to examine those records.
4. Empowers the animal control officer to enter onto the common elements of the community to impound animals that are not under the control of their owners.

The Connecticut Common Interest Ownership Act Law Revision Commission is in the process of drafting revisions. These revisions will provide many changes which will create greater transparency in association governance. Community associations in Connecticut would be better served if the CIOA amendments are implemented instead of imposing costly program such as the creation of a condominium Ombudsman which would inevitably serve to harm associations in the long run.

We would be happy to further discuss with you this issue, or any other affecting common interest communities in Connecticut. Please do not hesitate to contact us with any questions or concerns. I can be reached at 860-633-5692 or email: caictkmclain@sbcglobal.net.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 16
4929 - 5265**

2009

March 19, 2009

**Testimony of COMMISSIONER WILLIAM R. BREETZ,
OF THE CONNECTICUT COMMISSION ON UNIFORM LAWS
IN SUPPORT of HB 6672, AN ACT CONCERNING THE 2008 AMENDMENTS
TO THE UNIFORM COMMON INTEREST OWNERSHIP ACT.**

Senator MCDONALD, Senator KISSEL, Representative LAWLOR, Representative O'NEILL, members of the Judiciary Committee: Thank you for the opportunity to appear before this Committee in SUPPORT of HB 6672, AN ACT CONCERNING THE 2008 AMENDMENTS TO THE UNIFORM COMMON INTEREST OWNERSHIP ACT.

My testimony will be brief. The bill before you reproduces sections 47-200 through 47-278 of the Connecticut General Statutes; they comprise Parts I through IV of Connecticut's adoption of the Uniform Common Interest Ownership Act or "UCIOA". The suggested amendments to those sections, as shown in the bill, represent all the substantive changes to the existing Connecticut act suggested by the 2008 amendments to UCIOA promulgated by the Uniform Law Commission at their 2008 annual meeting.

This lengthy bill deserves a bit of explanation. Connecticut was the first State in the nation to adopt UCIOA – in an essentially uniform version – in 1983; the Act became effective on January 1, 1984 and has governed the creation of all condominiums, cooperatives and planned communities for the last 25 years. Connecticut subsequently adopted the 1994 amendments to UCIOA. I think it fair to say that with these enactments, this General Assembly has provided Connecticut residents a more thoughtful, consistent and reliable body of common interest community law than exists in any other state. Moreover, our trial and appellate Courts, in interpreting this Act, have consistently sustained its provisions. In so doing, this body and our Courts have provided the country the Gold Standard by which law in this field has evolved.

The 2008 amendments represent the culmination of 5 years of study by a national body of advisors to a Drafting Committee on UCIOA of the Uniform Law Commission. I have been privileged to serve as Reporter to that Drafting Committee, both during the last 5 years and for the entire 33 years during which the Uniform Law Commission has considered UCIOA and its predecessor Acts.

As it did on 2 prior occasions, in late 2008 the Connecticut Law Revision Commission created a Study Committee to consider these amendments. The 21 members of that Study Committee, together with Representative Arthur O'Neill and his staff and Attorney Louise Nadeau of the Legislative Commissioner's Office, have met regularly over the last 3 months to study these proposals; the identity and affiliations of each member appear on the attached list. Representative O'Neill, who chairs the Law Revision Commission, appointed me as Chair of the Study Committee. Based on my experience in this State and nationally, I am confident that the assembled membership-

both because of their individual strengths and their collective deliberations over 25 years experience in dealing with this particular statute – represent the single most thoughtful and able group of lawyers and lay persons in the entire country as they parse these amendments.

This group has already met for more than 15 hours in 5 separate sessions and expects to complete its review before May. At that time, we hope to bring you a further series of suggested amendments to the bill that is before you, which I anticipate will represent the Study Committee's consensus recommendations for adoption. The Committee is enthusiastic in its work and eager to bring additional strength to this complex field, particularly in the areas of association governance and enhanced rights of individual unit owners in common interest communities.

For those reasons, I respectfully ask that this Committee give a Joint Favorable report to HB 6672 so that, at the appropriate time, both Houses of the General Assembly may be given the opportunity to consider the Study Committee's recommendations for final adoption of this important legislation.

Thank you for your time; I would be pleased to answer any questions you might have.

| | | | | |
|--|--|--|-------------------------------|--|
| file name | Jan 28, 2009 revised UCIOA study committee | | | |
| LAW REVISION COMMISSION STUDY COMMITTEE | | | | |
| ON THE 2008 AMENDMENTS TO THE UNIFORM COMMON INTEREST OWNERSHIP ACT | | | | |
| LEGISLATIVE CONVENOR: ARTHUR O'NEILL, ESQ. (59TH Dist.) - Ranking Member, House Judiciary Committee | | | | |
| | Chair, Connecticut Law Revision Commission - | | | |
| 1 | Rep Arthur O'Neill | | arthur oneill@housegop ct gov | (203) 264-3112 |
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| 9 | Hawkins, Barry | Shipman and Goodwin Law Firm | bhawkins@goodwin com | (203) 324-8104 |
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| 15 | Perlstein, Matthew | Perlstein, Sandler & McCracken Law Firm | mnp@ctcondolaw com> | (860) 677-2177 |
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| | Institutional Appointments | | | |
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| 18 | Community Associations Institute | Scott Sandler | sjs@ctcondolaw com> | (860) 677-2177 |
| 19 | Connecticut Bankers Association | Tom Mongellow | mongellowt@ctbank com | (860) 677-5060 |
| 20 | Connecticut Home Builders | Greg McCracken | gwm@ctcondolaw com | (860) 677-2177 |
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| 22 | Heritage Village Condominium Assn | Bill Wilhelms | bwilhelms@sbcglobal net | (203) 267-1492 |
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| 25 | CT Association of Realtors | Judith I Johannsen | johannsen@ctrealtor com | (860) 290-6601, ext 303 |
| | American Assn of Retired Persons | will not participate per J Earlinghauser | ctaarp@aarp org | (860) 548-3179 |
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**Common Interest Communities
Proposed Legislation
Prepared March 2009
Presented by Imagineers Property Management, LLC**

My name is Michael Brogan. I serve as Director and Officer of Imagineers, which is a large property management firm in the state. From inception in 1973, we have been committed to providing solid leadership in assisting elected Board members govern their communities. Today, we serve nearly 14,000 homeowners in 140 communities around the state.

Over the course of the past few years, there has been much discussion and adopted legislation affecting common interest communities within the State of Connecticut. As you know, much of the governing language is contained within Chapter 825 "Condominium Act" of the General Statutes of Connecticut written in 1976, since superseded by Chapter 828 "Common Interest Ownership Act" ("CIAO") written in 1984.

House Bill 6672, "AN ACT CONCERNING THE 2008 AMENDMENTS TO THE UNIFORM COMMON INTEREST OWNERSHIP ACT", has been raised and in reviewing the language in the proposed bill, Imagineers suggests consideration be made for the following.

Legislation could provide Common Interest Communities the option to use electronic means of communication as an acceptable form of providing notice or information to its members. Most association documents currently require the use of First Class Mail.

The benefits to Community Associations include:

- Reduced cost to the Association in the administration of the community
- The ability to provide immediate notification
- The ability to confirm homeowners are receiving important communications
- Improved communications within the community
- Ability for Association leadership to post Association Documents, Rules and Regulations, By-laws, amendments, meeting minutes, newsletters, various notices, etc.

We recommend language be included to allow electronic communications to serve as acceptable means of providing notice, as long as the electronic communications are made on a sponsored website.

Respectfully submitted,


Michael Brogan
Imagineers Property Management, LLC
March 19, 2009