



**House Bill No. 6538**

**Public Act No. 21-169**

**AN ACT MAKING REVISIONS TO THE COMMON INTEREST OWNERSHIP ACT.**

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

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 Subsection (a) of section 47-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

(2) An association shall hold a special meeting of unit owners if its president, a majority of the executive board, or unit owners having at least twenty per cent, or any lower percentage specified in the bylaws, of the votes in the association request that the secretary call the meeting. If the association does not notify unit owners of a special meeting within fifteen days after the requisite number or percentage of unit owners request the secretary to do so, the requesting members may directly notify the unit owners of the meeting. Only matters described in the meeting notice required by subdivision (3) of this subsection may be considered at a special meeting;

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

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

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

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 Subsections (a) and (b) of section 47-252 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

(1) If only one of several owners of a unit is present at a meeting of the association or participating in the vote without a meeting, that owner is entitled to cast all the votes allocated to that unit. If more than

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one of the owners are present at the meeting or participating in the vote without a meeting, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners casts the votes allocated to the unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit.

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

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

(4) If the declaration, bylaws or certificate of incorporation of the association provide for the election of officers by the unit owners, then unless a greater number or fraction of the votes in the association is required by the declaration, bylaws or certificate of incorporation of the association, officers shall be elected by a plurality of the votes cast by the unit owners. If the declaration, bylaws or certificate of incorporation of the association requires any or all officers to be elected by unit owners of a specified group or class of units, then such officers shall be elected by a plurality of the votes cast by the unit owners of units of such group or class of units. The provisions of this subdivision shall not apply to

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directors who may be appointed by the declarant or under subsection (g) of section 47-245.

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

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

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

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

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

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

(b) Parties to a dispute arising under this chapter, the declaration or the bylaws may agree to resolve the dispute by any form of binding or nonbinding alternative dispute resolution, provided: (1) A declarant may agree with the association to do so only after the period of declarant

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control has expired; and (2) an agreement to submit to any form of binding alternative dispute resolution must be in a record authenticated by the parties.

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

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

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

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

(d) (1) Any unit owner other than a declarant, seeking to enforce a

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right granted or obligation imposed by this chapter, the declaration or the bylaws against the association or another unit owner other than a declarant, may submit a written request to the association for a hearing before the executive board. Such request shall include a statement of the nature of the claim against the association or another unit owner.

(2) [Not] Notwithstanding any provision of the declaration or bylaws to the contrary, not later than thirty days after the date on which the association receives such request, the association shall schedule a hearing to be held during a regular or special meeting of the executive board and shall send written notice [by certified mail, return receipt requested, and] by regular mail, to the unit owner at least ten business days prior to the date of such hearing. Such notice shall include the date, time and place of the hearing. Such hearing shall be held not later than forty-five days after the date on which the association receives such request.

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

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