



General Assembly

January Session, 2023

Raised Bill No. 6631

LCO No. 3812



Referred to Committee on HOUSING

Introduced by:
(HSG)

AN ACT CONCERNING THE COMMON INTEREST OWNERSHIP ACT.

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

1 Section 1. Subsection (m) of section 47-258 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2023*):

4 (m) (1) An association may not commence an action to foreclose a lien
5 on a unit under this section unless: (A) The unit owner, at the time the
6 action is commenced, owes a sum equal to at least two months of
7 common expense assessments based on the periodic budget last
8 adopted by the association pursuant to subsection (a) of section 47-257;
9 (B) the association has made a demand for payment in a record and has
10 simultaneously provided a copy of such record to the holder of a
11 security interest described in subdivision (2) of subsection (b) of this
12 section; and (C) the executive board has either voted to commence a
13 foreclosure action specifically against that unit or has adopted a
14 standard policy that provides for foreclosure against that unit.

15 (2) Not less than sixty days prior to commencing an action to

16 foreclose a lien on a unit under this section, the association shall provide
17 a written notice by first class mail to the holders of all security interests
18 described in subdivision (2) of subsection (b) of this section, which shall
19 set forth the following: (A) The amount of unpaid common expense
20 assessments owed to the association as of the date of the notice; (B) the
21 amount of any attorney's fees and costs incurred by the association in
22 the enforcement of its lien as of the date of the notice; (C) a statement of
23 the association's intention to foreclose its lien if the amounts set forth in
24 subparagraphs (A) and (B) of this subdivision are not paid to the
25 association not later than sixty days after the date on which the notice is
26 provided; (D) the association's contact information, including, but not
27 limited to, (i) the name of the individual acting on behalf of the
28 association with respect to the matter, and (ii) the association's mailing
29 address, telephone number and electronic mail address, if any; and (E)
30 instructions concerning the acceptable means of making payment on the
31 amounts owing to the association as set forth in subparagraphs (A) and
32 (B) of this subdivision. Any notice required to be given by the
33 association under this subsection shall be effective when sent, and no
34 notice given in accordance with the provisions of this subdivision shall
35 be deemed to constitute a violation of, or give rise to any liability under,
36 sections 36a-800 to 36a-814, inclusive.

37 (3) When providing the written notice required by subdivision (2) of
38 this subsection, the association may rely on the last-recorded security
39 interest of record in identifying the name and mailing address of the
40 holder of that interest, unless the holder of the security interest is the
41 plaintiff in an action pending in the Superior Court to enforce that
42 security interest, in which case the association shall provide the written
43 notice to the attorney appearing on behalf of the holder of the security
44 interest in such action.

45 (4) The failure of the association to provide the written notice
46 required by subdivisions (2) and (3) of this subsection prior to
47 commencing an action to foreclose its lien shall not affect the priority of
48 its lien for an amount equal to nine months common expense
49 assessments, but the priority amount in such action shall not include

50 any costs or attorney's fees.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	47-258(m)

Statement of Purpose:

To specify that the provision of a notice required under the Common Interest Ownership Act shall not be deemed to constitute a violation of, or give rise to liability under, certain debt collection statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]