



General Assembly

**Substitute Bill No. 6631**

January Session, 2023



**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2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2023*):

4 (m) (1) An association may not commence an action to foreclose a  
5 lien on a unit under this section unless: (A) The unit owner, at the time  
6 the 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  
10 has 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  
17 provide a written notice by first class mail to the holders of all security  
18 interests described in subdivision (2) of subsection (b) of this section,  
19 which shall set forth the following: (A) The amount of unpaid common

20 expense assessments owed to the association as of the date of the  
21 notice; (B) the amount of any attorney's fees and costs incurred by the  
22 association in the enforcement of its lien as of the date of the notice; (C)  
23 a statement of the association's intention to foreclose its lien if the  
24 amounts set forth in subparagraphs (A) and (B) of this subdivision are  
25 not paid to the association not later than sixty days after the date on  
26 which the notice is provided; (D) the association's contact information,  
27 including, but not limited to, (i) the name of the individual acting on  
28 behalf of the association with respect to the matter, and (ii) the  
29 association's mailing address, telephone number and electronic mail  
30 address, if any; and (E) instructions concerning the acceptable means  
31 of making payment on the amounts owing to the association as set  
32 forth in subparagraphs (A) and (B) of this subdivision. Any notice  
33 required to be given by the association under this subsection shall be  
34 effective when sent.

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

43 (4) The provision of the written notice required by subdivision (2) of  
44 this subsection shall not be deemed an unauthorized communication  
45 with a third party under the provisions of sections 36a-645 to 36a-648a,  
46 inclusive, or any regulations adopted thereunder.

47 ~~[(4)]~~ (5) The failure of the association to provide the written notice  
48 required by [subdivisions] subdivision (2) [and (3)] of this subsection  
49 prior to commencing an action to foreclose its lien shall not affect the  
50 priority of its lien for an amount equal to nine months common  
51 expense assessments, but the priority amount in such action shall not  
52 include 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)
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**HSG**      *Joint Favorable Subst.*