



General Assembly

January Session, 2023

Raised Bill No. 1072

LCO No. 4698



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING REVISIONS TO THE COMMON INTEREST OWNERSHIP ACT.

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

1 Section 1. Subsection (c) of section 47-260 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2023*):

4 (c) Records retained by an association shall be withheld from
5 inspection and copying to the extent that they concern:

6 (1) Personnel, salary and medical records relating to specific
7 individuals, unless waived by the persons to whom such records relate;
8 [or]

9 (2) Any unredacted paper or electronic ballot, any unredacted proxy
10 form and any other unredacted record that identifies vote cast by a unit
11 owner;

12 [(2)] (3) Information the disclosure of which would violate any law
13 other than this chapter.

14 Sec. 2. Section 47-213 of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective July 1, 2023*):

16 (a) From time to time (1) the dollar amount specified in subdivision
17 (3) of subsection (a) of section 47-215, and (2) the one-hundred-eighty-
18 five-dollar fee charged by an association for the preparation of a resale
19 certificate, in accordance with subdivision (1) of subsection (b) of section
20 47-270, as amended by this act, shall change [,] as provided in
21 subsections (b) and (c) of this section, according to and to the extent of
22 changes in the Consumer Price Index for Urban Wage Earners and
23 Clerical Workers: U.S. City Average, All Items, 1967 = 100, compiled by
24 the Bureau of Labor Statistics, United States Department of Labor, (the
25 "Index"). The Index for December, 1979, which was 230, is the Reference
26 Base Index.

27 (b) (1) The dollar amount specified in subdivision (3) of subsection (a)
28 of section 47-215 and any amount stated in the declaration pursuant to
29 said section, and (2) the one-hundred-eighty-five-dollar fee charged by
30 an association for the preparation of a resale certificate, in accordance
31 with subdivision (1) of subsection (b) of section 47-270, as amended by
32 this act, shall change on July first of each year if the percentage of
33 change, calculated to the nearest whole percentage point, between the
34 Index at the end of the preceding year and the Reference Base Index is
35 ten per cent or more, but (1) the portion of the percentage change in the
36 Index in excess of a multiple of ten per cent shall be disregarded and the
37 dollar amount shall change only in multiples of ten per cent of the
38 amount appearing in this chapter on January 1, 1984; (2) the dollar
39 amount shall not change if the amount required by this section is that
40 currently in effect pursuant to this chapter as a result of earlier
41 application of this section; and (3) in no event may the dollar amount be
42 reduced below the amount appearing in this chapter on January 1, 1984.

43 (c) If the Index is revised after December, 1979, the percentage of
44 change pursuant to this section shall be calculated on the basis of the
45 revised Index. If the revision of the Index changes the Reference Base
46 Index, a revised Reference Base Index shall be determined by

47 multiplying the Reference Base Index then applicable by the rebasing
48 factor furnished by the Bureau of Labor Statistics. If the Index is
49 superseded, the Index referred to in this section is the one represented
50 by the Bureau of Labor Statistics as reflecting most accurately changes
51 in the purchasing power of the dollar for consumers.

52 Sec. 3. Subdivision (1) of subsection (b) of section 47-270 of the general
53 statutes is repealed and the following is substituted in lieu thereof
54 (*Effective July 1, 2023*):

55 (b) (1) Not later than ten business days after receipt of a request in a
56 record from a unit owner and payment by the unit owner to the
57 association of a fee [established by the association that does not exceed
58 one hundred twenty-five dollars] of one hundred eighty-five dollars, as
59 adjusted pursuant to section 47-213, as amended by this act, plus either
60 five cents for each page of document copies provided by the association
61 pursuant to this section or a flat fee of ten dollars for an electronic
62 version of those documents, for the preparation of the certificate and
63 other documents, the association shall furnish a certificate containing
64 the information necessary to enable the unit owner to comply with this
65 section and any other documents required by this section. An additional
66 fee of not more than ten dollars for expedited preparation may be
67 established if the certificate and all required documents are furnished to
68 the unit owner not later than three business days after the request in a
69 record is received by the association. No fee under this subsection may
70 include costs for services provided by an attorney or paralegal.

71 Sec. 4. Subsection (i) of section 47-255 of the general statutes is
72 repealed and the following is substituted in lieu thereof (*Effective July 1,*
73 *2023*):

74 (i) The provisions of this section may be varied or waived in the case
75 of (1) a common interest community all of whose units are restricted to
76 nonresidential use, or (2) a building in a common interest community if
77 all of the units within that building are restricted to nonresidential use.

78 Sec. 5. Subsection (a) of section 47-252 of the general statutes is

79 repealed and the following is substituted in lieu thereof (*Effective July 1,*
80 *2023*):

81 (a) Unless prohibited or limited by the declaration or bylaws, unit
82 owners may vote (1) by electronic or paper ballot, prior to or at a
83 meeting conducted in person, [or] electronically, or both in person and
84 electronically, and at any continuation of such meeting, (2) by a proxy
85 pursuant to subsection (c) of this section, or [.] (3) when a vote is
86 conducted without a meeting, by electronic or paper ballot pursuant to
87 subsection (d) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	47-260(c)
Sec. 2	<i>July 1, 2023</i>	47-213
Sec. 3	<i>July 1, 2023</i>	47-270(b)(1)
Sec. 4	<i>July 1, 2023</i>	47-255(i)
Sec. 5	<i>July 1, 2023</i>	47-252(a)

Statement of Purpose:

To make revisions to the Common Interest Ownership Act with respect to (1) access to records containing personally identifiable information, (2) the fee for a resale certificate, (3) a permitted variance in insurance requirements for a building in a common interest community if all of the units within the building are restricted to nonresidential use, and (4) voting processes.

[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.]