

OLR Bill Analysis

HB 5588

AN ACT CONCERNING THE LIABILITY OF UNIT OWNERS FOR CERTAIN COSTS UNDER THE CONDOMINIUM ACT AND THE COMMON INTEREST OWNERSHIP ACT.

SUMMARY:

This bill reduces the financial liability of unit owners in condominiums and other common interest communities for certain expenses caused by guests, tenants, or invitees.

It eliminates the authorization for a community association governed by the Common Interest Ownership Act (CIOA) to, after notice and hearing, assess certain common expenses exclusively against the unit owner that his or her tenant, guest, or invitee causes. Such common expenses must be (1) caused by willful misconduct or a failure to comply with written maintenance standards adopted by the association and (2) greater than any insurance proceeds the association received.

The bill makes a similar change for pre-1984 condominiums governed by the Condominium Act (see BACKGROUND). Under current law, to the extent condominium instruments provide, the association must assess expenses caused by the negligence or willful misconduct of the owner's licensees or invitees specifically against the unit owner. The bill eliminates this requirement.

EFFECTIVE DATE: October 1, 2015

BACKGROUND

CIOA and the Condominium Act

CIOA governs the creation, alteration, management, termination, and sale of condominiums and other common interest communities formed in Connecticut on and after January 1, 1984 (CGS § 47-200 et seq.). Certain CIOA provisions (including the CIOA provisions that this bill amends) also apply to common interest communities created in Connecticut before January 1, 1984 but do not invalidate existing provisions in the communities' governing instruments. Common interest communities created before then can amend their governing instruments to conform to portions of CIOA that do not automatically apply (CGS §§ 47-214, 47-216, 47-218).

The Condominium Act (CGS §§ 47-68a to 47-90c) governs condominiums created from 1977 through 1983, except where CIOA applies.

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable

Yea 17 Nay 1 (02/10/2015)