

2019 Legislative Summary
By Scott J. Sandler, Esq., CCAL

The 2019 Legislative Session ended on June 5, 2019. Despite being largely distracted by tolls, recreational marijuana, and the state's budget, the Connecticut General Assembly adopted three bills that were largely influenced by the efforts of our Legislative Action Committee.

HB 7299: AN ACT MAKING CHANGES TO DEPARTMENT OF CONSUMER PROTECTION ENFORCEMENT STATUTES.

This was a large bill that addresses numerous issues regulated by the Connecticut Department of Consumer Protection ("DCP").

Sections 12 and 19 through 27 of the bill specifically addressed the licensing of community association managers. These sections are the result of our negotiations with DCP. As the chairman of the LAC, I spent many hours working with DCP to craft acceptable language. We owe a debt of gratitude to both Karl Kuegler, Jr., CMCA, AMS, PCAM, of Imagineers, LLC, and Reggie Babcock, Esq., of Westford Real Estate Management, LLC, for their support in reviewing and commenting on the various drafts.

The bill, in part, amends the manager licensing statutes as follows:

- The bill creates a new definition for a community association manager trainee.
 - An applicant for the trainee registration certificate must apply to DCP in writing on a DCP provided form, which includes the following:
 - The applicant's name.
 - The applicant's home and business addresses.
 - The applicant's telephone number.
 - Whether the applicant was convicted of a felony.
 - The trainee's registration is valid for up to six months.
 - There is no fee for applying for a trainee registration certificate.
 - The trainee must be directly supervised by and act under the direction of a registered community association manager.
 - The trainee may provide the following services:
 - Preparing financial documents.
 - Assisting in conducting association meetings.
 - Assisting the association in obtaining insurance.
 - Coordinating the association's operations.
 - Advising the association on its operations.

- The trainee may not collect, control, or disburse association funds.
- The supervising manager is liable for the trainee’s actions or failures to act.
- The bill allows community association managers to employ or contract with support or administrative staff who are unregistered as community association managers.
 - Support or administrative staff may not have direct access to or control over association funds.
 - The manager must directly supervise, and is liable for, the work performed by his or her support or administrative staff.
- The bill requires community association managers to include their registration numbers in advertisements.
 - The advertisement must identify at least one of the entity’s principals, officers, or directors who is a registered community association manager, including his or her registration number.
- The bill requires DCP to notify an applicant of a denial to issue a community association manager or trainee registration.
 - The applicant has a right to request a hearing within 10 days after receiving the denial notice.

These provisions of the bill become effective on October 1, 2019.

HB 7179: AN ACT CONCERNING CRUMBLING CONCRETE FOUNDATIONS.

Addressing the issue of crumbling foundations is an ongoing challenge. This bill provides for the following:

- The bill amends the definition of “residential building” to include, among other things, buildings containing more than four condominium units.
- The bill expands a concrete seller disclosure requirement and certain municipal bonding authorities.
- The bill establishes a concrete foundation replacement technology grant program to reduce the cost of repairing or replacing crumbling concrete foundations.
- The bill appropriates eight million dollars from the General Fund for the above grants and requires the Connecticut Foundations Solutions Indemnity Company (CFSIC) to assess and approve grant applications.
- The bill amends the \$12 Healthy Homes Fund insurance surcharge by expanding the surcharge to meet the new definition of residential dwelling and requiring surplus lines brokers to collect and remit the surcharge on applicable policies.

**HB 6291: AN ACT CONCERNING PROTECTIONS FOR CERTAIN GROUP CHILD CARE AND FAMILY CHILD CARE HOMES; and
 HB 7276, AN ACT CONCERNING CERTAIN GROUP CHILD CARE AND FAMILY CHILD CARE HOMES.**

These bills, as originally proposed, would have prevented condominium and homeowner associations from prohibiting the use of units as group child and family care facilities.

Many CAI-CT members signed petitions urging their representatives to vote against HB 6291 and 7296. In all, we submitted over 400 petitions. As a result of these efforts, the bills were amended to remove the provisions regarding associations. Ultimately, neither bill was passed. Nonetheless, this is a perfect example of how our membership can impact laws governing their associations.

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