



FELDMAN, PERLSTEIN & GREENE LLC
CIVIL LITIGATION & CONDOMINIUM ASSOCIATION REPRESENTATION

**10 WATERSIDE DRIVE, SUITE 303
FARMINGTON, CT 06032
(860)677-0551 & (860)677-2177
www.fpglawct.com**

How to Create Harmony Within your Community Through Communication

Kasey Procko Burchman, Esq. – kburchman@fpglawct.com

I. CIOA is Intended to Create Transparency.

One of the underlying principles of the Common Interest Ownership Act (“CIOA”). (Connecticut General Statutes Sections 47-200 through 47-295) is transparency within the community. The statute is drafted to allow unit owners access to meetings and association documents.

II. What are you Required to Communicate? Here are some basic situations in which the association is required to communicate with unit owners (this list is not all inclusive and highlights only basic principles):

a) Meeting Notices and Agendas. (C.G.S. §47-250) Most meeting notices must include, at a minimum, the time, place and agenda of the meeting. Pursuant to CIOA:

- (i) Board meeting requires notice sent to board members and unit owners five (5) days in advance of the meeting, which should include the agenda. If notice of a meeting is included in a schedule given to unit owners, the agenda must be sent out 48 hours before the meeting.
- (ii) Unit owner meetings require notice sent to unit owners not less than ten (10) and not more than sixty (60) days prior to the meeting. The notice should also include the items on the agenda.
- (iii) Meetings requiring notice and comment require five (5) days notice, unless the meeting is for a document amendment, which requires ten (10) days notice.

b) Minutes and Decisions. If it is not in the minutes, it did not happen. The minutes are the record of the actions taken at a meeting, what the board knew, when they knew it and what actions the board took in response. The minutes should include actions, not opinions. The minutes should include, but not be limited to the following: time and place of meeting; proof of notice; who attended (quorum); general nature of reports given;

motions proposed and actions on motions; how each director votes (required under CIOA); text of resolutions passed; any conflicts; and when the meeting ended. Do not include privileged information from attorneys or names of delinquent unit owners.

- c) Two-thirds Consent (C.G.S. §47-250(b)(9)). The board can make vote without a meeting by following the procedure set forth in CIOA and obtaining a two-thirds written consent of the board and promptly circulating the decision to unit owners.
- d) Notice of a Hearing Regarding Rules Enforcement – A unit owner must be given notice and the opportunity to be heard prior to the imposition of a fine or other enforcement action. Notice must be given containing the requirements set forth in C.G.S. §47-261c. Notice must be sent to the unit owner via regular and certified mail ten (10) business days prior to the hearing. At the hearing, the unit owners must be given the opportunity to give an oral or written statement. The board must issue a decision in writing within thirty (30) days of the hearing and send that decision to the unit owner via regular and certified mail.
- e) Opportunity for Notice and Comment Relating to Change in Rules, Bylaws and Maintenance Standards. (C.G.S. §47-261b) At least 10 days before adopting, amending or repealing any rule (or maintenance standard) unit owner must receive notice of the proposed change and, the date on which the board will vote on the change. After adoption, unit owners must be advised of the new or amended rule.
- f) Notice Regarding the Budget or Special Assessment. (C.G.S. §47-261e) Unit owners must receive notice of budget and special assessments (if they exceed 15% of annual budget) as set forth in CIOA.
- g) Notice of Legal Proceedings. (C.G.S. §47-244(c)). The executive board is required to give notice to the unit owners of certain legal proceedings (excludes common charge foreclosure actions).
- h) Loans – CIOA requires certain communications and votes relating to the association obtaining a loan. **Consult with the association's attorney before you start this process.**

II. When to Cautiously Communicate:

- a) In Newsletters – Provide updates to unit owners regarding what is taking place in the community. If something is questionable, contact the association's attorney for assistance in drafting the communication.
- b) Before Big Changes – i.e. Hold informational meetings before large projects, votes to amend documents, proceeding with a loan. Keep everyone informed of upcoming votes and changes. Involve your professionals, i.e. attorneys, to help prepare the communication.
- c) Big Ticket Items – Again, keep the community informed of big changes or expenses to come in the budget or big-ticket items, i.e. insurance and insurance deductibles. Involve the professionals you rely on to help prepare the communications.
- d) Communicate cautiously in email or text messages– do not carry on conversations about important matters (or anything) through email or text messages.

*******Would you want your email posted on the clubhouse door or read in a courtroom before a judge or jury?*******

III. When to not Communicate:

- a) Privileged Information – Potential lawsuits or pending lawsuits.
 - i. Protect the Attorney/Client Privilege – Do not forward privileged communications or information from your attorney to members of the community outside of the executive board; do not discuss litigation in open meetings.
 - ii. Communicate appropriate information – Ask your attorney to prepare the initial notice of litigation and to help you draft an update to unit owners that includes nonprivileged information.
- b) Contract or Settlement Negotiations – Again, do not disclose information regarding ongoing negotiations to the unit owners outside of the board, either related to a lawsuit or other contract negotiations.
- c) Do not openly discuss anything you would discuss in Executive Session. If it is sensitive enough that you believe it should only be discussed in executive session among board members, as permitted by CIOA, then do not publish it to the community or gossip about it with neighbors.
- d) Facebook and other social Media Forums: Do not engage!