

CONNECTICUT

Basic Information on community association operations in this state

<p>1. Is UCA the legal basis for community associations?</p> <ul style="list-style-type: none"> • Condominium Act Title 47, Chapter 825 • Common Interest Ownership Act (applies to HOAs) Title 47, Ch 828 	<p>YES NO</p>
<p>2. Do state laws/regulations (in general) apply to Condominium Associations and Homeowner Associations, and Coop Associations equally?</p> <p style="text-align: center;">FOCUS IS CONDOMINIUMS</p> <ul style="list-style-type: none"> • Unit Ownership Act (condominiums created before 1977) • Condominium Act (condominiums created from 1977 through 1983) • Common Interest Ownership Act (condominiums formed after December 31, 1983) • Community Association Managers <p>Plus four directly related acts adopted since UCIOA:</p> <ul style="list-style-type: none"> • An Act Concerning Amendments to the Uniform Common Interest Ownership Act (summary) • An Act Concerning the Common Interest Ownership Act (summary) • An Act Concerning Elections of the Executive Boards of Directors of Condominium Unit Owners' Associations and Changes to the Common Interest Ownership Act (summary) • An Act Concerning Certification as a Community Association Manager, Licensure as a Real Estate Broker or Salesperson and the Display of an Object Related to a Religious Practice or Belief on the Door or Door Frame of a Condominium Unit (summary) 	<p>YES NO</p>
<p>3. What state agency regulates community associations?</p> <p style="text-align: center;">DEPT OF CONSUMER PROTECTION, REAL ESTATE COMMISSION AND/OR BUSINESS PRACTICES COMMISSION</p> <p style="text-align: center;">http://www.ct.gov/dcp/cwp/view.asp?a=1618&q=275808#ident https://www.cga.ct.gov/current/pub/titles.htm</p>	
<p>4. Are community associations, HOAs registered as business entities or nonprofit corporations?</p> <p style="text-align: center;">NONPROFIT</p> <p style="text-align: center;">Title 33 Corporations, Chapters 601 and 602 Non-stock/non-profit corporations</p>	
<p>5. How many community associations in this state?</p> <p style="font-size: small; margin-top: 5px;">(Source: CAI Fact Book 2016 Statistics)</p>	<p>4,850 est'd.</p>

6. Does this state have laws that regulate use of technology?	YES	NO
If Yes, do these laws impact:		
• Information privacy;		YES
• Data access;		YES
• Identity Theft;		YES
• Data breach?		YES

Key Statutes - Association/CID specific Cyber Security, Data Access and Privacy

DEPT OF CONSUMER PROTECTION, REAL ESTATE COMMISSION includes in general statutes:

- Community Association Managers, Ch. 400b
- Timeshares (see BUSINESS PRACTICES)
- Regulations on Community Association Managers, 20-461-1

Penal statutes on computer crime and internet crime allow inclusion of the following language:

“For the purposes of this statute, "person" means a natural person, corporation, limited liability company, trust, partnership, incorporated or unincorporated association and any other legal or governmental entity, including any state or municipal entity or public official.” (emphasis added)

Relevant Legislative Trends

Gov’t cyber-security agency and designated partner organizations established in 2015. Since that time, however, only one new act passed.

H.B. 7304 Status: Enacted, Public Act No, 17-223.

Concerns computer extortion by use of ransomware, establishes the crime of computer extortion by the use of ransomware.

Statutes related to Data Security/retention/protection/disposal and penalties

Conn. Gen. Stat. §§36a-701b, 4e-70; 36a-701b, 4e-70; [2015 Conn.Legis. Serv. P.A.15-142 S.B.949)] FOCUSES ON ELECTRONIC DATA

- Includes encryption safe harbor
- Defines breach as unauthorized access/acquisition
- Notice dictated by harm threshold.
- Timing is subject to completion of investigation of incident and may be delayed if law enforcement requires
- Government and 3rd party notice required

Covered entities: Any person who conducts business in [Connecticut], and who, in the ordinary course of such person’s business, owns, maintains or licenses computerized data that includes personal information.”

**Conn. Gen. Statute Title 42 - Business, Selling, Trading and Collection Practices
– sections 470, 471-473.**

- Section 42-470 - Restriction on posting, display, transmission and use of Social Security numbers. Exceptions. Penalties.
- Section 42-471 - Safeguarding of personal information. Privacy protection policy. Civil penalty.
- Section 42-472b - Filing of notice, statement or other document which is false or untrue or contains material misstatement of fact. Fine.
- Section 42-472c - Appeal of decision or order of Commissioner of Consumer Protection.
- Section 42-472d - Regulations. Civil penalty.

Chapter 743 B re: Timeshares, cross-references to Chapter 828 Common Interest Ownership Act

Connecticut General Statutes 743dd requires certain businesses to create a privacy policy detailing the ways in which they will protect the personal identifying information of their customers and other parties whose data they possess.

Substitute Senate Bill No. 949 Public Act No. 15-142 AN ACT IMPROVING DATA SECURITY AND AGENCY EFFECTIVENESS relates to state agencies.

Identity theft statutes and penalties

Conn. Gen. Stat. §53a-129a – e Identity Theft definitions and penalties

Conn. Penal Code Title 53/53a, section 53a-251 defines **computer crimes**. The statute defining this crime reads in pertinent part as follows: a person is guilty of the computer crime of unauthorized access to a computer system when, knowing that (he/she) is not authorized to do so, (he/she) accesses or causes to be accessed any computer system without authorization.

- Sections 53a-252 through 53a-256 specify the degrees of crimes which depend on the value of the property or services obtained without authorization or the damages to the services or property. The computer crimes in this section include: • § 53a-251 (b) -- Unauthorized access to a computer system. • § 53a-251 (c) -- Theft of computer services. • § 53a-251 (d) -- Interruption of computer services. • § 53a-251 (e) -- Misuse of computer system information. • § 53a-251 (f) -- Destruction of computer equipment. Because of the complexity of the technology used in committing these crimes, the instructions will have to be narrowly tailored to the facts of each case. **See also 10.5 Internet Crimes.**

Internet Crimes. 10.5 Sections 53-451 through 53-454, Unauthorized Use of a Computer or Computer Network is Connecticut's anti-SPAM legislation. While SPAM is widely understood now as unsolicited bulk email, it actually comprises a wide variety of activities that involve the unauthorized use of a computer system, principally the Internet, to send messages in real time or in email with the intent to disrupt or to distribute or create falsified information. The target of anti-SPAM legislation is fraud and deceptive commercial practices.

- For the purposes of this statute, "person" means a natural person, corporation, limited liability company, trust, partnership, incorporated or unincorporated

association and any other legal or governmental entity, including any state or municipal entity or public official.

https://www.cga.ct.gov/2017/pub/chap_743dd.htm

https://www.jud.ct.gov/lawlib/Law/computer_crimes.htm

Related General Business/Organization Statutes (non-specific to Associations)

- **Conn. Gen. Stat. § 53a-251** Also addresses Denial of service Law Addressing Denial of Service Attack. In a denial-of-service attack, an attacker floods the bandwidth or resources of a targeted system or servers with traffic, thereby preventing legitimate users from accessing information or services. In a distributed denial of service attack, the attacker compromises and takes control of multiple computers with security flaws and uses them to launch the denial-of-service attack.

https://www.jud.ct.gov/lawlib/Law/computer_crimes.htm