

# **Bond Case Briefs**

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## **HOUSING - CONNECTICUT**

### **Fairchild Heights Residents Ass'n, Inc. v. Fairchild Heights, Inc.**

**Supreme Court of Connecticut - January 21, 2014 - A.3d - 2014 WL 116440**

Association of mobile home residents brought action against owner-operator of mobile home park, asserting per se negligence and Connecticut Unfair Trade Practices Act (CUTPA) claims and seeking declaratory and injunctive relief, punitive damages, attorney fees, and costs. After bench trial, the Superior Court entered judgment in favor of owner-operator. Association appealed. The Appellate Court reversed and remanded with direction to dismiss action for lack of subject-matter jurisdiction.

On certification, the Supreme Court of Connecticut held that:

- Association failed to exhaust its administrative remedies before asserting per se negligence claims;
- Association was required to seek declaratory ruling from Department of Consumer Protection before asserting per se negligence claims;
- Use of informal compliance procedure by Department of Consumer Protection did not excuse association from seeking declaratory ruling;
- Association was not required to exhaust administrative remedies before asserting CUTPA claim;
- Association had standing to pursue CUTPA claim on behalf of its members; and
- Association was entitled to new trial on CUTPA claim.