Connecticut Bar Association

30 Bank Street
PO Box 350
New Britain
CT 06050-0350
06051 for 30 Bank Street

(860)223-4400
fax (860)223-4488

Testimony of Mathew Cholewa, Member, Executive Committee,
Real Property Law Section of the Connecticut Bar Association
Senate Bill 706
An Act Concerning Condominiums and Other Common Interest Communities and Establishing an Office of Condominium Ombudsman
Judiciary Committee
March 17, 2008

Senator McDonald, Representative Lawlor and members of the Judiciary Committee, thank you for the opportunity to comment on Senate Bill 706, An Act Concerning Condominiums and Other Common Interest Communities and Establishing an Office of Condominium Ombudsman.

My name is Mathew Cholewa. I am a member of the Executive Committee of the Real Property Law Section of the Connecticut Bar Association and an attorney with First American Title Insurance Company. The CBA Real Property Law Section has a great interest in bills affecting ownership of real property, including condominium and common interest community law. **On behalf of the CBA Real Property Law Section, I respectfully request that the Judiciary Committee <u>amend</u> and <u>favorably</u> <u>report</u> Senate Bill 706.**

Members of the Real Property Law Section voted overwhelming to **support Sections 4 and 5 and Sections 7 through 13** of Senate Bill 706, and to **oppose Section 6** of the bill. (The Section takes no position on Sections 1 through 3, which would establish an Office of Condominium Ombudsman to hear and investigate matters related to common interest communities.).

Sections 4 and 5 of Senate Bill 706 amends the Common Interest Ownership Act (CIOA), which governs the creation, alteration, management, termination, and sale of

condominiums and other common interest communities formed in Connecticut after January 1, 1984 (CGS §§ 47-200 et seq.), to apply certain CIOA provisions to all common interest communities created prior to January 1, 1984, and provides that an association may assign certain association rights by a vote of unit owners. The Section believes that these changes are appropriate and helpful with respect to the management and decision-making of common interest communities in this state.

The Real Property Law Section, however, **objects to Section 6** of the bill unless amended as suggested below and urges the Judiciary Committee to amend and **reject** the provisions contained therein before it acts to favorably report the bill. In particular, the Section **specifically objects to subsection (b)(1) of Section 6**, which would limit the ability of a unit owner or his authorized representative to examine any and all records kept by the association by requiring the owner to first describe with "reasonable particularity" the records the owner desires to inspect. The Real Property Law Section believes that the "reasonable particularity" requirement is overly restrictive, would be difficult to enforce, and could be used as a barrier to access by entrenched association executive boards who do not wish to give unit owners access to the association's records. The term "reasonable particularity" would be subject to uneven interpretation and lead to unnecessary disagreement and conflict.

Finally, the Section supports the animal control provisions contained in sections 7 through 13, which the Section believes are long overdue. The Section agrees that sections 7 through 13 of the bill would apply certain animal control statutes to property that is part of common elements of a common interest community and should be adopted.

For these reasons, the Real Property Law Section of the Connecticut Bar Association respectfully requests that the Judiciary Committee **amend** Senate Bill by deleting subsection (b)(1) of Section 6 and otherwise leaving Section 6 intact, and **favorably reporting** Sections 4, 5 and 7 through 13 of Senate Bill 706.