

Testimony of Virginia Zakhour of Branford  
Public Hearing Committee

**Raised S.B. No. 706** – An Act Concerning Condominiums and other Common Interest Communities and Establishing an office of Condominium Ombudsman.

**Raised S.B. No. 691**- An act concerning the licensing of Community Association Managers.

March 17, 2008

To: Senator McDonald, Representative Lawlor, and the Distinguished Members of the Judiciary Committee

I am writing to you to support the raised Senate Bill No. 706, "An Act to establish an office of Condominium Ombudsman to hear and investigate matters related to common interest communities." This bill is needed and in my opinion long overdue. I have been residing in a so-called Condominium Complex for the past 17 years and have experienced the lack of appropriate governing by my managing agent, board and association. It would be ideal to have a neutral party that has government appointed official that can resolve matters by receiving and investigating grievances related to condominium matters. In my situation that is not happening. Although, there are by laws they are subjective. The person above my unit is considered the board- she is also considered the association and management when need be. The organization of this particular management is unorganized and subjective. The problem is no one is governing these lay people. Yet, they are empowered.

I will give several examples of my experience:

Two years ago the unit above me caused damage due to a water heater leak in the unit below me and my unit. I was working third shift at the time, and was called by the acting managing agent and was basically yelled at. I was told I was responsible and I needed to call a plumber. She gave me a few of their plumber's names and numbers. Of course I called. The damage began in the unit below mine and the plumber came in to realize it was coming from above. Water was coming into my water heater area from above, and the plumber closed it, until she {unit owner above} could be reached. A few minutes after the plumber left I went to my bedroom to try to get some sleep. Within minutes I heard a loud thump in my living room area to see that there was water rushing into my living room, hallway and bathroom. I recall calling the acting managing agent again to notify her. At that point she was unempathic towards me. I also contacted the plumber again to show him. He saw the damage to my living room and bathroom ceiling and acknowledged it. Later, he spoke to the woman who happens to be the board president. She first was willing to pay for the damage. I pointed out the living ceiling and though they both saw a large bucket of water come out of my ceiling Ruby stated that you couldn't prove that. Since, I was sleep deprived I didn't want to argue. I noticed that she was speaking to the plumber afterwards. She chose a contractor for the repair and she spoke to him. I later contacted both the plumber and contractor; somehow after speaking to board member they **cannot** prove all the damage her unit caused. I received a letter from contractor a month later. Apparently, the board member knew how much she was going to {or willing to pay} pay prior to being informed by the managing agent and the

contractor. She only was responsible for \$200 and I was responsible for \$400. I questioned it and questioned it. I wrote a letter to the usual managing agent that was there for years. He addressed it by giving her the letter. She responded negatively to the letter as expected. In the meantime I was being charged 100% for damages to the unit below me that happened 8 months prior without any evidence that my unit caused it. No plumber came by and no one contacted me regarding the damage. No evidence; yet I am being penalized for it.

This incident is a recommendation to Raised S.B. No.691 --“An Act concerning the licensing of Community Association Managers. This would enhance the enforcement of authority to the Department of Consumer Protection, and to the Attorney General with respect to violation of law by condominium associations and their governing board and officers”.

There was incident regarding repair I requested in writing. I wanted an exhaust fan to prevent moisture that can cause humidity and mold. In my case as well this was health issue due to a car accident. I received a letter with the okay, cc'ed to association board. The contractor and the electrician installed it to have it removed because the woman above me who is the board did not want it. This was after it was okayed, and then having it be okayed again by the association meeting and then having the contractor run around for a week for required paperwork.

Who is empowered and what are their roles? I think I know who is empowered. I don't what their position is accept to harass certain residence.

I am aware by others that I am not alone however lawyers want to be compensated and honestly don't know how condominium law works. Every lawyer I spoke to told me something different. I make too much money to have an attorney represent me. Even though I am far from rich. I contacted the attorney general, legal aide and state senators and they are limited as well as barred by state law from enforcing condominium / cooperative bylaws.

I have been dealing with these prior incidents for several years, and have been waiting for a pending trial. This could be prevented with the implementation of these bills. Many owners and renters have come and gone. My plan was also leave, however life happens that can slow your goals down. I work too hard to come home to this.

Your home should be your home within reason.

Thank you for consideration of these bills.