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**PRESENTATION OF SCOTT J. SANDLER, ESQ.
REGARDING HOUSE BILL NO. 6429
AN ACT CONCERNING ENERGY CONSERVATION AND
THE RIGHT TO DRY**

I. SUMMARY OF PRESENTATION:

Raised Bill No. 6429 would prevent any governing body, including community associations, from prohibiting residents from erecting and using clotheslines and drying racks within their communities.

While the intent of the bill is laudable, the General Assembly should not enact it for the following reasons:

- A. Some communities would be unable to comply with the bill.
- B. Even if the community can comply physically, the associated administration renders compliance a practical impossibility.
- C. Compliance will result in costs that must be shared by all homeowners, including those that do not use the clotheslines.
- D. The bill negates the expectations of homeowners who bought into the community with the expectation that the aesthetic value and uniform appearance of the community will be maintained and continued by the association.
- E. The bill is unnecessary because homeowners may presently conserve energy by drying their clothes using drying racks or clotheslines within their homes.
- F. The bill ignores the fact that associations are democratic societies, which are governed by the homeowners within their communities.

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II. BIOGRAPHY OF SCOTT J. SANDLER:

Mr. Sandler is a graduate of the State University of New York at Albany (B.A., Economics, 1997) and Quinnipiac College School of Law (J.D., 2000). He was an Associate Editor of the Quinnipiac Law Review. He is a member of the American Bar Association, the Connecticut Bar Association and the Hartford County Bar Association. Since 2001, Mr. Sandler has focused on representing condominium, community and homeowners associations.

Mr. Sandler is the President of the Connecticut Chapter of the Community Associations Institute. He is also the Vice Chairman of the Chapter's Legislative Action Committee.

Mr. Sandler is a member of the law firm of Perlstein, Sandler & McCracken, LLC, in Farmington, Connecticut which currently provides legal services to over 350 condominium and homeowner associations throughout the State.

III. ANALYSIS:

A. Some communities would be unable to comply with the bill.

The proposed bill was drafted to apply uniformly to all types of communities. However, communities in Connecticut are far from uniform. While the application of the bill will work well for some communities, there are many that will not be able to comply.

There are some Connecticut communities that do not have any open space in which residents may erect clotheslines. For example, Riverpoint on the Connecticut is a high-rise condominium located on the Connecticut River in East Hartford. The building, with its green copper roof, is a prominent feature in the Hartford skyline. The condominium has no open space, nor even a flat rooftop. There is nowhere for residents to erect their clotheslines.

Another example of a community that could not comply is Bushnell Towers in Hartford, for the same reasons.

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- B. Even if the community can comply physically, the associated administration renders compliance a practical impossibility.

There are some communities in Connecticut that have open space. However, very few, if any communities have enough space to permit all owners to simultaneously use clotheslines. This will then require the association to create and enforce some kind of schedule, giving each owner an opportunity to use the clotheslines.

Furthermore, the open space is usually maintained by the association. This will require the association to incorporate into the schedule its need to access the space so that it can fulfill its maintenance obligations. Creating and enforcing these schedules will require a substantial amount of time and effort.

- C. Compliance will result in costs that must be shared by all homeowners, including those that do not use the clotheslines.

The cost of the administration discussed above, plus the cost of maintaining the clotheslines themselves, are additional costs that must be shared by all of the homeowners in the community, including those who do not use the clotheslines.

- D. The bill negates the expectations of homeowners who bought into the community with the expectation that the aesthetic value and uniform appearance of the community will be maintained and continued by the association.

Many purchasers buy homes in common interest communities because they know that the associations, through the enforcement their declarations, bylaws and rules and regulations, will maintain the aesthetic value and uniform appearance of the community. They expect the association to protect their property values by keeping the community attractive to other buyers.

This bill prevents associations from enforcing the provisions of their governing documents. In doing so, it negates the expectations of the homeowners by allowing their neighbors to ignore the aesthetic and uniform standards of the community. Furthermore, it may have a negative impact on their property values.

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- E. The bill is unnecessary because homeowners may presently conserve energy by drying their clothes using drying racks within their homes.

There is nothing preventing homeowners who wish to conserve energy from drying their clothes using drying racks or clotheslines inside their homes. There is no additional savings or practical benefit to be realized by preventing associations from enforcing their governing documents when it comes to the placement of drying racks or clotheslines outside the home.

- F. The bill ignores the fact that associations are democratic societies, which are governed by the homeowners within their communities.

In many ways, associations are democratic governments. The individual homeowners elect their leadership. The leadership make decisions based on what they believe is in the best interests of the community as a whole. If the homeowners feel that the leadership is not serving the community, they can vote to remove the leadership. This ability to remove the leadership is a very powerful method by which the homeowners can control their associations, one that goes far beyond the ability of citizens to influence their elected representatives in either State or Federal government. There is no evidence that the democratic process is not working.

When it comes to decisions related to neighborhood level environmental initiatives, residents of community associations have a clear preference. According to a November 2007 Zogby Survey:

1. Eight out of ten association residents indicated that they did not support further government intervention into their community association.
2. Less than two out of ten association residents indicated that they supported state government overriding decisions.
3. Two-thirds of association residents believe that the elected leadership of the associations set their associations' environmental priorities, versus only 5% supporting intervention by the state government.

The key to sustainable approaches to environmental issues can be best achieved by working through the community governance process, educating residents and building consensus.

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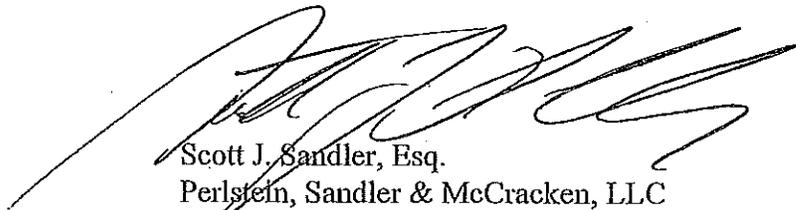
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While energy costs and environmental conservation pose a challenge of singular importance, there are literally thousands of actions a homeowner or association can take to become better environmental stewards. It is the associations themselves, not lobbyists nor members of state government, who are in the best position to decide what methods will work best for a given community.

In fact, the Community Associations Institute ("CAI") has launched a nationwide Green Communities campaign. The Green Communities program is designed to provide communities with a menu of options, best practices and model rules on issues from clotheslines to solar panels and water use. CAI has invited the advocates of project laundry list and other environmental groups to participate. Through this process, CAI is striving to build a consensus-based approach where communities are empowered to choose the best actions based on the preferences of their residents.

If I can furnish the Committee with any further information or assistance, please do not hesitate to contact me.

Respectfully Submitted,



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