

13 North Hollow
East Hampton, CT 06424

March 16, 2009

Gail K. Hamm
Representative, District 34
Legislative Office Building, Room 4059
Hartford, CT 06106-1591

Dear Representative Hamm,

I am writing concerning Senate Bill 725, "An Act Concerning Reforms Related to Condominiums and Other Common Interest Communities," as presently drafted by the Joint Committee on the Judiciary of which you are a member. Because my previous experience as a member of the executive board of a small homeowners association in Connecticut, I am very familiar with the subject matter of this proposed legislation.

The bill would limit the terms of members of the board of directors of a condominium or the executive board of a common interest community to no more than six years, and would prohibit two or more members with a direct or indirect familial relationship from serving on such boards concurrently. While I understand and support the intent of the SB-725, as it is presently drafted, the proposed legislation with respect to term limits is impractical, and with respect to familial relationships is incomplete.

I will address the issue of term limits first. The term limits as stated are impractical, especially for smaller homeowners associations or for communities that are generally apathetic. What happens when, because of mandated term limits, you run out of people who are willing to serve as a member of the executive board? There is no provision for this. Running out of people who are willing to serve is not as unrealistic as one might think.

During my tenure as a member of the executive board for Laurel Ridge, a common interest community in Connecticut as defined by Chapter 828, I regularly communicated on a discussion board with other homeowners association board members around the country. One of the topics that was frequently discussed was the difficulty that many associations, especially those in smaller communities, had in finding candidates that would be willing to serve on their boards of directors or executive boards. There were even instances where elections were held where there were more vacancies to be filled than there were interested candidates. This past December, at our own election at Laurel Ridge, a community of 75 homes, there were only two candidates for two vacancies on the executive board.

Even Chapter 828 recognizes the possibility of apathetic homeowners in an association. Section 47-251 states, "Unless the bylaws provide otherwise, a quorum is present throughout any meeting of the association if persons entitled to cast twenty per cent of the votes that may be cast for election of the executive board are present in person or by proxy at the beginning of the meeting." Is it reasonable to expect that a common interest community would have more

volunteers willing to serve on an executive board than would be present to meet the quorum requirements necessary to elect the members of an executive board?

Consider, for example, a small community of 50 homes. There are common interest communities that are that small, and smaller. Using the default quorum of 20%, it might be reasonable to expect that, at most, a similar number of people would willing to serve on the association's executive board, and more likely, fewer than that. If the pool of interested and willing volunteers is ten (20 % of 50), assuming the minimum board size of three members as required by Chapter 828 and term limits of six years, we would run out of eligible people in 18 years. If the board size were five (as ours is) we would run out of eligible people in 12 years.

Thus, I believe that if term limits were established for members of the executive board, some community associations, especially smaller ones, would be unable to comply or to function at some point in the future.

On the issue of familial relationships of board members, such a restriction fails to fully address the issue of executive board composition. For example, our association, like so many others, allocates one vote in the association per unit. Regardless of the number of co-owners, family members, or residents that may have an interest in one unit, there is only one vote allocated per unit. However, there is nothing in the statutes, Declaration or the Bylaws that limits the number of people that have an interest in a unit from serving concurrently on the executive board. Thus it is conceivable that two co-owners of a unit could serve on the executive board thereby giving a single unit two votes on the executive board although they would have only a single vote in the association. The familial relationship prohibition of SB-725 does not address the issue of co-ownership of a unit where the co-owners have no familial relationship and thus this situation would be permitted as SB-725 is presently written. Is the intent?

In conclusion, SB-275 needs to be carefully thought through before it is enacted, lest it result in an impossible or undesirable situation at some time in the future.

Respectfully yours,



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