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**PRESENTATION OF SCOTT J. SANDLER, ESQ.
REGARDING COMMITTEE BILL NO. 725
AN ACT CONCERNING REFORMS RELATED TO
CONDOMINIUMS AND OTHER COMMON INTEREST COMMUNITIES**

I. SUMMARY OF PRESENTATION:

Committee Bill No. 725 proposes to amend the Connecticut Common Interest Ownership Act and the Connecticut Condominium Act of 1976, to set term limits on the officers and directors of the associations.

The Connecticut General Assembly should not enact this bill for the following reasons:

- A. The bill is unnecessary because the officers and directors of the association ultimately serve at the pleasure of the unit owners within the community. Connecticut law currently contains adequate provisions governing the election and removal of directors, which enable unit owners to control the make up of both officers and directors.
- B. This bill will make it much more difficult for associations to find good leadership because it limits the pool of potential volunteers. Over time, these limitations may actually make it impossible for associations to comply with other laws, and their own documents, governing the election of directors.

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.

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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. Committee Bill No. 725 is unnecessary because the officers and directors of the association ultimately serve at the pleasure of the unit owners within the community, and Connecticut law currently contains adequate provisions governing the election and removal of directors that enable unit owners to control the make up of both officers and directors.

Associations are democratic societies. The unit owners that live within their communities determine who will serve as their leadership.

Under Subsection 47-80(c)(1) of the Condominium Act of 1976 ("Condo Act") and Subsection 47-245(f) of the Common Interest Ownership Act ("CIOA") the directors of an association are elected by a vote of the unit owners. The duly elected directors then appoint those who will serve as the officers. Since the unit owners elect the directors, they control who will serve as directors and, by extension, the officers.

Furthermore, Subsection 47-80(c)(1) of the Condo Act and Subsection 47-245(g) of CIOA empower the unit owners to remove the directors if the unit owners are dissatisfied with their performance. If the unit owners remove the directors and elect new directors, the new directors may then appoint new officers. This is an extremely powerful method by which unit owners can exert control over the actions of the association.

If the same people serve as officers and directors of an association year after year, it is only because the unit owners continue to reelect them to their positions, and see no reason to remove them. In this sense, the democratic process is working perfectly.

Since unit owners control the association by the election and removal of its leadership, there is simply no need to create term limits.

- B. **This bill will make it much more difficult for associations to find good leadership because it limits the pool of potential volunteers. Over time, these limitations may actually make it impossible for associations to comply with other laws, and their own documents, governing the election of directors.**

The leadership of an association are primarily volunteers from within the community. Naturally, larger communities offer a larger pool of potential volunteers.

However, even in larger communities, associations often have difficulty finding people who are willing to volunteer their time and attention to leading the community. Serving as a leader within an association usually means having to give up time each month to attend meetings, working to solve complicated and often contentious problems, and continually educating oneself to be sure that the needs of the community are met, all typically in exchange for no financial compensation.

Many people who live in common interest communities chose to purchase their units, rather than homes that are not in such communities, for convenience. They wanted to have the benefit of an association that will take care of maintenance and other similar issues for them. These owners are generally unwilling to devote significant portions of their time to serving as the officer or director of the association.

As a result, finding good leadership is a challenge faced by many associations. Once they find good leadership, associations typically want those leaders to remain for as long as possible. As stated above, if the same people serve as officers and directors of an association year after year, it is only because the unit owners continue to reelect them to their positions, and see no reason to remove them.

However, the limitations set out in this bill would essentially disqualify members of the community who have previously served as officers and directors, from ever serving again. First, this is contrary to the democratic process embraced by CIOA and the Condo Act. Second, the pool of potential volunteers would become smaller and smaller. Eventually, the association may reach a point where no one in the community may serve as an officer or director because they have been disqualified.

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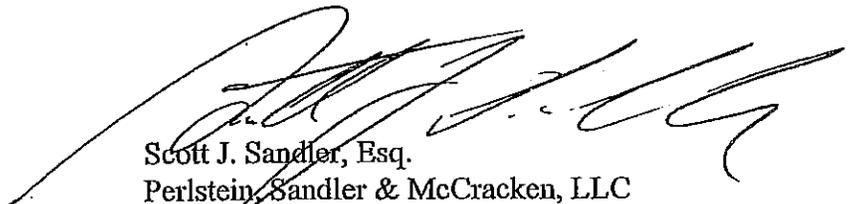
Common interest communities in Connecticut are as small as 2 units and as large as 2,300 units. Though I am unaware of any formal data on the subject, my professional experience tells me that most communities in Connecticut are smaller in size.

With that in mind, imagine a common interest community containing only 3 units. Subsection 47-245(f) of CIOA requires the board of the association to have at least 3 members. Under Committee Bill No. 725, these 3 members may serve for no more than 6 years each. After 12 years have passed, 6 out of 7 unit owners have served the maximum number of terms. At this point, only one unit owner would be qualified to serve on the board. However, CIOA requires a minimum of 3 members. The association cannot possibly comply with requirements of both CIOA and Committee Bill #725.

For the reasons discussed above, the General Assembly should not adopt Committee Bill #725.

If I can be of any further assistance to the Committee, please feel free to contact me.

Respectfully Submitted,



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