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**PRESENTATION OF ISABELLA FUSILLO, ESQ.
LEGAL ADVISOR TO THE CONNECTICUT CONDO OWNER COALITION (CCOC)
IN SUPPORT OF RAISED BILL NO. 6620
AN ACT CONCERNING CONDOMINIUMS AND COMMON INTEREST COMMUNITIES
AND RAISED BILL NO. 6613, BILL NO.1205 AND BILL NO.1208**

SUMMARY

1. Raised Bill No. 6620 proposes the following:
 - i. Establish an Office of the Ombudsman in the Department of Consumer Protection to investigate and resolve complaints, analyze laws, publish information regarding the law and regulations and refer complaints to appropriate agency for enforcement or prosecution;
 - ii. Require that each common interest community association establish a dispute resolution process for unit owners complaints;
 - iii. Require that each common interest community association pay annually a fee of four dollars for each unit and penalties for non-payment;
 - iv. All funds to be deposited in a separate fund to be used solely for the operation of the Ombudsman Office and be reviewed annually for the purpose of fee adjustment;
 - v. Require that budgets of a common interest community be approved by a majority of unit owners present and voting, not a majority of all unit owners.
 - vi. Provide that association insurance coverage apply only to attached units, not stand alone units.
 - vii. Exempt certain communities created before January 1, 1984 from certain requirements to opt in the Common Interest Ownership Act
 - viii. Allow assessments against unit owners for ordinary misconduct or negligence
 - ix. Define "internal business operating procedures"

I and the members of the CCOC respectfully urge this Committee to give favorable consideration to all proposed bills regarding common interest communities and particularly Raised Bill No. 6620 in its entirety. This bill will provide much needed enforcement of the Common Interest Ownership Act (CIOA) and Insures a fair and balanced approach to resolving disputes.

CIOA, declarations, bylaws and rules give boards a full complement of enforcement powers while leaving the unit owner without the means of enforcing their own rights, especially when confronted with rogue boards bent on forcing their own views irrespective of the mandates imposed on them by statute and association's instruments. Many of these boards are composed of individuals who have never familiarized themselves with common interest communities' laws or best practices. The rights afforded the individual condo owner are difficult to enforce when that owner has no reasonable access to legal advice or counseling. Under current law, individual owners are forced to resolve their issue only through costly and lengthy legal proceedings. It is no wonder many resign themselves to live in stressful situations when faced with legal fees that are beyond their means.

I moved in a common interest community over a year ago and quickly realized that the board was acting in their best interest rather than the community. When I asked questions, I was ignored or ridiculed. When I pointed out to them that I was an attorney and understood the law, I was told that they could not allow every attorney living the community to question their decisions or demand an explanation and, if I did not like the present situation, I could always move. My questions to them were very specific and stemmed from an obvious dereliction of their duties, ignorance of the law and their own instruments and plain self-dealing.

I managed to get elected to the board, thanks to the support of a great number of the community members who had been ignored and tormented by the board. But the battle did not end there. I am still fighting an uphill battle, outvoted at every turn and still unable to convince them that complying with the law is not an option. Many of the owners are pushing me to resolve our issue in a court of law but I am reticent to do so because of the costs involved.

The current law has no enforcement agency with jurisdiction to handle disputes. Both the AG's office and the Department of Consumer Protection have been receiving a steady number of complaints and it keeps growing. Yet those agencies cannot respond or help. We cannot ascertain at this time how many of these owners are experiencing problems, there are no current polls or surveys that have been conducted in this state, but we at CCOC know that our entire membership, which includes a large number of senior citizens, has experienced or is experiencing difficulty with governance issues, discrimination, bullying and retaliation by boards who are bent on thwarting the democratic process and that number keep growing. Assertion by for profit educational associations that a small group of disgruntled and disillusioned condo owners are trying to change a law that provides ample protection for those owners is misguided and self-serving.

There is presently no free access to education or other resources. If owners want to educate themselves, there is always a fee attached and when they want to pursue an issue in court they find themselves unable to procure reasonable legal representation or any representation at all.

Although these are trying times for a large number of people, the \$4.00 a year fee per individual unit and the \$35 fee to file a complaint is a small price to pay when compared with hundreds of thousands of dollars in legal fees.

This Ombudsman bill will insure that the current imbalance in the law is rectified and will help resolve conflicts that are presently pitting neighbors against neighbors and owners against boards. This bill has no fiscal note attached, is fully funded and revenues will be more than sufficient to fund this office and provide owners with a way to be heard.

Many states have implemented a similar office, including Nevada, Illinois and Florida and New York is considering an Ombudsman's bill this legislative session.

Respectfully submitted,

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