

Testimony of

Lon Brotman, PCAM

Before the Judiciary Committee

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11:00 a.m.

H.B. 6620 AN ACT CONCERNING CONDOMINIUMS AND COMMON INTEREST OWNERSHIP COMMUNITIES

Lon Brotman

Principal, Enhanced Management Services, 6E Herman Drive, East Granby, CT. I have been a professional community association property manager for over twenty years. The PCAM letters (Professional Community Association Manager) after my name indicate that I have obtained the highest level of manager education and credentials in the nation. While this did take years to achieve, it was well worth the effort, as it has elevated my skills as a manager.

I have also served as President of the Connecticut Chapter of the Community Associations Institute from 1999-2001.

I am testifying today in **opposition** of H.B. 6620 a bill to establish an Office of Condominium Ombudsman within the Department of Consumer Protection.

Similar in some ways to a government, an association is a community and a business, making it a unique type of organization. For some small associations where cost is a significant factor, self-management through a strong volunteer structure can work well. Many associations, however, choose to contract with a professional management company, while others hire on-site managers who become association employees. Some combine elements of different types of management.

Regardless of the type of management system employed, in order to function well and serve the best interests of the community, common interest communities must have boards AND unit owners who are informed and willing to participate in the sometimes arduous process of self-governance. As a professional manager, and strong supporter of CAI-CT, I firmly believe that an ombudsman is not the solution to the problems identified in the 206 written complaints submitted to the Office of Attorney General over the period of three years. If less than 1% of all unit owners in the state – over the period of three years – are expressing concern about the operations of their associations, is this legitimate justification for the creation of a \$1 million state run entity funded by the 99% who are apparently content?

The \$4 per door fee in essence amounts to a tax on condo owners. As this point in time, most associations are struggling to take care of the obligations to which they are already committed. Especially with one of the worst ice damming winters on record, they are reeling from all the added maintenance and repair issues which have been thrust upon them unexpectedly. In some ways, it almost seems like the associations who are doing well would be punished by being forced to pay for a program to subsidize associations or unit owners who cannot or will not seek proper remedies

through the processes laid out in their documents, their town regulations and/or the courts if necessary

Based upon my experience, it has been apparent that some individuals are not completely aware of all the limitations that accompany the benefits of living in a community whereby you are governed by your neighbors. Oftentimes, the expectations of "maintenance free" living that are advertised in nice brochures do not include understanding the realities of needing to pay attention to communications from the board, attending board meetings and getting involved in projects which benefit the community. Community living is a lifestyle, not just a building. No doubt, not everyone is well-suited for this type of lifestyle. There are rules to follow, parking to be restricted, monthly fees to pay on time, boards to elect, There is also community pride, better opportunities to get know your neighbors and, of course, someone else gets to blow the snow. Realtors should be obligated to provide more of a complete description of what this lifestyle really entails. Prospective purchasers, like anyone entering into a contract, should be well aware of what they are getting themselves into.

All too often, a very rosy picture of the condo lifestyle is painted. What is missing from the picture is the fact that a community that continues to look like the brochure is the one where owners are willing to participate in the success of the community. They engage in the effort to find the solutions to problems, not the creation of them. When things don't seem to function the way it seems they should some people roll up their sleeves and others shake their fists. I fear that an ombudsman would encourage more people to do the latter.

As both an active property manager and long-term member of CAI-CT, I believe that a form of Alternate Dispute Resolution (ADR) would be the most appropriate remedy for resolving complaints in associations. This type of program puts the burden of dealing with problems squarely on the shoulders of those responsible, the board or unit owner. ADR provides a forum for trained mediators well-versed in the nuances of common interest ownership law, to find common ground and develop a strategy for resolving issues. If each party is responsible for paying for this type of program, the other 99% of satisfied unit owners are not saddled with the expense of supporting a program which they do not want or need.

On July 1, 2010, the Common Interest Ownership Act (CIOA) was significantly changed. These changes have created greater requirements for transparency for association operations. It is clear to me that the boards with which I work, are striving to meet their obligations under these new laws. Yes, perhaps all meetings are now open to all unit owners, but there has been no surge in attendance. Again, this implies that owners are basically satisfied. CIOA needs to be allowed to provide the underpinnings of democratically run associations. An ombudsman will not serve to enhance this form of self-governance. Rather it will severely undermine it.

I urge you to OPPOSE the ombudsman provisions of H.B. 6620.

Thank you for your time.

Sincerely,

Lon Brotman