

Tsarkov, Alex

From: John Smith [johnsmith@comcast.net]

Sent: Friday, March 25, 2011 8:05 AM

To: Tsarkov, Alex

Cc: CCOC

Subject: Comments in Support of HB6620, HB1205 and HB1208

Dear Judiciary Committee,

As a long-time condominium owner I am writing you in support of the subject bills.

HB 1208 Financial Reform: Over the years I have witnessed funds being diverted to other portions of the association budget, not vaguely related to the unit owner approval or even original board intentions, oftentimes leaving a serious need unaddressed for many years because of under budgeting by the association.

In addition, special assessments have been levied by the association without a vote of unit owners. We are now playing catch-up (as are many other local associations). This is a result of years of under-budgeting and diversion of appropriated funds needed for proper maintenance to cover resultant budget shortfalls.

HB 1205. Foreclosures: The need for this legislation is self-evident in order to provide a small cushion for unit owners who may be experiencing some temporary financial difficulty. I have not seen this happen in my association but have heard about this in other associations.

HB 6620. Ombudsman Office: In the past years I have written in support of such legislation as a very concerned unit owner. As a condo resident for over 30 years I have witnessed many occasions of willful or non-willful but negligent acts by my association which violated due process and violated the State of Connecticut statutes. Among these were inequitable enforcement of Rules and Regulations with no chance of appeal, faulty election procedures which did not provide for accurate vote counting as well as secrecy of individual ballots. Misuse of appropriated funds is an ongoing concern and this is being addressed in HB 1208. I

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was not always a victim to these occurrences but became aware of them happening to others in my association and other associations in Connecticut.

I could elaborate to some extent on these matters but will not do so here since most of us have heard the various arguments relative to establishment of an ombudsman office over the last several years.

As far as I am concerned, a serious bottom line problem still remains. For whatever reason, in the real imperfect world, our common interest community statutes are not readily enforceable without great expense to unit owners and and extreme consternation to all involved parties. Creation of an ombudsman office would go a long way to rectifying this situation.

Statistics cited which indicate most condominium owners are satisfied with their associations do not bear much relevance if you are a unit owner who has been seriously wronged by an action of the association. There needs to be a reasonable means of recourse to address these issues. Our laws were not meant to be applied statistically, but to every individual who may need their protection.

In the instance of condominiums, there is little fear of or attention to the law because there is no ready means of enforcement. A loose analogy would be not having traffic police to enforce driving rules and transportation laws. We would certainly not tolerate or condone such a situation but we have something similar to that when it comes to common interest communities.

This is about all I have to say on the matter at this time, except to add that creation of such an office would be very beneficial as a deterrent to illegal behavior and possibly result in fewer complaints rather than an increased number of such claims.

Thank you for considering my comments. I hope this legislature will be able at last to take action which will resolve these perennial issues.

Regards,

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