

Tsarkov, Alex

From: Ruth [russelr2001@yahoo.com]
Sent: Wednesday, March 23, 2011 9:49 AM
To: Tsarkov, Alex
Cc: ctcondowners@yahoo.com
Subject: Written Testimony in Support of HB6620 Condo Bills; For Public Hearing 3/25/11

**For Judiciary Committee Public Hearing March 25, 2011
 IN FAVOR OF HB6620, HB 1205 and HB1208 Condo Bills**

Dear Committee Members:

As you are aware, condominium laws came about because regulation became necessary to protect owners of the 'new communities' developed to help owners afford their own homes by splitting the cost and work of home ownership expenses.

Existing condominium laws need to be ENFORCED by a neutral agency. Because the state cannot now directly enforce the law, condo owners who sue an association for enforcement end up paying for their own lawyer out-of-pocket PLUS the cost of an association lawyer (through condo fees). And many association boards and members cannot be sued--so, through negligence, ignorance or spite, they simply do not comply with state condominium law- or even their own by-laws.

At times the infractions can seem innocuous. Our association is comprised of 32 units that now pay equal common fees. 24 units are townhouses, with awnings, fireplace chimneys, basements, extensive brick sidewalks with railings, trellises, and lawn sprinklers located on one side of the street. The other 8 units on the other side of the street are ranch style units that have none of the above mentioned items of the other 24 units. The common fees used to be fractional but because the intent of fractional common fees and voting was misunderstood and/or hard to cipher by the once owner-management, 'equal' common fees were instituted.

I believe our association is in clear violation of the "Condominium Act 825 Sec. 47-74 Rights of unit owners" which states, "(b) (1) Each unit owner shall own an undivided interest in the common elements, in the percentage expressed in the declaration. Such percentage shall be computed on any of the following bases, or a combination thereof, provided that the declaration shall fully set forth the manner in which the percentage appertaining to each unit is ascertained: (A) The fair value of each unit at the date of the declaration in relation to the fair value of all the units having an interest in the common elements; (B) the size of each unit, as shown in the plans filed with the condominium instruments, in relation to the size of all of the units having any interest in the common elements; or (C) that the percentage appertaining to each unit, or to each unit within separate classifications, is to be identical.

Just one instance in one year illustrates how 'equal common fees' unfairly burdens eight owners. The water for the sprinklers (which only benefits the lawn of the 24 units) cost \$1000 in one year. Divide that by 32 and each unit paid \$31.25 that year. Seems reasonable. BUT the eight who do not have sprinklers also pay out of pocket to water the grass on that side of the street: 24 units have a lush green lawn while eight units end up with dried up grass if they do not water it themselves. Compound that cost year after year and add in other items which do not benefit the the eight units and the inequity of equal common fees in our situation and the violation if somehow not unlawful, is at least a violation of the spirit of the law.

And how might that effect resale for the eight? Many of the extras that the 24 have are not in plain sight when one views the eight and no one bothers to enlighten potential buyers of the differences and how it impacts how their fees are used. At condo meetings the eight unit owners who sought enforcement were ridiculed and shouted down and, of course, out-voted since only 9 of the 24 need to show up at a meeting to out vote the eight.

My husband and I do not have the resources, health or will to fight our association. Our neighbors-most of whom are senior citizens- are sick of fighting and have given up and/or moved out.

3/23/2011

Oh, and the kicker to this story? Last I time I looked, our condo association lawyer is also a lawyer for a group fighting the proposed legislation.

Thank you for your attention.
Norman and Ruth Van Anden
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