

CONNECTICUT GENERAL ASSEMBLY
Joint Judiciary Committee Public Hearing
Testimony March 25, 2011

Co Chairman Sen. Coleman and Representative Fox, Members of the Committee, and attendees:

I am here to testify against the Ombudsman portion of HB 6620 as it stands for two reasons:

- 1) If Boards were capable of resolving disputes with homeowners, it would have happened long ago;
- 2) HB6620's dispute resolution process compounds the issue; it doesn't solve the problem of Boards' ignoring CIOA. It does not level the playing field. It merely adds a layer of time/paperwork and therefore manpower. It does not satisfy a timely need and will burden the Dept of Consumer Protection with appeals when all that is needed is the deterrent of enforcement.

It is disingenuous to think that when confronted with accusations of mismanagement and misconduct, Boards who have attorneys on retainer, legal defense funded by Directors & Officers Liability Insurance, and the power to implement an assessment on owners to fund their defense, will not use their full resources, leaving an individual to respond with only their own personal resources. Goliath vs David. It is an unpleasant fact that some boards use litigation as a *tactic* whereas the reality of paying even an initial attorney retainer is often enough to make owners quickly retreat from both their grievances & their principles.

Most disputes arise from ignorance or willful disregard of the rules. Might not Board members act more responsibly if an Ombudsman is looking over their shoulder? HB6620 provides no structure for genuine mediation; realistically Boards are not going to engage in the process without their attorney representing them whereas mediation with an Ombudsman would reinforce the main principles of governance, restraining practices detrimental to common interests. An Ombudsman provides problem solving that *enforces rights to which owners are already entitled* granted by their association's governing documents. Once the Ombudsman process is in place and precedent is created, disputes will begin to sort themselves.

As a resident of a Greenwich condominium where subjective and arbitrary decisions of the Board of Directors have become *more flagrantly aggressive* since July 1, 2010's CIOA revisions were implementation, I am asking your support to level the playing field between owners and Boards of Directors.

Please resolve the questionable financial practices...define the dispute resolution standards, enforce Board and owner training and mandate compliance by establishing a meaningful penalty.

Thank you for the opportunity to speak.

*Catherine Sidor, 20 Church St., Greenwich, CT 06830, 203-661-0607, catherinesidor@aol.com
Town & Country Association with The Property Group as Managing Agent*