

Tsarkov, Alex

From: David K [davidk1233@comcast.net]
Sent: Wednesday, March 23, 2011 10:59 PM
To: Tsarkov, Alex
Subject: From David Kelman5: Written Testimony is Support of HB6620, HB1205, HB1208 Condo Bills; For Public Hearing 3/25/11

Written Testimony is Support of HB6620, HB1205 and HB1208; For Public Hearing 3/25/11

From CTWatchDog.com

Legislation Protecting Condo Owners Introduced In Ct General Assembly

By [George Gombossy](#) | Last updated Mar 5, 2011, 7:59 am

Some of the most serious and unsolvable complaints I get as a consumer columnist is from condo owners in Connecticut and throughout the country.

The complaints range from secretive boards of directors who use their position to have work done on their units at the expense of other owners to targeting unit owners they don't like with fines and legal actions.

Other boards have been accused of handing out sweetheart contracts to friends of board members at inflated prices.

Hundreds of complaints are received each year by the state Attorney General's office and by consumer protection officials that cite not only abuse but corruption and fraud. Neither office has the power to take action on most of these complaints.

This is a crucial issue as about 250,000 families in Connecticut live in condominiums, most likely the largest investment they have. Many condo owners are elderly.

For years, groups of condo owners have attempted to level the playing field by asking the Connecticut General Assembly to pass legislation to protect condo owners from renegade boards of directors.

Last year a small victory was achieved with passage of a bill that requires condo boards to inform all owners of their meetings and to let the owners at least attend and speak at the sessions.

While many boards comply with this law, others – according to many complaints I have received – are still either unaware or thumb their noses at it knowing that the law has no teeth.

This year a concerted effort is being made to finally put some teeth into the law and to have state oversight to protect condo owners who are being victimized.

Condo associations, through their lawyers, said such laws are unnecessary and costly to the state at a time when budgets need to be cut. By fully participating and voting out members who they don't want, unit owners can protect themselves, they say.

Besides, they said, owners can turn to the courts and sue. Of course it costs money to hire a lawyer and the condo association has no problem raising money to defend itself – or to sue an owner – since it can force unit owners to pay the legal tab.

Several condo bills were introduced this year to protect owners. The bills range from requiring more transparent financial reporting by condo boards, to licensing and testing condo management companies, to the creation of an Office of Ombudsman where complaints could be investigated and resolved.

"While some legislators may be reluctant to interfere in what they feel is the democratic process within common interest communities, Connecticut statutes and some homeowner association bylaws are too vague and not enforceable," says Ann Diamond of New Haven, a member of the Connecticut Condo Owners Coalition, which claims membership in 95 towns and cities.

David Kelman of West Hartford, a coalition member, has an additional suggestion of getting the Attorney General's office more involved in these types of problems.

Kelman is one of a dozen volunteers who works in the Attorney General's Consumer Assistance Unit sorting complaints and attempting to mediate solutions between businesses and consumers.

"Consumers send in letters to the Attorney General and thoughtful volunteers come in weekly to address the complainants. Letters are sent to respondents asking them to respond in 10 days. Oftentimes, when both parties are willing to come to the table, we are able to work out a resolution. This is all handled by phone, fax and U.S. Mail. There are no actual meetings where the parties are physically present," he said.

Kelman suggests that a similar unit can be set up to focus solely on condo issues. He said he would gladly serve on such a unit which could have representatives from all sides of the issue, including condo board members, management companies and attorneys who specialize in condo cases.

While such a mediation process would be voluntary, public pressure could be used by listing all unresolved cases on a public website where everyone can see which condo associations have serious issues and can act as a warning to those who might want to buy a condo in those units.

"I suspect parties will soon act more respectfully and lawfully as their complaint resolution records becomes public," Kelman said. I agree. Transparency is wonderful.

I would add one other suggestion and that is to require real estate attorneys and real estate agents to warn their clients in WRITING that they need to fully check out the condo association they are considering buying into before making an offer on a unit. Buying a condo should take more investigation by a prospective owner than buying a single family home.

For more information or to join the Connecticut Condo Owners Coalition, email ctcondowners@yahoo.com.

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