GAIL A EGAN
OLD TOWNE CONDOMINIUMS – CHESHIRE CT 06410

HB5536 AN ACT CONCERNING REQUIREMENTS FOR CERTIFICATION AS A COMMUNITY ASSOCIATION MANAGER, LICENSURE AS A REAL ESTATE BROKER OR SALESPERSON AND ORGANIZATION OF A UNIT OWNERS' ASSOCIATION.

ELECTRONIC TESTIMONY IN FAVOR HB5536 BY GAIL A EGAN
[with exceptions as noted herein]

Gail A Egan

12 Old Towne Rd – Cheshire CT 06410

Cheshire Resident: 46 years

Old Towne Unit Owner: 26 Years

Board of Director Member: 20 years: serving as Vice President 15 years, President 1 year until my resignation 7/2012.

1. Property Managers must, at the very least, be required to obtain CMCA certification. Further, it should be expected that property managers be familiar **and held accountable to follow the condominium laws within the State of Connecticut.** Managing a condominium complex differs greatly than managing an apartment complex.
2. Further, PCAM is the highest designation available, awarded by the CAI, being the pinnacle of professionalism for community association managers. Professional Community Association Manager, awarded by CAI [Community Association Institute] is gained through advanced training, education and guidance, and can ensure that the designee has the knowledge, experience and integrity to provide the best service to represented associations.
3. AMS [Advanced Management Services] or CPM [Certified Property Manager®. awarded to those who meet the standards set by the Institute of Real Estate Management (IREM®) for real estate management professionals, including property managers, asset managers, and portfolio managers] **is inadequate for condominium communities** whose budget is funded solely by its residents for all operating expenses, capital expenditures, road maintenance and repair, landscaping and snow plowing to name a few.
4. Presently, **no agency in the State has regulatory authority over property managers or property companies.** There should be legislation that mandates the State or its designated agency can enforce the necessary action should property managers violate existing statutes.
    a. PA 07-243 amends the provisions of the Connecticut General Statutes that govern the registration of property managers, and broadens the range of people that must register with the Department of Consumer Protection ("Department"). Under Section 8 of Public Act No. 07-243, Section 20-450 of the Connecticut General Statutes is repealed and substituted by the new provisions (*effective October 1, 2007*).
5. **HOWEVER, someone must have the regulatory authority.**
6. Passing legislation ***without the required tooth*** to revoke, suspend, or refuse to issue or renew any certificate of registration as a community association manager or placing a

registrant on probation or issuing a letter of reprimand for statutory violations does not serve the more than 200,000 condominium owners in the State of Connecticut.

7. Condominium owners and boards should be able to review the standings of property managers. Currently the website: www.elicense.ct.gov/Lookup/LicenseLookup is not up-to-date.

While I believe that the legislature, in good faith, is attempting to ensure that individuals and/or companies who are contracted by condominium associations must carry proper credentials, the individuals and/or companies must also be mandated to follow the existing statutory law for condominiums.

Property Managers are accountable to and report to a Condominium Association's Board of Directors who, in turn, are accountable to and report to the unit owners. It is in the best interests of the Board Members to ensure that they receive accurate advice and guidance from a property manager and the management of the condominium complex is being done in the best interests of the entire community since they/Board members, in most case scenarios, are also unit owners whose common fee and/or assessment payments fund the Association budget.

This can only be done if property managers are held accountable by statute to follow the legislation governing condominiums, more so, when an Association's Board relinquishes all control to a management company.

Legislation was passed October 2009, effective July 2010. This was extensive legislation to protect unit owners and yet, today, managers violate the statutory law and although these actions have been reported to the Department of Consumer Protection; no agency has regulatory authority to enforce the statute to revoke, suspend or refuse to renew their license.

Recent Examples of flagrant violations of the condo statute:

Request To Property Manager [09/20/11] for a list of unit owner names, addresses, and number of votes each owner is entitled to cast [CGS 47-260].

Response From Property Manager
"I do not allow my staff to send out unit owners lists to residents of a community. It is private info and some may not want it shared..... I am very sorry but it has been my policy since inception of my business."

Request To Property Manager [11/7/11) a copy of signed contract between Association and Contractor, to send electronically, if possible and if there are costs association with converting document to a PDF [Portable Document Format] to advise.

11/9/11 Egan email Text: *"If you would, I would appreciate your itemizing what costs I am being charged for, actual printing, photocopying and/or other related costs in addition to the documents you are preparing and of course total pages, etc. – Upon receipt of charges, I will mail you a check. "*

Response From Property Manager 11/16/11

"this info will be forth coming"

That was 4 months ago – to date no further response!

I fully realize the statutes provide that "*Subject to the exceptions specified below, the act makes all records an association retains available for examination and copying by unit owners or their authorized agents (1) during reasonable business hours or at a mutually convenient time and location and (2) upon five days' notice in a record reasonably identifying the specific records requested.*"

These examples, plus many other violations of the condo statutes [4 letters] have been addressed to the Attorney General's Office and the Department of Consumer Protection. Unless there is proven criminal action, AG's Office can do nothing; The DCP did address our first two letters, however, we have seen no action on the last two. In fairness, we were advised by the DCP that it has no regulatory authority over these matters.

However, during my tenure as Vice President and President, and especially since 2010 in an effort to ensure Board's compliance with new condo laws, we were diligent in seeking advice from legal counsel to the corporate entity Old Towne Association [see excerpt below].

Email 8/16/2010:

> *"Gail. You are correct. You cannot deny a request for a list of Unit Owners' names and addresses. The statute is very specific on that. As for charging, you are also correct in that it is not very clear. If someone is simply asking for the list of Unit Owners I don't think I would charge for that. As a matter of fact I would not charge for the small requests. If they are looking to come in and copy 20 or more pages I would think about charging. Towns charge roughly between .25 and .50 cents a page. Either one seems reasonable".*

Prior to new legislation, We/Board honored owner requests, sent PDF documents to unit owners of owner lists and contracts electronically or in the event an owner did not have electronic/internet access, documents were sent via ground mail. During my tenure, these requests were minimal and owners were not charged.

Thank you for your courtesy in considering the comments within this document and for your dedicated service to the many residents of Connecticut.

Gail A. Egan
12 Old Towne Rd. Cheshire CT 06410