TESTIMONY IN FAVOR OF HB 5511
By Stephanie Armshaw

I am in favor of this bill in CIOA concerning the approval process for budgets, special assessments and assignment of future income except for the proposed changes to Section 47-261 e (Subsection e). It is **crucial that this section remain as originally written.** To include the proposed change to Subsection e would endanger the financial stability and well being of our associations and may even threaten their very existence.

Please remember that **volunteers** acting as Boards of Directors along with **unlicensed property managers** with varying degrees of intelligence, skill and ethics are in charge. To give them additional power over the community's resources without approval from the majority of the association members would be risky indeed.

There are many people who live in condominium associations that do not care to know about or participate in the daily decision making. By changing Subsection e from the original to the new proposal you would be giving every non voter's vote to the Board of Directors. I have seen this in my community and it has created enormous problems. It is difficult enough to get associations to come to a consensus when dealing with money. What we need is more oversight and protection for the vast majority of unit owners and less power and control for the Board of Directors. It is 2012 and it is time that community association **unit owners have a level playing field.** The abuses must stop!

My association has a Board of Directors at this time that bullied their way into power and they have divided this community to the point of no return in the process. Much of their support comes from the very young and very elderly residents in this community that are uninterested and ignorant of the situation we are in. The board feeds these residents tea and cookies along with much misinformation and promises of "taking care of their needs first" to gain their signatures on proxies and petitions that gives the board more power and control.

In 2009, upon completion of a 5 year assessment, one half of the aging roadway was repaired. In September of 2011, the current board of directors decided that the second half of the roadway was in need of repair. I do not think there is any unit owner that would disagree that the roadway needed repair. However, it is the methodology and timing that many found unacceptable.

The board ignored the State Statutes regarding assessments even though they sought and paid for legal counsel prior to initiating the assessment. This Board did not vote on the assessment, they did not inform the owners of the scope or cost of the project. They held a meeting to ratify the assessment without proper notification. They went into executive session during the meeting and voted on the contractor during that session, and then they ratified the assessment without giving the owners a firm dollar amount or time frame for payment. The association attorney was present at the ratification meeting. When an objection was raised regarding the process during this meeting, the attorney negated our concerns.

Soon after the meeting, unit owners were sent an announcement that the total assessment would be $1725 due in three installments to be paid within three months time. This was definitely a hardship for many owners who were never given an opportunity to object, to make their needs known or to offer alternative solutions.

A letter was written to the board stating that this assessment was indeed illegal and uncollectible. There was no response.

A second letter was sent requesting mediation to avoid additional legal fees. There was no response.

Finally, five unit owners filed small claims actions against the association. This is the only dispute resolution open to owners who disagree with the board's decisions. Cost: $75 each x 5 - $375

The board, which has the benefit of association funds, gave the small claims actions to their attorney.
The attorney advised the board to redo the assessment process to satisfy the unit owners 'objections.
It should have stopped here but it does not.
In an effort to punish the disagreeing unit owners, the attorney moves the small claims actions to Superior court.
When the assessment is done properly and then appropriately ratified, the unit owners are given notice and a **demand for $1725 payment within 24 hours.**
The unit owners then receive notification that they are on the short list for the Superior Court within one week. They immediately withdraw their actions with the court and notify the attorney.
Within days, those unit owners received a bill from this attorney for $125 for his services. Total cost: $625. $625 + $375 +$1,000 – It cost $1,000 to protect rights that are ours according to the Statutes of the State of Connecticut.
Some of the needed legislation is in place but much more is necessary. We **must** be able to enforce the law without involving the court system. The cost is prohibitive to most people and it gives the Board the edge because they have access to the association funds. In 2011, my association spent in excess of $14000 on attorney fees. The attorneys in the state are profiting from the misery of ordinary people who just want to protect themselves from these abusers. Do you know how difficult it is to get an attorney to represent you as a unit owner against your board? If you can find one, he will expect thousands of dollars as a retainer.
What is most interesting about this entire scenario it that this particular attorney is very active in his participation with the state's branch of the Community Association Institute and writes a legal column for this magazine. He was involved in this assessment from the beginning and instead of guiding this board in the right direction and thus **protecting the rights of all** unit owners, he ignored the protests and letters until legal action was taken. Then, in an effort to subdue the dissention, he makes certain that it costs the dissenters as much as possible thereby punishing their efforts to get a fair shake.
The unit owners are being oppressed by the tyranny of this board in the absence of enforceable rules that protect our individual rights.
As owners of condominiums, we desperately need an Ombudsman and oversight by the State of Connecticut to protect our individual rights.