

WRITTEN TESTIMONY IN SUPPORT OF HB-5536, 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.

Submitted by:
Brian N Harte
Address Legally Suppressed

To: Connecticut General Assembly
Judiciary Committee and Subsequent Committees re: HB-5536

My name is Brian Harte and I am writing this testimony to you both as an individual who owns a condominium unit, and also as a ranking member of the Connecticut Condo Owners Coalition.

I am in support of HB-5536, except that I would like to see more provisions in this bill to better protect unit owners. I would like to see mandatory background checks for all property managers, as is the case in the new banking statute SB-1109.

Given the extent of financial responsibility a property manager has there is a need for more teeth in this bill.

Also, in light of recent news of property manager misconduct involving, in some cases, very experienced property managers, who have effectively stolen money from associations, it is important for the additional security of background checks. Managers who are paid should be subject to the same certification, training and background checks.

As a condo owner in this state, and former member of the Board of Directors for my association, I can tell you without hesitation that the CGA's mere acknowledgement of the issues that condo and HOA owners face is a step in the right direction.

Raised Bill No. 5536 reinforces that step in several ways, which is why I am writing to you as an acknowledgement of my support of this bill. However, there are aspects to the passage of this Bill as well as other CIOA laws that remain slanted towards the condo industry, specifically the money making end.

My family and I have lived now for the better part of a year, with over 600 square feet of unusable living space due to gross negligence on the part of the Management Company of my complex, inaction on the part of the Board of Directors, and in my opinion, less than ethical legal practices on the part of "Condominium Law" specialist attorneys. This is where my home and my right to possess property, pursuant to the Constitution of these United States, as well as being able to reside in my premises in peace comes into question.

Due to some of the aspects mentioned above, I once sought the advice of an attorney who specializes in condo law. Neither he nor his firm had any legally binding conflicts of interest that would have prohibited him from taking on my case. In fact, he agreed to take on my case during a phone conversation. In the following weeks, I could not get in touch with him. Approximately one month later, he did return my call and said that while there was no conflict of interest, his firm specializes in handling cases that are in defense of condo associations and the partners in the firm decided that it would create a bad precedent (basically being bad for business) to litigate my case, as they did not represent individual unit owners. This attorney is a top contributing attorney for CAI-CT.

As a matter of fact, through my research, I have found that *almost* every attorney who specializes in condo law that I have spoke with regarding my case is aligned with CAI-CT. One of the partners of my Property Management Company is a committee chairperson of CAI-CT. In essence, the money

making end of condo business is partnered against the very clients it should be working for: The unit owners.

These are our homes, they should not be sources of *income* for anyone other than the holder of our mortgages and applicable municipal taxes.

We must pay also, through our HOA fees, for a property management company just to exist. We pay for legal services; meanwhile the only people who are able to use the association's attorney are those on the Board of Directors. Yet we have to pay to protect 'them' from 'us.' Moreover that same attorney will not protect us from them as I have mentioned above.

And the most alarming aspect is that once again we are still faced with a law that is largely unenforceable; which can be adhered to, or ignored without repercussion. There needs to be teeth to not just this bill, but CIOA as a whole. While HB-5536 is a step in the right direction on this, there is still no state agency, entity, or otherwise that can or will enforce violations of the CIOA laws. The CAM laws, as proposed here, have some more stringent penalties, but not in regard to CIOA. In this case, the two aspects of the law should be combined, making a Community Association Manager bound not only by the CAM laws, but CIOA as well.

In testimony before the Judiciary Committee on March 25, 2011, regarding HB-6620, Attorney General George Jepson went on record stating, "My office has received hundreds of complaints from condominium unit owners regarding violations of state condominium laws or condominium bylaws by their association board of directors. Sadly, no state office exists to effectively assist these unit owners. The state agency established in House Bill 6620 would provide help to outmatched, overwhelmed unit owners who are fighting for their basic rights under our condominium laws."

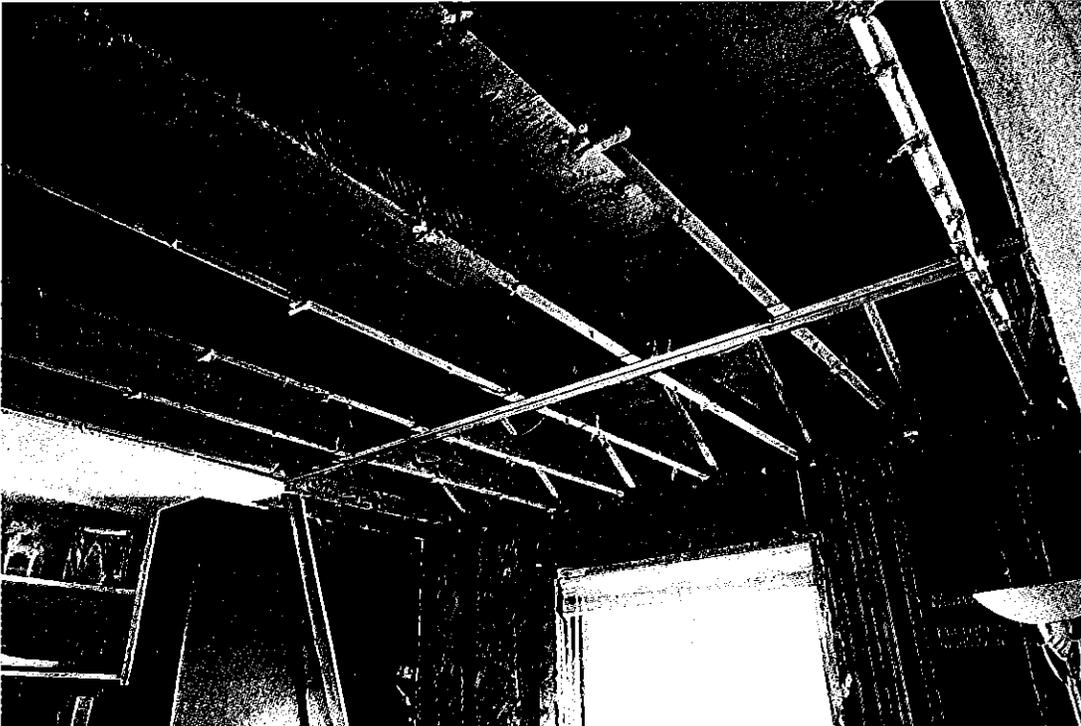
As Attorney General Jepson pointed out, sadly, again there is no real means of enforcement even with current Bill submissions. It is my understanding that there will continue to be no reasonable means of enforcing condo issues whether the violation is on the part of a Community Association Manager or the Board of Directors of an association.

These are the aspects I request be taken into consideration in this bill. I do support the educational standards that are being considered for Community Association Managers, but I believe that more can be accomplished here. Please see attachments for supporting documentation.

I thank the Judiciary Committee for their time.

Respectfully Submitted,
Brian N Harte





Although I have many more images that I could include, this all could have been prevented if the management company had replaced the burst downspout, as shown in photo#1, as I requested over a week earlier. This entire issue, including damage to my basement was due to gross negligence on the part of the Management Company and it's workers.