

Written Testimony of David Kelman
In Favor of HB5511
Before the Judiciary Committee
March 29, 2012
10:00AM

Dear Members of the Judiciary Committee:

I reside in a condo in West Hartford, am a former condo association board member and a present condo association board candidate. I have served as a volunteer for the State of Connecticut Attorney General's Office in the Consumer Assistance Unit for five years, and am member of the Steering Committee for the Connecticut Condo Owners Coalition (CCOC), an all-volunteer group consisting of hundreds of condo owners from over 100 cities and towns across our state.

In January 2012, CCOC surveyed hundreds of condo owners, both members and non-members. The feedback from survey respondents documents the problems that exist in many common interest communities. The lack of enforcement of condo laws has negatively impacted the quality of condo owner living experiences. In a number of associations, the democratic process is broken. Owners describe, in some cases, that property managers and boards, who they rely on to maintain their property values and share association records, are not doing so even when requested in writing, despite recent laws with good intentions. Some frustrated owners are selling their condos and moving out of state because the situation is so unbearable for them. Approximately one quarter million Connecticut condo owners are not treated as equal citizens and do not receive the same assistance from state agencies as other consumers receive in our State. It is perhaps shocking to note that renters in condos have more rights than condo owners themselves.

I am in **FAVOR** of HB5511 the Budget and Special Assessments bill **with changes**. In the fall, our association had a budget vote. Proxies were not mailed out with the budget meeting notice. At the budget meeting, which had an overflow crowd of attendees, the board president first called the vote by a show of hands. Then, he changed his mind and distributed paper ballots. Adding insult to injury the board president declared the budget passed, despite approximately 52% majority rejecting the budget when proxies were counted. When a board member challenged the proxies, the challenges were never substantiated. When I asked for a recount of the ballots, and to meet with the Election Committee chairman to discuss this matter, I was denied due process, and the property manager condoned this behavior by not stepping in to ensure fairness and transparency. I was informed by the

property manager I had to go to his office, where I would be charged for his time. This seems unfair to owners when we pay thousands of dollars annually in monthly fees for service which can easily be sent by email..

I ask the Committee to leave the language in Section 47-261e Subsection (e) as it is written in the current law **without change**. Budget approval and special assessments should be approved by a simple majority of votes cast. Changing the language as proposed takes the authority away from unit owners which would seriously endanger the well-being of our common interest communities.

Also, I urge this committee to add a provision to this bill that any assessment cannot be approved unless the monies generated by the assessment are maintained in a separate account identifying that those funds are to be used solely for the purpose intended. This fund accounting should be clearly itemized so unit owners can easily understand the costs for each item, the contractors selected to do the work based upon at least three competitive bids, and a and expected completion date for each item so that owners are protected in the event of overcharges, faulty or incomplete workmanship. In addition, I urge that some enforcement provisions be added to this bill.

There is additional written testimony online for your review. Some members of the Connecticut Condo Owners Coalition were not able to attend this public hearing and sent in written testimony. I ask that you kindly read all the online testimony from condo owners and to fully to consider the testimony of all unit owners who have faced hardships in their communities, and to establish laws to better protect owners in common interest communities and increase the enforceability of existing and new condo laws.

I feel it would help to have one set of laws governing in plain English governing common interest communities regardless of when the association was built and tie Community Association Manager Statutes into the Common Interest Ownership Act.

Thank you for your consideration.

Sincerely,

David Kelman