

In Opposition to

H.B. 6513 AN ACT CONCERNING THE BUDGET AND SPECIAL ASSESSMENT APPROVAL PROCESS IN COMMON INTEREST COMMUNITIES.

My Name is Bob Gourley. I served as President of the Board of Directors for the CT Chapter of the Community Associations Institute. My term began on January 1, 2010 and ended December 31, 2011.

I also serve as President of the Board of Directors of Captain's Walk, a 20-unit Planned Unit Development (PUD) in West Haven, CT. I have served on the Board as President since 2003. As a PUD, Captain's Walk is governed identically to most condominiums and HOAs in the state of CT. Residents hold common interest in the community, pay common fees, are bound to unit by-laws and regulations, and are subject to provisions outlined in the Common Interest Ownership Act (CIOA)

Prior to living at Captain's Walk, I was an individual unit owner at Pilgrim's Harbor in Wallingford from 1985 to 1993.

I am a principal partner in a business called, MyEZCondo. My business produces newsletters for condominium and community associations throughout the country, including Connecticut.

Testimony on the Bill

I oppose H.B. 6513.

I am strongly opposed to this bill which essentially violates the basic rights of democracy in action in our state's common interest communities. This bill seeks to unfairly grant extensive voting powers to a minority of unit owners within a common interest community. I cannot imagine a more poorly conceived method of taking away the will of the majority in favor of the will of a minority.

The decision to vote, or not to vote, is entirely up to the unit owner. It is a right that is purchased when the unit owner decides to buy a unit in a community association. Through the democratic election of officers to serve the best interest of the association, unit owners have a full say as to who will make the executive decisions to run their association. The preparation and ratification of the Annual Budget is one of the duties of these democratically elected volunteers. Deciding when and how much of a special assessment is required is another such duty. When a budget is presented at the Annual Meeting of Unit Owners, all unit owners have an opportunity to vote in favor or against the budget. If a unit owner chooses not to attend or vote by proxy at the Annual Meeting, the current law is right in assuming that the unit owner's lack of negative vote should be construed as a vote in favor of the budget. If a unit owner wishes to vote against a proposed budget, the unit owner has the right and the option to do so. However, just because a unit owner does not exercise that right, it in no way should be construed to indicate that the unit owner is against the budget, which is exactly what this proposed bill would do. The same process holds true for special assessments.

This bill is unfair, unnecessary, and violates the core democratic rights of all individual unit owners. I encourage that all lawmakers vote "no" on this misguided bill and respect the rights of all common interest community unit owners.

Very Truly Yours

Bob Gourley

Past President (2010-11) of the Board of Directors, CT Chapter of the Community Associations Institute

President (2003-13) of the Board of Directors, Captain's Walk PUD

Founder, MyEZCondo