

Testimony of
Kim McClain

Before the Judiciary Committee
Monday, March 25, 2013
10:00 a.m.

**HB 1101 - AN ACT PERMITTING THE AFFIXING OF SECURITY CAMERAS
TO UNITS WITHIN A COMMON INTEREST COMMUNITY**

Summary

HB 1101 proposes to prohibit the elected boards of common interest community associations from barring the installation of security devices on the outside of their units.

Kim McClain

I currently serve as the Executive of the Connecticut Chapter of the Community Associations Institute (CAI-CT). CAI-CT is the educational and technical assistance entity for community associations and their service providers in Connecticut. We are one of 60 chapters of a National organization. Through this alliance we are able to provide up-to-the-minute information on the issues and trends affecting associations, programs to enable community association managers to obtain professional credentials and access to hundreds of publications which provide tools to assist association members in their operations.

Background

CAI-CT OPPOSES HB 1101 because it would serve to undermine the authority of democratically elected boards in community associations.

The Connecticut General Assembly should reject HB 1101 for the following reasons:

1 - Limited Common Elements. These components of a community associations are what all unit owners own and maintain in common. Ergo, their common charges are used for the purpose of repairing and maintaining those elements of the development that every owner pays to protect. Siding and roofing are typically two such components.

If a unit owner seeks to alter any aspect of a limited common element, permission to do so must be obtained from the elected board of the association. Since these components of the property belong to the entire community and not just to the unit owner where the alteration is sought, the board must be able to determine if the alteration is appropriate for the enhancement of the community as a whole. Permission to change the exterior of a building is part of what should be well understood before purchasing a unit in a common interest community.

The community is responsible for electing a board whose job it is to protect and maintain the property. If a unit owner seeks to make any changes to the property, it is his/her responsibility to seek permission from the board.

2. Maintainence Requirements. Associations are obligated to maintain, repair and replace the exterior surfaces of buildings that would include security cameras if this law were to pass. If these cameras were to be installed, they would then become the responsibility of the association. Thus, whenever painting and/or other exterior maintenance work is to be performed, these devices would become a liability for the association as the unit owner would expect them to not be harmed by any such work. If something happens to these cameras, the association would become liable for their repair or replacement. There are also many situations where the unit owner moves and fails to remove such devices and makes it the responsibility of the association to remove it. This would be yet another burden for a community to assume.

3. Community governance. Associations already have the authority to permit owners to install cameras and to establish conditions on such work as needed to meet the needs of the community. The associations should continue to have oversight regarding what is most appropriate for their individual communities. Unit owners should be encouraged to work with their boards to ensure that the need for safety in the community is being met for the community as a whole and to seek methods to achieve such a goal in a mutually satisfactory manner.

We would be happy to further discuss with you this issue, or any others affecting common interest communities in Connecticut. Please do not hesitate to contact us with any questions or concerns. I can be reached at 860-633-5692 or email: caictkmclain@sbcglobal.net.

Thank you for your consideration.

Respectfully submitted,

Kim McClain