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TESTIMONY OF SCOTT J. SANDLER, ESQ.
CONCERNING RAISED BILL NO. 1101
AN ACT PERMITTING THE AFFIXING OF SECURITY CAMERAS
TO UNITS WITHIN A COMMON INTEREST COMMUNITY

I. SUMMARY OF TESTIMONY:

Raised Bill No. 1101 proposes to amend the Connecticut Common Interest Ownership Act to prevent community associations from prohibiting unit owners from affixing security cameras to the exterior surfaces of their units.

For the reasons set forth below, the Connecticut General Assembly should not adopt Raised Bill No. 1101.

II. BIOGRAPHY OF SCOTT J. SANDLER:

Mr. Sandler is a graduate of the State University of New York at Albany (B.A., Economics, 1997) and Quinnipiac College School of Law (J.D., 2000). He was an Associate Editor of the Quinnipiac Law Review.

Mr. Sandler is a member of the American Bar Association, the Connecticut Bar Association and the Hartford County Bar Association. He is also a member of the Executive Committee of the Real Property Section of the Connecticut Bar Association.

Since 2001, Mr. Sandler has focused on representing condominium, community and homeowners associations.

Mr. Sandler is a past President of the Connecticut Chapter of the Community Associations Institute. He is presently the Chairman of the Chapter's Legislative Action Committee.

Mr. Sandler is a partner in the law firm of Perlstein, Sandler & McCracken, LLC, in Farmington, Connecticut, which currently provides legal services to approximately 450 condominium and homeowner associations throughout the State.

III. ANALYSIS:

The General Assembly SHOULD NOT adopt Raised Bill No. 1101.

Raised Bill No. 1101 would permit the unit owners in a common interest community to install security cameras on the exteriors of their units. It grants the association of the community limited authority to regulate the installation of the cameras. However, it completely prevents associations from prohibiting the installation of the cameras.

This bill is problematic for several reasons.

A. The exterior surfaces of the buildings are typically common elements that are owned by all unit owners, collectively.

In most communities in Connecticut, the exterior surfaces of the buildings are not part of the individually owned units. Rather, they are part of the common elements which are owned by all unit owners in the community. Unit owners that install security cameras, as would be permitted by this bill, would be making modifications to common elements that they do not individually own. They are modifying a portion of the community that is owned by all of the unit owners.

B. The bill does not take into account the association's obligation to maintain, repair and replace the exterior surfaces of the buildings, nor the likely increase in the cost of such work that will result from the installation of security cameras.

In most communities, the association is responsible for the maintenance, repair and replacement of the exterior surfaces of the buildings. The cost of this work is typically shared by all unit owners in the community. Raised Bill No. 1101 does not take into account how the association's duty to maintain, repair and replace the exterior surface of the building will be impacted by the individual owner's decision to install a camera. The bill also does not address the likely increase in the cost of performing such maintenance, repair and replacement.

C. Associations already have the power to permit owners to install cameras and to set conditions on such work as needed to meet the needs of the community.

Under the current provisions of the Common Interest Ownership Act, associations have the power to regulate the modification of the common elements of the community. If an owner wishes to install a security camera, the association can review the request, decide whether to approve it, and impose conditions on that approval. For example, the association can condition its approval on the owner using a contractor selected by the association, on the owner assuming responsibility for the future maintenance, repair and replacement of the camera, and on the location and position of the camera. These conditions may of course vary from one community to another, given the individual characteristics of the communities themselves.

For the reasons set forth above, the General Assembly should not adopt Raised Bill No. 1101.

If I can furnish the Committee with any further information or assistance, please do not hesitate to contact me.

Respectfully Submitted,

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