

Testimony of David Kelman
In FAVOR of HB6666
For Judiciary Committee Public Hearing
March 25, 2013

HB6666 - An Act Establishing Two Pilot Programs For The Mediation Of Condominium-Related Disputes And Relieving A Community Association Manager Of Any Responsibility For Certifying That A Condominium Unit Owner Is Compliant With A Municipal Ordinance Requiring The Installation Of Carbon Monoxide Detectors And Smoke Detectors.

Dear Members of the Judiciary Committee:

I reside in a condo in West Hartford, am a former condo association board member, a long-time volunteer for the State of Connecticut Attorney General's Office Consumer Assistance Unit, and Chairman Emeritus of the Connecticut Condo Owners Coalition.

I support House Bill 6666.

I can attest that condo owners statewide are discouraged by the lack of assistance from the Attorney General's Office and the Department of Consumer Protection.

Many state agencies such as the Department of Motor Vehicles, the Attorney General's office, the Departments of Consumer Protection, Insurance, Banking and Public Utilities, offer state residents mediation and assistance. One quarter million condo owners in Connecticut have no such resource. I support the creation of a pilot mediation program where for a small fee disputes between an association and a condo owner can be heard.

A mediation program will provide some assistance to the thousands of unit owners in Connecticut who are afforded no enforcement mechanism when they have complaints against their condo associations. Condo owners now have to file a civil suit to contest acts by association boards that violate state condo laws. Many condo owners are elderly and cannot afford hiring an attorney. For those who hire attorneys, they pay personal legal fees, as well as contribute toward the association's legal fees.

By utilizing the Probate Court or Small Claims Court, it is a prudent use of existing judicial resources to incorporate condo owner mediation.

Combined with the pilot mediation program, I would add to the present bill that homeowner associations be mandated to draft a no-cost internal dispute resolution procedure which would be available to all owners prior to engaging in the pilot mediation program. It should be mandated that this procedure be published at least bi-annually to all its members. Educating its members and enacting an internal dispute resolution process would be more expeditious in helping to resolve disputes and less costly for all.

I would also recommend including provisions into HB6666 requiring a review of the program shortly before it expires to determine the level of satisfaction of program participants and whether said program should be permanently established.

I urge all Committee members to vote in FAVOR of HB6666.

Thank you for your kind attention to this very important matter.

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