



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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Testimony of Deborah J. Fuller
Judiciary Committee Public Hearing
March 25, 2013

**H.B. 6666, 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**

Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee, thank you for the opportunity to submit written testimony, on behalf of the Judicial Branch, on **H.B. 6666, *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.*** This bill seeks to provide a forum for the resolution of disputes between condominium owners and condominium associations by creating two pilot programs, one of which would operate in a Superior Court Housing Matters location.

The Judicial Branch appreciates the fact that we had an opportunity to provide input into the drafting of this bill and we believe that this language is a good start. However, because it would create a brand new cause of action -- establishing the mediation program and then permitting a transfer to the regular docket -- it would be helpful if the rules and procedures were set out in the bill. We would like to take this opportunity to point out some of the areas that need to be addressed:

1. Either a condominium unit owner or an association may request mediation -- if one party applies, is mediation mandatory for the opposing party?

2. When a request for mediation is filed, does an appearance need to be filed by each party? Would the association need to be represented by counsel since they are more than likely incorporated?

3. Line 153 says that “a unit owner or representative of the association may (1) withdraw from mediation at any time during the process” – does this mean that the party who did not request mediation can withdraw before a mediation session is held? Doesn't that defeat the purpose of the program?

4. Are there enforcement rights if an agreement is reached?

5. Does the Court have authority to enforce the written agreement?

6. The bill should specify that cases transferred to the regular civil docket would be heard in the same Judicial District.

7. If there is a transfer to the regular docket, there should be a requirement that moving party file a complaint so that the court knows the relief that is being sought.

8. If an enforcement action is filed in the Superior Court after a probate court mediation resolution, where would venue lie, and what would the fee for this proceeding be?

9. Mediators would need training regarding condo rules and regulations.

We look forward to working with the proponents of this bill to address these issues.

Thank you for the opportunity to testify.