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**TESTIMONY OF SCOTT J. SANDLER, ESQ.
CONCERNING RAISED BILL NO. 5590
AN ACT ESTABLISHING A PILOT PROGRAM FOR THE
MEDIATION OF CONDOMINIUM-RELATED DISPUTES**

I. SUMMARY OF TESTIMONY:

Raised Bill No. 5590 proposes to establish a pilot program with the judicial branch to mediate disputes within common interest communities between unit owners, or between a unit owner and the association of the community.

For the reasons set forth below, the Connecticut General Assembly should adopt Raised Bill No. 5590, with the revisions set forth below.

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 homeowner 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.

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Mr. Sandler is a member of the College of Community Association Lawyers (“CCAL”). CCAL is a prestigious group of attorneys who have distinguished themselves through contributions to community association law and who have committed themselves to high standards of ethical conduct. Of the thousands of attorneys practicing community association law in the United States, fewer than 150 have been granted membership in CCAL. Mr. Sandler is one of only three attorneys in Connecticut who are members of CCAL.

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:

A. The General Assembly SHOULD adopt Raised Bill No. 5590.

Raised Bill No. 5590 is designed to create an effective, efficient, and economical way of resolving disputes within common interest communities.

The following kinds of disputes arise all too frequently in community associations:

- A particularly difficult unit owner refuses to abide by the rules and restrictions governing the community, ignoring the warnings of and fines imposed by the association.
- A unit owner believes that the association is not fulfilling its duties under Connecticut law or the governing documents of the community.
- A unit owner is adversely impacted by the actions of his or her neighbor.

Most associations have internal procedures for giving owners notice of a dispute and an opportunity to be heard. Additionally, Section 47-278 of the Common Interest Ownership requires associations to conduct such a hearing before proceeding with litigation against an owner, and as well as whenever an owner requests such a hearing. Practically speaking, however, if the dispute is not resolved at a hearing, only two options remain: proceed with litigation or ignore the problem and allow the dispute to fester.

Unfortunately, litigation is typically very expensive and time consuming. Furthermore, the association's cost of litigating a dispute is borne by all members of the community. Thus, while the dispute may directly involve only one owner or a small number of owners, it may have a financial impact on all owners.

Raised Bill No. 5590 provides another option for resolving such disputes, without the need for litigation.

B. The General Assembly Should Revise Raised Bill No 5590.

Raised Bill No. 5590 could be improved by making the following revisions:

1. Section 1, subparagraph (b) of the bill states the pilot program shall apply, in part, to disputes concerning the interpretation of the bylaws, rules, or regulations of the association. The program should also apply to disputes concerning the interpretation of the declaration of the community.
2. Section 1, subparagraph (d) of the bill requires the executive board of an association to respond to a request to participate in the program, within 30 days of receiving the request. The boards of most associations, which are comprised of volunteer unit owners, typically meet only once per month. Thirty days may not be enough time for the board to determine whether it wishes to mediate a dispute within the new program. Therefore, requiring a response within 60 days would provide the board with a better opportunity to evaluate the request and to obtain the information it may need in order to respond.
3. Section 1, subparagraph (d) of the bill should include a requirement or mechanism for refunding the fee paid by the party responding to the request to participate in the program if the party that made the request fails to pay his or her portion of the fee.
4. Section 1, subparagraph (e), and Section 2, subparagraph (a) of the bill refer to using attorneys experienced in "condominium law" to serve as special masters within the program. Condominiums are only one form of common interest ownership. Cooperatives and planned communities are also common interest communities, and they face the same challenges and

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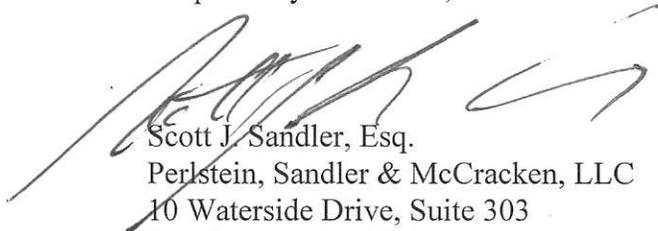
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disputes as condominiums. Thus, the bill would be more accurate and complete if it instead referred to attorneys experienced in community association law, rather than condominium law.

For the reasons set forth above, the General Assembly should adopt Raised Bill No. 5590, with these revisions.

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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