

Testimony of David Kelman
In FAVOR of HB5590
For Judiciary Committee Public Hearing
March 24, 2014

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 5590, An Act Establishing a Pilot Program for the Mediation of Condominium-related Disputes.

I am presently in a dispute with my condo association, the Colonial Village Condominium Association, because they have failed to provide proper written notice in advance of proposed rules being considered by the condo board which is in violation of state law. Yet, I have been fined for copying the association attorney on an email I sent to the condo board president. This occurred after I requested for months from the condo board president and property manager that owners be given an opportunity to provide input on bylaws revisions before the board engaged an attorney to make draft changes. I also suggested to our condo board that a Bylaws Committee be established, but our board has repeatedly refused to allow unit owners to freely participate on committees or in association decision making.

In an attempt to resolve my board dispute internally, I requested mediation to include mutually agreed parties or a meeting with a panel of neutral unit owners. Unfortunately, our condo board has refused act in good faith and has provided no opportunity for internal resolution. I requested that property manager from both the former Enhanced Management and Westford Real Estate Management to help assist with resolving this matter, but property management has been unwilling to assist.

In a recent email correspondence, property management advised, "As I mentioned in my previous email, the board has made a decision and are unwilling to revisit your request. Any further correspondence on this matter will be disregarded... we cannot devote any more time or attention to a matter that already has been presented to the Board for reconsideration. On those occasions when an owner insists on arguing a matter after his/her remedies have been exhausted, we have little choice but to ignore further communications that simply rehash old discussion or in extreme situations, assess the owner for the time we are required to continue to devote." This is no way to treat unit owners.

I pointed out to property management that it did not follow CAI's Professional Community Association Manager Code of Ethics in this instance. Property management failed to ensure that homeowners were given timely notice of the two rules proposed by our condo board as required by state statutes before it voted to adopt the rules, and no attempt was made by the property manager to stop the board vote.

According to the Code of Ethics, the manager shall protect the homeowner's right of appeal. I feel property management is not protecting my right to appeal, particularly when it tells me that any further correspondence on this matter will be disregarded.

Unit owners need more protection in condo association governance. We need state legislators to take more action to better protection the interests of one quarter million unit owners statewide. This bill requiring the Chief Court Administrator to establish a pilot program to facilitate the resolution of certain condominium-related disputes through a mediation process would be most helpful.

I urge all Committee members to vote in FAVOR of HB5590.

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

Respectfully,

David Kelman
West Hartford, CT

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