

CONNECTICUT GENERAL ASSEMBLY  
2014 SESSION

TESTIMONY OF J. Terry Sullivan  
JUDICIARY COMMITTEE  
ON PROPOSED BILL 5590 "AN ACT ESTABLISHING A PILOT PROGRAM FOR THE MEDIATION OF  
CONDOMINIUM-RELATED DISPUTES"

My name is Terry Sullivan. I am a resident of Heritage Village in Southbury. I am Vice President of the Heritage Village Master Association and a Trustee for Condominium 12 of the twenty-four Member Condominiums that make up Heritage Village.

Heritage Village is a community of twenty-four Member Condominiums managed by a single Master Association. It is also the largest and one of the oldest community associations in the State of Connecticut. As such Heritage Village is often singled out by size or year of organization for alternative legislation that may or may not be of interest or have effect on other community associations in Connecticut, or omitted from legislation that would be a benefit to Heritage Village.

I am in favor of HB 5590 establishing a pilot program for mediating disputes in all condominium associations.

Heritage Village has an extensive process for rules violations and disputes. In its revised bylaws the procedure for enforcement and appeal of its documents and rules is ten pages long. Since Heritage Village is the largest community association in Connecticut with nearly four thousand residents one can imagine the possibility of a multitude of disputes between owners and management, between violations of the rules, and even between residents. Our internal document clearly spell out the rules that apply to all, the manner in which the rules are enforced, and the penalties for violations.

Our bylaws clearly provide for hearings in the case of alleged neighbor to neighbor disputes. There is also an appeals procedure if a resident feels that he or she has not been treated fairly. Despite all our best efforts, some disputes cannot be settled internally, and the only recourse becomes taking the offending party to court.

The proposed bill 5590 to establish a pilot program for mediating these disputes is a new way of providing mediation services to community association residents without the necessity of going to court. It is voluntary on the part of both parties. Each party shares costs of the mediation, and while the filing fee is costly, it is much less expensive than protracted litigation in the court system. The time limits in the bill shorten the length of time before a suggested resolution is achieved. Finally, unlike some product mediation in which the report of the mediator is binding, the program in 5590 is non-binding allowing either party to seek further redress in the courts.

Proposed Bill 5590 deserves the approval of the Judicial Committee. It is a pilot program. During the two-year span of its implementation and bugs can be worked out and it will have the chance to prove whether it is an effective means of resolution or even the fact that it may not be needed.

I ask that you approve this bill on mediation of disputes and send it to the full legislature for its approval.