

TESTIMONY IN OPPOSITION OF RAISED BILL No. 1121 - AN ACT CONCERNING THE  
OBLIGATIONS OF AN ASSOCIATION AND UNIT OWNERS IN  
A COMMON INTEREST OWNERSHIP COMMUNITY

March 25, 2015

Good afternoon Senator Coleman, Representative Tong, Senator Doyle, Representative Fox, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee. Thank you for the opportunity to provide testimony. My name is James Patrick Carroll of JP Carroll Construction, Inc. I am President of JP Carroll Construction Inc. I founded the Company in 1988. From our office and construction yard in West Hartford, we serve the greater Hartford area Farmington Valley in the Residential and commercial low slope/steep slope roofing business. The Company is a Registered Home Improvement Contractor with the Department of Consumer Protection; HIC # 0544304 and have been serving the roofing community for 26 years. As founder, I have 28 years of hands on experience in the roofing industry.

I serve on the Board of Directors and am currently serve as the Vice President of CRCA-Connecticut Roofing Contractor's Association that serves the Connecticut roofing industry. I also serve as a Committee member for CAI-Community Association Institute. I am also a long-standing member of both the New England Roofing Contractors Association and the Northeast Roofing Contractors Associations.

JP Carroll Construction is here to testify along with CAI in opposition to the bill. I believe that this bill conflicts with and brings peril to the common interest of the owners/members of a condominium association. It is important to understand that the vast majority of the common interest communities in our state, the roofs are owned in common and are the responsibility of the association to maintain and replace. In my professional opinion this bill conflicts with the best interest of individuals within a common interest community: There are two basic issues:

1. When engaging a contractor to apply a (bolt on apparatus) through a single roof or flat membrane system comes with great risk. There is a wide range of workmanship/quality when hiring an installation contractor that brings a variable into the unit owner's decision to install such an apparatus. Since most units are not free standing, but are clustered together with as few as two units and as many as twenty units on average. They all have a common roof plane. Despite the variable of the Contractor's care and competence, all Bolt on systems have a leak potential. If the surface of the roof is damaged the person affected is not only the one who contracted to install the unit, but also the abutting unit and/or units and potentially the units below it. The potential risk and the financial ramifications of a leak falls to the common interest, i.e. all owner's and is not taken by the individual unit owner who solely makes the decision to install such a unit.
2. Bolt on apparatus that penetrate roofing systems whether it is steep slope or low slope (flat membrane systems) can potentially invalidate or void the warrantee of the installed roofing system. Not only can they jeopardize the warrantee of the material systems of the roof manufacturers but they could void any workmanship warrantee from the installer of the roof system as well. This leave the common interest owner's with the liability of replacing or repairing a roofing system at the expense of all of the owners.

Warrantees whether they are from the material manufacturer or the Contractor installing the roofing system are common to the community and are there for the protection of the community. The actions of one owner can void the warrantee and therefore has the potential to put the entire community at great financial risk.

In summary, Bolt on apparatus by one owner could have a negative financial impact on not only the abutting owners but the community at large. I do not believe that the right of one should take priority over the rights of the many. Each group of homeowners through their owners association should have the right to determine what is in their community's best interest. For reasons stated above, I am in opposition of Raised Bill No. 1121 - An Act Concerning the Obligations of an Association and Unit Owners in a Common Interest Ownership Community.

Thank you for your time.