

CONNECTICUT GENERAL ASSEMBLY
Wednesday, March 25, 2015

TESTIMONY OF Kim K. V. McClain
TO THE JUDICIARY COMMITTEE

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

Good afternoon Sen. Coleman, Rep. Tong and members of the Judiciary Committee. We appreciate the opportunity to submit testimony on behalf of the Community Associations Institute – Connecticut Chapter.

I currently serve as the Executive Director of the Connecticut Chapter of the Community Associations Institute (CAI-CT). The Community Associations Institute (CAI), is a national member supported, not-for-profit educational and resource organization dedicated to fostering vibrant, competent, harmonious community associations for the 1 in 6 Americans who live in common interest communities. I am here to speak on behalf of our nearly 1,000 members in Connecticut.

CAI's mission is to inspire professionalism, effective leadership and responsible citizenship—ideals reflected in communities that are preferred places to call home. CAI believes homeowner and condominium associations should strive to exceed the expectations of their residents. We work toward this goal by:

- Advancing excellence through seminars, workshops, conferences and education programs, most of which lead to professional designations for community managers and other industry professionals.
- Publishing the largest collection of resources available on community association management and governance, including website content, books, guides, *Common Ground* magazine and specialized newsletters.
- Advocating on behalf of community association and industry professionals before legislatures, regulatory bodies and the courts.
- Conducting research and serving as an international clearinghouse for information, innovations and best practices in community association governance and management.

Community Associations Institute (CAI) is the oldest and most established organization representing the interests of cooperatives, condominiums and planned communities (including townhomes and single-family homeowners' associations). These communities are governed by associations formed as non-profit corporations to promote the health, safety and welfare of owners and occupants, and for the purpose of preserving the value, the physical quality, and the architectural character of the property. Homeowners in these associations elect individuals to represent and govern them on the Board of Directors.

CAI **supports** environmental and energy efficiency policies that recognize and respect the governance and contractual obligations of community association residents as the best mechanism to enact sustainable environmental policies. CAI **supports** efforts by state legislatures to empower community associations to build consensus-based solutions regarding environmental initiatives, and **opposes** government efforts to override community policy or deed restrictions on single interest issues. CAI **opposes** attempts to enact laws or regulations that ignore or negate the economic importance of aesthetic controls.

It is imperative to support the practical aspects of the contract that was signed upon the purchase of a unit in a Connecticut common interest community. This contract states that the owner agrees to abide by the documents of the association and that all other owners in that community are obligated to do the same. As a means of illustration, if I desire to install a picket fence around the area outside of my unit, and the documents to which I agreed prohibit such actions, I would need to obtain permission to do something not allowed and my neighbors would be subject to the same agreement.

Nevertheless, if I was denied permission to erect a picket fence or install solar panels, I, along with the other owners, have the right and responsibility to take my case to the Board of the association. In common interest communities the unit owners are responsible for electing the Board Members and the Board Members serve at the will of the unit owners. If the board chooses not to grant permission for a unit owner's request or change a policy, the unit owner has the option of recruiting other like-minded owners to work with them to lobby the Board to change said decision. If this option fails, the Common Interest Ownership Act provides a cost effective and simple solution for unit owners to remove Board Members that they believe are not adequately representing them.

Thus, a unit owner who desires the installation of solar panels has several avenues to pursue in order to obtain permission. These options require invoking the rights and responsibilities that come with the contractual agreements that are the cornerstone of common interest living. To have the State of Connecticut override the decision of a community that is self-governed would in essence be negating the importance of the legal document that all unit owners signed when they purchased their unit.

CAI's Connecticut Legislative Action Committee opposes Raised Bill 1121 because it would limit the democratic governance process within community associations

We see communities such as Heritage Village in Southbury as models for how associations can create the parameters for supporting solar installations in their communities. Through the self-governance process in their very large community, the board of Heritage Village devised a very reasonable and fair policy to allow for the installation of solar panels on a pilot basis. Once they have a better understanding of how the process works and how it can benefit more owners in the association, they will be

more prepared to accept requests from the entire community. This is a very rational approach and should be embraced by this body rather than forcing approval on all associations by virtue of this bill.

CAI-CT plans to include Heritage Village's "Trial Approval of Solar Panels" in the Earth Day edition of our magazine, *Common Interest*. (See attached.) We are hopeful that this will encourage other communities throughout our state to adopt similar policies.

It is important to note that CAI-CT finds enormous potential for opening up solar options to common interest unit owners and many others who do not currently have the access or meet the physical requirements through support of **SB 928**. This bill will offer an opportunity for owners in associations which are unable to support solar installations. (See attached info sheet about SB 928.)

We wholeheartedly endorse the efforts of the Sierra Club and others in advancing the shared clean energy bill (SB 928) and hope you will embrace our efforts and support this bill in lieu of RB 1121.

We would welcome the opportunity to further discuss with you this issue, or any other issues affecting common interest communities in Connecticut. Please do not hesitate to contact us with any questions or concerns. I can be reached at 860-633-5692 or email: caictkmclain@sbcglobal.net.

Thank you for your consideration.

Respectfully submitted,

Kim McClain