

Testimony in opposition of Proposed R.B. 1121

AN ACT CONCERNING THE OBLIGATIONS OF AN ASSOCIATION AND UNIT OWNERS IN A COMMON INTEREST OWNERSHIP COMMUNITY.

Judiciary Committee

March 25, 2015

I am Richard Mellin, Mellin & Associates LLC, a property management firm based in Redding, CT serving the great Danbury area. My partner and I manage large condominiums with almost one thousand units. We have been managing community association properties for 30 years.

Mellin & Associates LLC is a proud member of the Connecticut Chapter of Community Associations Institute (CAI). I serve on the organization's Legislative Action Committee and Chair the organization's Managers Council that represents our community association managers.

CAI is the oldest and most established organization representing the interests of cooperatives, condominiums and planned communities (including townhomes and single-family homeowners' associations).

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 and interest group efforts to override community policy or deed restrictions on single interest issues.

Why We Oppose This Bill:

My colleagues and I manage hundreds of condominium associations in Connecticut. Most associations are not opposed to the installation of solar panels. Our Boards respectfully work with any unit owner who requests permission to install solar panels and consequently this bill is not necessary.

We are opposed to this bill for numerous reasons. Most community association roofs (and land) are not owned by an individual unit owner but are owned in part by all the owners in that community. When warranted, it might be necessary to prohibit a unit owner from affixing one or more solar panels to the roof of his or her unit because of significant safety issues. This bill would prohibit that action.

There are a number of serious structural and safety concerns that must be considered beyond just the size, number of and manner of affixing or removing solar panels. For example, are the roofs structurally designed to accommodate solar panels? Would the solar panels cause the roof to fail sooner than warranted? Are the roofs oriented to allow southern expose for maximum efficiency of the solar panels?

There are practical considerations that an Association may not be able to adopt rules to allow solar panels. For example, what are the credentials and history of the companies proposing the installation of solar panels? Do the solar panels meet local ordinances? Is the size the roof such that it would generate sufficient electricity to be of value?

Regarding financial considerations, it is not uncommon for unit owners to avoid the responsibility for periodic upkeep and maintenance of items for which they are responsible. There are unit owners who are not financially responsible and the association would become liable for repairs and maintenance of the solar panels. Who is responsible for removing solar panels when a unit owner sells their unit and the new owners do not want the liability?

What happens if a roof needs to be repaired or replaced? Who pays the cost of removing and reinstalling the solar panels? What happens if there is a prolonged period of snow on roofs (like this past winter) where the solar panels do not work? Who clears the panels of snow?

Summary:

Common Interest 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. The Board of Directors need to be allowed to fulfill the responsibilities as elected members of their association. In this capacity, they are obliged to work with the community to determine whether or not the installation of solar panels is appropriate for their particular community and what alternatives may exist for allowing such requests. The community needs to decide for itself as a whole, not have the State of Connecticut mandate what should or should not be permissible on their association's property.

We oppose attempts to enact laws or regulations that ignore or negate the importance of community controls. We are therefore opposed to Proposed R. B. 1121.

Thank you for your time and consideration.

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