

Testimony of
Kim McClain

Before the Environment Committee
Friday, February 19, 2016
10:30 am

R.B 5151 AN ACT CONCERNING THE AUTHORITY OF ANIMAL CONTROL OFFICERS IN COMMON INTEREST COMMUNITIES

Summary

R.B. 5151 proposes to allow animal control officers to go onto the property in common interest communities to catch a dog or cat that is "roaming" loose.

Kim McClain

I currently serve as the Executive Director of the Connecticut Chapter of the Community Associations Institute (CAI-CT). CAI-CT is the educational and technical assistance entity for community associations and their service providers in Connecticut. We are one of 60 chapters of a National organization. Through this alliance we are able to provide up-to-the-minute information on the issues and trends affecting associations, programs to enable community association managers to obtain professional credentials for licensure and access to hundreds of publications which provide tools to assist association members in their operations.

CAI-CT works diligently to protect the rights and foster the responsibilities of all of our members. Through our programs, website and magazine, we foster *Best Practices* for associations throughout the State.

I am submitting comments, to present my insights into how the proposed bill will affect the more than 5,000 common interest communities in Connecticut, and the hundreds of thousands of people who live in them.

Statement

CAI-CT supports the passage of R.B. 5151. This bill would provide authority for animal control officers to impound the dog of a resident of a condominium association. Many of our associations have experienced the problem of roaming animals, but in some cases, animal control officers have stated that they do not have the authority to go onto private community association property. In several instances, vicious dogs have terrorized communities because animal control officials have felt they did not have the authority to provide assistance. The proposed bill would allow for enhanced public safety in all communities.

The provisions of Chapter 435 of the Connecticut General Statutes were not drafted in a way that fully addresses problems of animals on the common elements of a common interest community. For example, Section 22-364 provides that dog owners may not allow their dogs to roam "upon land of another." Section 22-232 empowers animal control officers to impound dogs that are roaming in violation of Section 22-364. In 1975, the Connecticut Attorney General issued an opinion in which he concluded that animal control officers have no authority to impound the dog of a resident or unit owner of a condominium that is

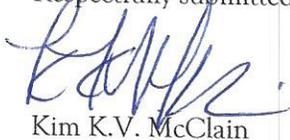
roaming loose on the common elements, because the unit owner shares an ownership interest in the common elements. While this conclusion is technically correct, the result is contrary to public safety, and illustrates how Chapter 435 does not take into consideration animals in common interest communities.

Conclusion

We support R.B. 5151. CAI-CT believes this amendment to CIOA (Common Interest Ownership Act) will benefit the safety of all of our communities.

In the event you may require any further information, please do not hesitate to contact me.

Respectfully submitted,



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