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## TESTIMONY OF SCOTT J. SANDLER, ESQ. REGARDING RAISED HOUSE BILL NO. 124 AN ACT REQUIRING SMOKE DETECTORS IN RESIDENTIAL BUILDINGS

### I. SUMMARY OF TESTIMONY:

Raised Bill No. 124 would require the owners of residential buildings to install smoke detectors immediately outside all bedrooms and on ceiling of each stairway between different floors of the building.

For the reasons set forth below, the Connecticut General Assembly should amend Raised Bill No. 124 prior to enacting it into law.

### II. BIOGRAPHY OF SCOTT J. SANDLER:

Mr. Sandler is a partner in the law firm of Perlstein, Sandler & McCracken, LLC, in Farmington, Connecticut, which currently provides legal services to approximately 450 condominium and homeowner associations throughout the State.

Since 2001, Mr. Sandler has focused on representing condominium, community and homeowner associations.

Mr. Sandler is a member of the College of Community Association Lawyers ("CCAL"). CCAL is a prestigious group of attorneys who have distinguished themselves through contributions to community association law and who have committed themselves to high standards of ethical conduct. Of the thousands of attorneys practicing community association law in the United States, fewer than 150 have been granted membership in CCAL. Mr. Sandler is one of only three attorneys in Connecticut who are members of CCAL.

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Mr. Sandler is a past President of the Connecticut Chapter of the Community Associations Institute. He is presently the Chairman of the Chapter's Legislative Action Committee. He also serves as a member of the Institute's Government and Public Affairs Committee.

Mr. Sandler is a graduate of the State University of New York at Albany (B.A., Economics, 1997) and Quinnipiac College School of Law (J.D., 2000). He was an Associate Editor of the Quinnipiac Law Review.

Mr. Sandler is a member of the American Bar Association, the Connecticut Bar Association and the Hartford County Bar Association. He is also a member of the Executive Committee of the Real Property Section of the Connecticut Bar Association.

### III. ANALYSIS:

Raised Bill No. 124 requires the owners of residential buildings to install smoke detectors outside of each bedroom and on the ceilings above staircases in between floors within the building. Unfortunately, the provisions of Raised Bill No. 124 are not drafted in a way that fully account for the division of responsibilities of community associations and individual unit owners of condominiums, cooperatives, and other forms of common interest communities.

Many common interest communities consist of residential buildings, in which are multiple individually owned units. Typically, the association is responsible for maintaining commonly used portions of the buildings, such as hallways and staircases, referred to as the common elements. The unit owners are responsible for maintaining the interiors of their units.

If the building is part of a condominium, then neither the association nor the individual unit owners are the owner of the building. A unit owner owns the portions of the building that are part of his or her unit. The portions of the building that are common elements are not owned by the association. Rather, the common elements are owned by all unit owners as tenants in common.

If the building is a cooperative, then the association owns the entire building and the unit owners, by virtue of their membership in the association, have the exclusive right to occupy their units. Again, the unit owners, and not the association, are responsible for maintaining the interior of their units.

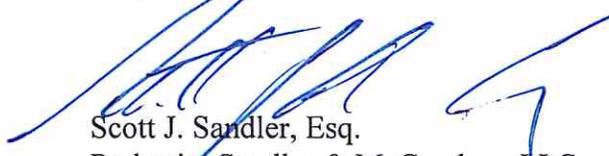
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Prior to enacting Raised Bill No. 124, the General Assembly should amend the bill to more precisely account for the issues discussed above. The amended bill should clearly require owners to install smoke detectors in their units, and associations to install detectors in common element hallways or staircases.

If I can furnish the Committee with any further information or assistance, please do not hesitate to contact me.

Respectfully Submitted,



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