

The New York Times

New Push for a Condo Ombudsman

By LISA PREVOST April 3, 2011

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JOHN Avignone and David Kelman both live at Colonial Village, a condominium complex in West Hartford, but their views on the management of the 84-unit community suggest they dwell in different worlds.

Mr. Kelman, a founding member of the Connecticut Condo Owners Coalition, describes a power-hungry board of directors that controls elections, allows service requests to languish for months and leaves vote counts out of the minutes of meetings.

Mr. Avignone, the board president of Colonial Village, portrays a well-meaning board of volunteers that, with his help, has become more organized and professional, and recently conducted an extensive search to find a skilled property manager. Mr. Kelman, he said, is “an instigator” who barrages him with e-mails and is never satisfied.

More than just a hyperlocal spat, this polarized perspective on condo management is a reflection of the statewide debate over whether Connecticut needs an ombudsman to resolve disputes between condo owners and their boards.

Similar proposals have come before the legislature several times in recent years. Last year, an ombudsman bill made it through the committee process but died on the Senate calendar without being put to a vote.

A bill now before the legislature would establish an ombudsman within the Department of Consumer Protection, in the Attorney General’s office. The agency would be financed through an annual \$4 fee on all condominiums. Connecticut has between 240,000 and 250,000 condo units.

The bill would require condominium associations to set up internal procedures to resolve disputes. Condo owners would be required to go through that process before filing a complaint with the ombudsman, for which they would pay a \$35 fee. The ombudsman’s office would investigate and resolve complaints, and could impose a penalty of up to \$200 for knowing violations of state statutes.

Testifying last month before a legislative committee considering the proposal, state Representative Jack Hennessy, the bill’s sponsor, said his district in Bridgeport had “constituents that have suffered greatly from unresponsive boards, and they need representation, which is what this bill would provide.”

Condo owners who testified in favor of the measure relayed their experiences with boards that conduct closed-door meetings, ignore badly needed repairs like leaking roofs and don't hold regular elections. Short of hiring a lawyer at considerable personal expense, condo owners said, they have no recourse.

Condo associations are "democracies in the same sense that the Soviet Union was a democracy," quipped Ann Diamond, a member of the owner's coalition who has long been at odds with her condo association in New Haven.

Arrayed against the proposal are property management companies and the Connecticut chapter of the Community Associations Institute, a member organization that represents about 280 condo associations. These groups advocate education as a less expensive method of reducing disputes, and maintain that the complainers represent a minority of condo owners.

"We get so much flak from a handful of members," Mr. Avignone said in an interview. "That we need some sort of watchdog to be breathing down our necks is absurd."

In 2009, lawmakers sought to open up the dealings of condo boards and make it easier for owners to vote them out with a major overhaul of the state's condominium law, called the Common Interest Ownership Act. Those changes didn't go into effect until last July, not enough time to determine whether they are effective, said Andrea Scalzo, the owner of Scalzo Property Management in Danbury.

"I believe due process and transparency already exist," she said.

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Connecticut's new attorney general, George Jepsen, is in favor of the ombudsman proposal. At the legislative hearing, several lawmakers also expressed support for some sort of intervention; one recounted an instance in which the Florida ombudsman had quickly resolved a conflict he had with a condo association there.

But opponents say it is difficult enough to find condo owners willing to volunteer their time to sit on association boards without the specter of a state authority able to levy \$200 fines.

Robert Gourley, a condo owner in West Haven who is the president of the board of the state Community Associations Institute, told legislators that unhappy condo owners already had recourse. The revised law allows owners to remove offending board members by a simple majority of votes.

Owners who are truly miserable, he suggested, can always go elsewhere.

"The ultimate solution if you're not happy in the community in which you live," he said, "is to sell your unit and move out."