
Testimony in support of HB 5125

My Name is David Fagone. I am President and Chief Executive Officer of RM Bradley Management Corporation, a commercial and residential property management firm, headquartered in Hartford since its' inception in 1974. Our firm currently manages over 6 million square feet of commercial office space throughout Connecticut. We also manage a number of high-rise residential condominium associations in Hartford, West Hartford, and East Hartford representing nearly 1,000 individual unit owners.

As the COVID-19 crisis began to unfold in early 2020, acting prudently with advice from both association legal representatives and association insurance consultants, we advised the associations that we managed that they should curtail usage of such building amenities as fitness centers, community rooms, common area libraries, swimming pools and patios.

The recommendation to close these amenities was not the result of the pandemic itself, although certain gathering restrictions were in effect, but rather from the advice of our consultants that none of the typical insurance protections would be afforded the association in the event of a COVID-19 related lawsuit. Specifically, it was determined that an association member or their guest could potentially sue the association if they fell ill to COVID-19, implying the virus was contracted in or about the association amenity. As echoed often from our attorneys, the ability of a Plaintiff to prove they contracted the disease on your premises was nearly impossible, however the cost to defend that near impossibility would fall 100% on the association with no legal representation from the typical safety net of the association insurer. In short, most association policies specifically list "virus" as an uninsured risk in the policy. Again, in the words of counsel, "you will probably win your case, but it might cost the association \$50,000 to do so." On behalf of our 1,000 Connecticut homeowners who choose to live in a community setting, we urge you to support House Bill 5125 to afford certain protections to these associations who continue to fully support all CDC guidelines and the Governor's Executive Orders on day-to-day basis within their communities.

Respectfully submitted March 12, 2021

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