

As the co-chairs and co-vice chairs of the Commerce Finance and Policy Committees, I am urging you to stop this bill from advancing for the following reasons:

My name is Meg Smith, 11955 Tiffany Lane, Eden Prairie, MN. I am writing in regard to SF 1063 and HF 856. These bills are in regard to setting up a State Ombudsperson to mediate disputes between a homeowner and the managing Board of Directors.

Although at first it seems like a practical solution to the inevitable issues in a CIC, it may not turn out that way. It seems that both Bills will allow any homeowner to file a complaint against a Board action. I am on the Eden Hills Townhome Association Board and have been for several years. We always make decisions to be compliant with MN. State Statutes, our Declaration, By-Laws, and Rules/Regulations, and I think most Boards do also. (these are legal documents). What I fear is that some people do not like to be told what to do. They want to maintain their "right" to do as they please. That just is not the case in a CIC. In order to preserve the quality and look of the Association, limits must be placed on actions of the homeowners. For example, all of our 21 units have the same exterior tan color. We would not want an exterior painted sunflower yellow or regal purple by someone. Also, we would not want exterior flag poles with flags flying whatever viewpoint they want to express. The Association is run for all to create a quality environment.

People may well file multiple complaints as a way to get back at the Board with issues which they do not agree with. I think this would hinder a common-sense approach to sitting down and working things out together (which we have done many times). Also, the Ombudsperson is required to formally document disputes against the Board that, when made public, could unfairly paint a Board and indeed the Association as something to avoid when people are looking to buy a home.

In the current political environment, citizens are asking for less government, not more. The current situation allows a homeowner to sue the board if necessary. However, we have never gotten to a point where a MN Statute and/or our governing documents do not clearly lay out expectations for both the homeowner and the Board.

In addition, I am not sure where the funding will come from for all the Ombudsperson's salaries. Will there eventually be a fee the Association has to pay for each complaint investigated by the Ombudsperson?

Please stop these bills from advancing and thank you for your consideration of this concern of mine.

Meg Smith