

Community Trends®



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LEGISLATIVE UPDATE

CHRISTINE F. LI, ESQ., CCAL
PARTNER, GREENBAUM, ROWE, SMITH & DAVIS LLP.
LEGISLATIVE ACTION COMMITTEE CHAIR

During this past year, I have learned that one way to serve our communities better is to learn from you. There is likely no better way to get that knowledge than to meet face-to-face and interact with members of CAI, and residents of our communities. The same is true of the need to meet with governmental officials, legislators and other lawmakers who have been empowered with understanding the concerns of their constituency living in planned communities.

Without an awareness by the Legislative Action Committee of the collective will of CAI-NJ and advocating for the "right" positions, the efforts of LAC are for naught. And, as with any committee structure within any organization, it is not enough to get seated on a committee which has the potential and reputation for making a significant difference in the lives of its membership. Becoming named as a member of the LAC is where the journey begins - which is, admittedly, difficult at times as members are pulled in to many directions in their professional and personal lives - not ends. That journey bears with it the responsibility and commitment of each member to actively serve the specific needs of CAI-NJ.

At the 2016 CAI-NJ Annual Expo, I had the honor of participating on a panel along with George Greatrex, Esq., and Michael Pesce, PCAM. The program description was "to discuss legislative and regulatory issues affecting common interest communities in New Jersey." As the Chair of the LAC, I embraced the opportunity to moderate and

organize the discussion by drawing from the activities of LAC this past year. George and Mike, as a seasoned association attorney and property manager, respectively, gave their personal perspectives on initiatives impacting community associations.

What was tremendously eye-opening was the insight we

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drew from those in the audience! Several in the audience shared their experiences in their districts and municipalities on State and local issues. Unfortunately, the session was a scant 45 minutes and there wasn't enough time to draw from everyone who wished to speak.

I opened the session with an overview of the legislative update programs that the LAC conducted this past year to reach CAI members. Teams of LAC members "roved" North, Central and South Jersey and met with CAI members at community clubhouses to explain what LAC was doing and to get insight from the board and association efforts. We thank the communities which generously offered use of their facilities and those who attended for sharing their real life experiences with us. LAC hopes to continue these

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program in 2017 and we seek your thoughts on how to make these programs even better.

I also spoke of the first ever "Lobby Day" which was held on October 20, 2016. Tim Martin of CAI's lobbying firm, MBI-GluckShaw, organized the event which gave members of the LAC the opportunity to talk with legislators. The consensus of those who participated was that the event was highly successful and should be repeated next year. The contact between legislators (many of whom were unfamiliar with CAI and CAI's efforts) and LAC members awakened some legislators to the sizeable universe of community association residents, and professionals dedicated to those residents, who form a part of their constituency.

The session at the Expo also helped me to evaluate the goals the LAC had set and carried for itself through the year. The LAC members gathered at the CAI-NJ Retreat in December, 2015 and agreed upon four ambitious priorities for 2016 – Manager Licensing, the Municipal Services Act reform, Foreclosure Reform, and Election Reform (I am referring to community association board elections, thankfully, not U.S. Presidential elections!)

This past year, the LAC concluded that Manager Licensing (and even the less onerous alternatives of Manager Licensing or Certification) should not be pursued given the significant investment in past years by LAC on licensure. Those efforts resulted in the introduction and passage of Manager Licensing bills in both houses of the legislature which were ultimately pocket vetoed by Governor Christie in December, 2014.

The Municipal Services Act currently requires municipalities to provide or reimburse for the costs related to snow/ice removal, leaf collection, electricity for street lighting and trash/recycling collection. Some municipalities still comply with the law begrudgingly. A bill has been introduced (S1709/A1282) for reimbursement for the paving of private streets. Another bill, S3522, has been introduced requiring municipal utility authorities (MUA's but not municipalities) inspect, maintain, and repair fire hydrants in planned developments. I surmise that the LAC will continue its pursuit of amendments to the MSA.

In furtherance of Foreclosure Reform, two laws were passed in 2014. One authorized lenders to expedite the foreclosure of "vacant and abandoned" properties, and the other authorized municipalities to adopt ordinances to require the maintenance of the exterior vacant and abandoned properties by foreclosing lenders. As of this writing, S1630/A2953 proposes to include the maintenance of the interior of properties, and S1832/3823 proposes to authorize expedited foreclosure in uncontested matters. If the lender fails to expedite such foreclosure, the lender can choose to pay assessment during the pendency of the foreclosure, or agree to the appointment of a "rent receiver." Foreclosure Reform will undoubtedly remain on the LAC's "radar" through 2017.

The conduct of elections and meetings has been of great concern to boards and community associations through the years. Going back decades, LAC pursued adoption of the Uniform Common Interest Ownership Act (UCIOA) and the Community Association Reform Act (CARA) was sought. Both proposed laws contained standards for the conduct of the fair meetings and elections, and community association operations.

With David Ramsey, Esq. spearheading LAC's effort along with Michael Pesce, a new bill, S2492, was introduced on September 8, 2016. The bill is described as enhancing resident voting participation rights in common interest communities. David Ramsey, Esq., also took the lead, along with Ronald Perl, Esq., on working with the New Jersey Law Revision Commission this past year in furtherance of a bill that would include many of the provisions in UCIOA.

I thank Tim Martin and all who served on and with the LAC this past year. I hope it is obvious from this column that the input of CAI members and representatives of community association is essential to the achievements of the LAC and the success of CAI-NJ. Feel free to email me at cli@greenbaum.com with any thoughts or suggestions on how the LAC may better serve you.

May your holiday season be calm and bright, and may the new year be full of happiness and good health. ■