

Community Trends®



LEGISLATIVE UPDATE

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One of the legislative priorities of your Legislative Action Committee (LAC) is to expand the number of services provided by municipalities to common interest communities at little or no cost in the same manner those services are provided to homes not located in such communities. As you know, the *Municipal Services Act* was enacted a few decades ago requiring municipalities to either provide certain services to common interest communities at no additional cost (including snow removal, trash collection, leaf removal and street lighting), or to reimburse those communities the amount it would cost the municipality to provide those services.

Some of you have reported to us that in many towns and cities across New Jersey, common interest communities are required to arrange and pay for annual inspections and flushing of the fire hydrants in their communities. Yet those hydrants not located in CICs are inspected and flushed by the local municipalities or utility authorities at no additional cost to those residents (and paid for through their local taxes and MUA fees). Well, owners of properties in CICs pay the same taxes, yet also have to bear the extra cost of maintaining the hydrants in their communities.

Paul Raetsch, a homeowner leader who serves on the LAC, reports below on a law enacted in New Jersey in 2017 that addresses this inequity. Please read on...

An afternoon fire destroyed two homes on April 29, 2014 in the Fairways, an age restricted development in May's Landing (Hamilton Township), New Jersey. While tragic, the damage would have been less severe had the fire hydrants close to the two homes worked properly. They did not have adequate water flow and pressure.

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(above and right) The April 29, 2014 fire at the Fairways in Mays Landing, New Jersey.



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The local MUA's stated position was that testing and maintaining the hydrants are the homeowner association's responsibility. Since the firefighters did not have adequate water from the hydrants to fight the fire, they had to call in several tanker trucks, losing precious time when fighting the fire.

Shortly after that fire, I asked the Hamilton Township MUA if the fire hydrant system in our common interest community had the adequate flow and pressure to prevent the type of disaster our neighbors had recently experienced. It was then that I was told that our MUA would not maintain, repair, inspect nor flush our hydrants since they considered our age restricted community of single family homes "private." They had previously flushed our hydrants since the first homes were occupied in 2006, but they claimed that previous flushing was a mistake. Most aggravating is that our MUA did not notify our community of this change in its policy, nor did they give us instructions on how to maintain our fire hydrant system. Regardless of our appeals, they would not maintain the system but instead gave us contact information of a certified plumber. This is the same MUA that served the Fairways community before their fire. We did hire a plumbing contractor who discovered that two of the valves at the bottom of our hydrants were not working because they were jammed by sand. We had to fix those hydrants, at our cost.

Less than three years later, Locust Hill, an age restricted community of twin homes in Yardville, Mercer County, experienced a similar fire emergency. A home was severely damaged by fire and the adjoining home suffered significant smoke damage. Shortly after this fire, the Locust Hill community manager was informed that several fire hydrants

in the development were broken or malfunctioning, even though their community was built only fifteen years ago. The hydrant closest to the fire was one that had to be replaced, along with two others in the neighborhood. Three other hydrants needed significant repairs. Locust Hill is served by the Trenton Water Works, a utility owned by the city of Trenton. They accepted no responsibility for the broken hydrants, nor would they pay for the replacement and repairs. Locust Hill had to pay a private contractor over \$29,000 for the job.

But there is help in the form of the *Water Quality Accountability Act*, N.J.S.A. 58:31-1 et seq., a law that became effective October 17, 2017. This law, and the NJ Department of Environmental Protection regulations which implement it, requires every water 'purveyor' with over 500 connections to routinely inspect, maintain and repair valves and fire hydrants throughout the system they serve, including in homeowner associations. These water 'purveyors' would include municipalities, local utility authorities, and private water suppliers. Unfortunately, many of these water purveyors claim to have been unaware of the existence of this law and the obligations it places on them.

So, if you live in a common interest community where your local utility authority or water supplier doesn't annually inspect and flush your fire hydrants, bring this law to their attention. It just may help prevent a tragedy in your community like the ones suffered in Mays Landing and Trenton.

Thanks to Paul for sharing this important and useful information.

Don't forget to attend CAI-NJ's four Legislative Update sessions this month (April 2, 9, 16 and 23). See you next month! ■