

Community Trends®



LEGISLATIVE UPDATE

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Who are you calling a lame duck?

We have now officially entered the time during the legislative calendar known as “the *lame duck* session”. This is the period of time between election day (November 5, 2019) and the end of this legislative session (January 13, 2020). All bills that have not been passed by the Legislature and signed by the Governor into law by that date expire and must be re-introduced in the new legislative session that begins on January 14.

Historically, there is a flurry of activity in the State House during this lame duck period, and often bills that have languished in the legislative process during the two-year session are acted upon and moved during this short period of time. We are keenly aware of this historical practice and are hopeful that some of our legislative priorities will be positively addressed during the next two months. Those bills include:

- **The NJ Uniform Common Interest Ownership Act: S2425/A3851**

These bills seek to begin the process of consolidating into one omnibus statute the many statutory and regulatory provisions that apply to the various forms of common interest communities in our State. It has already overwhelmingly passed the Senate and we are hopeful it will pass the Assembly and move on to the Governor’s desk before the end of the year. If you have not already done so, please call or write to your Assembly representatives and ask them to support these bills!

- **Electric Vehicle Charging Stations: S2421/A1030**

Advancing “green energy” technology brings with it both benefits and complications, and this topic is a good example of that. Legislative efforts to promote the use of electric

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vehicles are moving quickly, and the LAC is working with the sponsors and proponents of this legislation to ensure that the benefits to the users of such technology don’t also burden the common interest communities that would be the subject of these laws.

We are also expecting the imminent release by the Department of Community Affairs (DCA) the following regulations that will affect the governance of common interest communities in New Jersey on a daily basis:

- **“Radburn Law” Regulations:**

In early June of this year the Department of Community Affairs (DCA) issued a set of proposed administrative regulations meant to interpret and apply the various elements of the 2017 Radburn election law. This law included various

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amendments to the PREDFDA and Condo Acts as they relate to voting and elections in common interest communities, along with other association operational procedures. Your LAC carefully reviewed and analyzed those proposed regulations and found that while some are helpful and acceptable, many are problematic and some downright unacceptable. The LAC submitted a letter to the DCA outlining our concerns with each of those many problematic and objectionable proposed regulations, and it is our hope that those concerns will be satisfactorily addressed by the DCA in the final regulations before they become law.

- **Adoption of revised language further defining “adequate reserves” and “benefits derived”**

As contained in PREDFDA and the Condominium Act and their administrative regulations which primarily apply

to new developments still under developer control. We worked collaboratively with the NJ Builders Association to draft proposed revisions to the DCA regulations that address these important regulations, and submitted those revisions to the DCA. We are optimistic that those revisions will be favorably received by the DCA and reflected in their final rules.

All in all 2019 has been a productive year on the legislative front, most particularly the passage of mortgage foreclosure reform. Many thanks to the members of the Legislative Action Committee, the CAI-NJ staff, and the CAI-NJ Board of Directors for their countless hours of time and energy spent fighting the good fight on behalf of all those who live and work in common interest communities in New Jersey. Happy Holidays to all...and we'll see you here next year! ■