

Community Trends®



LEGISLATIVE UPDATE

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Welcome to the 2020 Conference and Expo issue of *Community Trends*! This is the most widely distributed and read issue of the year for our monthly magazine. Like everything else in our world in 2020, this year's Conference and Expo will be different... meaning virtual... but no less valuable for all of us who live and work in common interest communities here in New Jersey.

For those of you who don't receive this magazine, or don't faithfully read it when it's delivered to your office or computer, this Legislative Update column serves as a monthly report on the status of CAI's efforts to initiate and support legislative and regulatory efforts that will improve the quality of life for the nearly 1.5 million residents living and working in New Jersey's 6,700 common interest communities, and to oppose those efforts which would do them harm.

In the January 2020 issue of *Community Trends*, I reported on the Legislative Action Committee's priority list of issues on which we planned to focus our efforts during this legislative session (January 2020 to January 2022) in Trenton. They included:

- **Adoption of uniform common ownership interest legislation** (the revival of UCIOA by the NJ Law Review Commission)
- **Adoption of a legislative correction of the Palisades statute of limitations ruling** (which provides that this time frame runs from the date a con-

struction defect is discovered, even if the developer/builder is in control of the Board at the time)

- **Adoption of an amendment to the Municipal Land Use Law with regard to bonding of association improvements** (currently not required of developer/builder if improvements are to be dedicated to the association)

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- **Expansion of services to be reimbursed to associations or performed by municipalities** (such as maintenance of fire hydrants)
- **Monitor DCA adoption of revised language further defining "adequate reserves" and "benefits derived"** (as contained in PREDFDA and the Condominium Act and their administrative regulations)
- **Monitor Radburn regulations to be published by the DCA** (regarding election procedures and by-law amendment procedures)

LEGISLATIVE UPDATE...

from page 1.

- **Monitor prospective legislation dealing with Board Member Training and Manager Licensing**

It is an understatement to say that much has occurred since I wrote that column in January that has necessarily diverted our attention and focus.

Those issues include:

- **The advent of the COVID-19 pandemic and the Governor's issuance of various Executive Orders shutting down the state as a means of slowing the spread of the virus:** We have focused on interpreting and applying those EOs, and at times sought clarification from the Governor's Office when such interpretation was difficult if not impossible (such as the closing and reopening of recreational amenities). We also were forced to oppose (successfully) several legislative efforts to impede the ability of CICs to collect the delinquent assessments and related charges that serve as the lifeblood of all CICs. We are now working on introducing and supporting legislation that would immunize CICs and their agents from claims based on exposure to virus, possibly paving the way for the reopening of those amenities without the fear of facing uninsured claims and lawsuits.

- **Release of DCA "Radburn Law" Regulations:**

On May 18 of this year the Department of Community Affairs (DCA) issued a set of new administrative regulations meant to interpret and apply the various elements of the 2017 Radburn election law. This law included various 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 a few were helpful and acceptable, many are problematic and some downright unacceptable. At the LAC's urging, your NJ Chapter of CAI has officially appealed those new regulations to the NJ Superior Court-Appellate Division. We are also seeking a "stay" of the regulations, but as of this writing that stay has not been granted, so we must all do our best to abide by these new election regulations as we enter board election season.

I recommend that you pick up and read last month's issue (September 2020) of *Community Trends*®, known as the "LAC Issue", to learn about these issues in more detail. Also, don't forget to attend the Legislative and Legal Update presentation on Tuesday, October 27th. Details to register are available on the www.cainj.org website... see you there! ■