

Community Trends®



LEGISLATIVE UPDATE

GEORGE GREATREX, ESQ.
PARTNER, HILL WALLACK LLP
LEGISLATIVE ACTION COMMITTEE CHAIR

As I write my last Legislative Update column of 2020, I can't help but think...IS IT OVER YET?! Well, almost. This year has indeed been challenging, in so many ways, and those of us living and working in common interest communities in New Jersey have not been spared any of those challenges. But we faced them together, relied on our past experiences and lessons learned in dealing with those challenges, and most of all mustered the creativity and community spirit we needed to persevere... and move on.

Here are five of the top issues your LAC has addressed this past year and on which we are laser-focused as we bring 2020 to a close and welcome 2021:

- **Immunity for Common Interest Communities Against COVID-19 Claims**

Personal injury claims against common interest communities arising from exposure to the coronavirus are not covered by an association's general liability insurance, so CICs need protection from such suits in the nature of legal immunity. A4979 can provide that protection.

- **DCA's Radburn Regulations on Elections and Meetings**

On May 18, 2020 the DCA issued regulations purporting to implement the 2017 amendments to the PREFDA law ("Radburn law"); many of those regulations are difficult if not impossible to comply with, and in many instances are not based on the 2017 amendments; they have been appealed by CAI-NJ

- **Statute of Limitations on Construction Defect Claims**

The time limitation on filing claims against a developer/builder for construction defects is 6 years from the time the Association "knew or should have known" of the defects, even if the Association was controlled by the developer/builder at the time the knowledge was gained; a law is needed to provide that the 6 year time period doesn't begin until the residents take control of the Executive Board from the Developer. S396/A4903 will provide that relief

"S21/A21 gives condo associations and cooperatives the power to regulate or even prohibit the use of cannabis in spite of its legalization..."

- **Electric Vehicle Charging Stations in Common Interest Communities**

The legislature was intent on preventing CICs from passing rules prohibiting homeowners from installing EV charging stations; we needed a bill that balances the rights of those homeowners wanting to install them with the rights of the Association to control and maintain their communities. S1951/A3367 was that bill and was signed into law October 19, 2020: P.L. 2020, c. 108. Turn to page 28 for more information on Matthew Z. Earle, Esq.'s update on electric vehicle charging stations in common interest communities.

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- **Cannabis in Common Interest Communities**

Regulating the use of cannabis in common interest communities now that its recreational use has been legalized in the state. S21/A21 gives condo associations and cooperatives the power to regulate or even prohibit the use of cannabis in spite of its legalization

Here's hoping for a better year in 2021. We on your LAC will continue to work hard to improve the common interest community housing model...and YOU! Happy Holidays. See you here next year. Until then, stay safe...■