



LEGISLATIVE UPDATE

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The main focus of discussion these past few months in the common interest community industry here in New Jersey (and elsewhere across the country) has been whether to re-open amenities, and if so, how to do so safely so as to protect the health of our members and residents in a manner which protects the associations from liability. Your Legislative Action Committee (LAC) has participated in those discussions and efforts, actively seeking support in the legislature and the Governor's Office for a bill (**Assembly 4979**) which would immunize common interest communities from COVID-19-related lawsuits brought by people who claim to have contracted the virus while using their association's amenities. As has been reported in this column these past few months, we have not yet found a Senate sponsor willing to introduce a Senate companion bill. We will continue our efforts in that regard.

In the meantime, there have been positive advancements in our many other efforts to promote legislation which benefits those who live and work in common interest communities in New Jersey. They include:

- **A2964/S1304** is a bill which requires all creditors who acquire title to non-owner-occupied residential property to so timely notify the municipality and the common interest community in which it is located. It addresses the problem of the transfer of title to vacant or tenant-occupied properties through foreclosure which often go unreported to the association. This bill, which was supported by your LAC, was signed into law by the Governor on February 22, 2021 (P.L. 2021 c.20).

- **A21/S21** is a much-publicized bill that would legalize the use and possession of certain amounts of cannabis by adults age 21 or older. Included in this bill is a provision which authorizes a condominium association to nevertheless prohibit or otherwise regulate the smoking or vaping of cannabis products within a unit so long as a majority of the membership of the association votes to do so (such as by amending the association's governing documents). Likewise, a cooperative may prohibit

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or otherwise regulate it by action of the cooperative corporation. The Governor signed this bill into law on February 22, 2021 (P.L. 2021 c.16).

- **A4629/S2911** is a bill which requires electric public utilities to prioritize service restoration to age-restricted communities after major weather events. This bill is supported by your LAC and we are actively encouraging its passage into law.
- **S396/A4903** addresses an unfavorable ruling on the statute of limitations as it relates to construction defect

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claims by providing that the timing under this statute would not begin to run at the earliest until the control of the Association is transferred from the developer to the residents. The bill was overwhelmingly passed in the Senate and is receiving favorable support in the Assembly. Your LAC supports this bill and is actively seeking its passage into law.

- **HR 1319** entitled the "American Rescue Plan Act" (the latest stimulus legislation out of Washington DC) was signed into law by President Biden on March 11, 2021. This bill funded \$9.9 Billion in a Homeowners Assistance Fund to help homeowners who lost their jobs or had substantially reduced incomes due to the COVID-19 national emergency

to avoid foreclosure and keep their homes. Critically, this financial assistance may be used to help homeowners pay delinquent community association assessments.

While some issues grab the spotlight in our business, your LAC's agenda is always full with literally dozens of pieces of legislation and regulations that affect our members, either positively or negatively, and you can be assured that we are giving our best efforts to attend to all these issues. Many thanks to our committee and chapter volunteers for their tireless efforts to improve the common interest community housing experience here in New Jersey and around the country.

See you here next month...stay safe! ■