

Community Trends®



LEGISLATIVE UPDATE

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Welcome to the 2021 Conference and Expo issue of *Community Trends*! This is the most widely distributed and read issue of the year for CAI-NJ's monthly magazine. In keeping with our efforts to return to some semblance of "normal", this year's Conference and Expo will be an in-person event again... but whether in-person or virtual, the Conference and Expo is incredibly 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 2021 issue of *Community Trends*, I reported on your 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:

- **Passage of legislation to provide common interest communities immunity from COVID-19 claims** (to protect against uninsured claims arising from exposure to the novel coronavirus). Against all odds, and with the help of nearly 20,000 emails and phone calls for our members to their legislators, **this legislation was passed and signed into law by the Governor on July 1!**

- **Purse the appeal of the DCA's Radburn regulations** (regarding election and meeting procedures). Our court filing was temporarily dismissed with instructions from the court to first pursue our requested changes directly with the DCA, which we are currently doing.
- **Adoption of a legislative correction of the Palisades statute of limitations ruling** (which provides that this time frame runs from the date a construction defect is discovered, even if the developer/

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builder is in control of the Board at the time – S396/A4903). With the sponsorship of powerful legislators in both legislative chambers, we hope for passage of this important bill before the end of this term.

- **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). This is proving to be a more difficult legis-

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lative task to initiate than we anticipated, but we continue to pursue this important change in the law.

- **Monitor prospective legislation dealing with mandatory Board Member training and Manager Licensing.** Those bills have now been introduced (A5492/S3790 and A5493/S3789), and we are negotiating the proposed statutory language with their sponsors in an effort to maintain the benefits of these initiatives for our members while at the same time minimizing the costs and drawbacks of the current language.
- **Adoption of uniform common ownership interest legislation** (the revival of UCIOA by the NJ Law Review Commission – S2261/A4265). We're proud to report that this bill was nearly unanimously approved by the legislature, for the second time, **and now sits on the Governor's desk awaiting his signature.**

Much has occurred since I wrote that column in January, including a gradual and welcomed lifting of the Governor's

State of Emergency in response to encouraging reports of increasing vaccinations and lessening infection rates, hospitalizations and deaths from COVID-19. It was our hope then that if those encouraging trends continued, by January 1, 2022, when our immunity legislation is set to expire there would be no need for this immunity. Unfortunately, as I write this column those numbers are dangerously trending in the wrong direction here in New Jersey and around the nation. We continue to monitor this worsening situation and are prepared to seek an extension of the NJ law that provided limited immunity to common interest communities from COVID-related claims if that becomes necessary. We will keep you posted.

I recommend that you pick up and read last month's issue (September 2021) of *Community Trends*®, known as the "LAC Issue", to learn about these issues in more detail. Also, don't forget to attend the Legislative Update presentation at the Conference and Expo on October 21st in Freehold... see you there. In the meantime, stay safe! ■