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LEGISLATIVE UPDATE

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As you may be aware, CAI-NJ has sought to overturn certain provisions of the Radburn Regulations through an appeal to the Appellate Division of the New Jersey Superior Court. The Court initially determined that the appeal was premature, and that CAI-NJ must first file a petition with the Department of Community Affairs ("DCA") asking it to change the portions of the Administrative Code that were unacceptable.

In response to CAI's petition, the DCA issued proposed rulemaking 54 N.J.R. 115 (a) opening up a public comment period through August 20, 2022, on the proposed changes, which will be discussed below.

The changes proposed by the DCA are as follows:

- Clarifying that electronic voting results do not require public tallying, but that the results have to be open to inspection for a period of 90 days following the election.
- Clarifying that those appointed by boards of associations to "master" or "umbrella" associations must be members of the associations' executive boards.
- Clarifying that a proxy and absentee ballot must be included with election materials unless prohibited by the Bylaws.
- Providing that arrears in associations with more than 50 units must be cured 5 business days in advance "unless the association allows for more time."
- Providing that removal of directors by unit owners/members is accomplished upon the presentation of a petition signed by 51 percent of association members.
- Providing that electronic records of board meetings must be made available to owners for at least 30 days from when the written minutes are approved.

- Clarifying that associations that were not previously legally required to record bylaws in the county clerk's office do not have to do so (such as pre-Co-op Recording Act cooperatives).
- Making several other minor changes.

The LAC believes that some of the above changes are objectionable, particularly the item related to the removal of directors through a petition without any type of meeting or vote. The LAC also has some technical commentary regard-

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ing the internal consistency of the regulations and other matters. Therefore, the LAC will be submitting commentary on the proposed rulemaking.

Everyone is encouraged to closely review the proposed rulemaking and submit appropriate comments to the DCA by the August 20, 2022, deadline.

On an unrelated note, the LAC is pleased to note that it, together with representatives from CAI's federal legislative committee, met with Senator Menendez to express concerns regarding the new Fannie Mae and Freddie Mac's new "structural" underwriting guidelines adopted in the wake of the Champlain Towers collapse, and to ask for his help in rectifying the situation. We are hopeful that he will assist in implementing some needed changes. ■