

Community Trends®



LEGISLATIVE UPDATE

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The topic this month is security. The Community Associations Institute Legislative Action Committee (NJ-LAC) has been carefully considering whether legislation should be introduced regarding the security of board members, residents, and management. Recently there has been a spate of violence directed towards volunteer board members, including the murder of five directors at a condominium board meeting in Toronto, the murder of three directors at a board meeting in Italy, and the murder of a board president and her husband in Florida. The common thread of all three tragedies is that the killer had a vendetta against the board and was viewed in the community as threatening and unstable. For example, the Toronto gunman was facing removal from the building and had multiple past incidents of threatening and cursing his neighbors and employees.

Many cooperatives have a mechanism in their governing documents to eject a resident who is a threat for "objectionable conduct." Furthermore, the New Jersey Anti-Eviction Act permits evictions for, "Disorderly Conduct," "Damage or Destruction to the Property," and "Substantial Violation of the Rules." However, most condominiums and homeowner associations (HOAs) have no statutory or governing document authority to remove a threatening resident, even in a multiple dwelling situation.

Most U.S. jurisdictions do not have provisions enabling the removal of a condominium resident that poses a threat. In Illinois, it is not atypical for a condominium to have an "involuntary sale" provision in the declaration. A typical provision forces the sale of an owner's unit if the owner

engaged in repeated violations of covenants and restrictions after written notice.

A law permitting the removal of community association residents for certain bad acts is desirable to ensure the protection of directors and other residents and should be sufficiently broad to ensure safety and peace and quiet. However, any such law would have to overcome concerns

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by legislators that boards would use in a nefarious and abusive manner.

We will continue to carefully examine this issue, together with the experts at CAI National, and develop a preferred policy.

As an additional safety and security note, you should be aware that the Borough of Cliffside Park recently enacted an ordinance banning e-bikes and e-scooters in multi-family and commercial structures. The ban was enacted after two significant fires caused by lithium-ion batteries. Whether or not other localities will follow their lead remains to be seen. ■