

# Community Trends®



## LEGISLATIVE UPDATE

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The past month was less eventful on the legislative front than we had anticipated, as the legislature ultimately decided to focus on other matters. I am pleased to report that we had a successful and well attended legislative update on May 11, 2023, and many thanks to the presenters and attendees.

In dovetailing with this month's "maintenance" theme, our top priority continues to be getting our structural integrity and building safety legislation passed. The recent parking garage and balcony collapses underscore the urgent need for legislation to protect the life and safety of the public.

In that connection, the Legislative Action Committee (LAC) building safety task force has been involved in extensive negotiations with other stakeholders. While we cannot bridge the gap with them on all the issues, progress has been made and the matter is now in the hands of the sponsors to make decisions on the final contents of the bill and to move it through the legislature.

Regarding document maintenance, many of you may be contemplating updating your documents to comply with the Radburn Election Law and Regulations. Please note that CAI's challenge to the Radburn Regulations remains pending and is fully briefed before the Appellate Division. At this time, no one can predict when a decision may be rendered.

Finally, you may recall that in June of 2022 the Department of Community Affairs (DCA) published a proposed rulemaking in response to CAI's petition challenging the Radburn Regulations, making a few minor changes. However, the DCA's proposed changes were generally not

acceptable, and the LAC submitted commentary in August 2022.

For example, one proposed change by the DCA would provide that upon the receipt of a petition signed by 51% of the members, a board member is automatically removed without any due process or voting. We pointed out to the DCA that, among other things, relying on petitions to under-

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take such important matters is fraught with infirmities such as complaints that those signing the petition were not told what they were signing for, complaints that the signatures are not valid, etc. In addition, such a procedure does not afford the removed director any opportunity to respond and oppose his or her removal. Instead, we recommended that the DCA clarify that the presentation of the petition triggers the need for an orderly removal vote that affords directors whose removal is proposed adequate time to respond to the members.

The DCA has until June 21 to publish the final rulemaking, including any response to CAI comments. Therefore, be on the lookout for an update soon! ■