

Community Trends®

September 2017



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LEGISLATIVE UPDATE

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....and more

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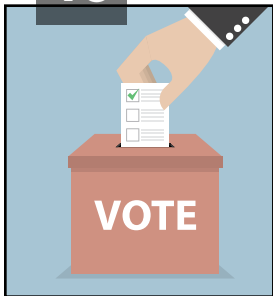
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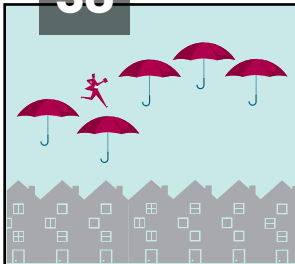
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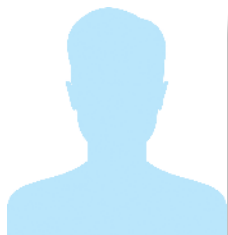
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"The problem's plain to see: Too much technology Machines to save our lives. Machines dehumanize."

Dennis DeYoung – "Mr. Roboto"

Can you believe it is September already?!?! Summer officially ends for most of our properties with the closing of the pools and the Labor Day BBQs. Hopefully everyone enjoyed their summer and the kids are not groaning too much about going back to school.

I remember school shopping involved going to the local mall or department store with your parents – or later your friends (just drop me off here so no one sees you, Mom...) – and bringing coupons that you may have cut out of the newspaper for \$10 off the pair of fresh sneakers you just had to have or the hippest jeans that everyone was wearing that year. Your arms would be loaded with notebooks, pens, pencils, and a new, snazzy backpack. You would then go to the food court and have pizza or a pretzel and...wait for it... talk to each other! Yes, actual conversations where talking and listening and maybe some laughing was involved (no Instagram or Snapchat). You would part ways when the mall closed and when you got home you would pick up the phone (attached to the wall, no less) and call your grandma and thank her for the check she sent in the mail so you could buy a cool new jean jacket or the new Bowie record (wait, what's that you say ...a record?).

Yes, I know I am being nostalgic, I guess it was because of all the back to school sales via e-mail I got from every store out there. You don't even need to cut coupons anymore! Just show them the code on your phone! I know I just set the stage for the overuse of technology, but there are times when it really does come in handy. For example, how cool was it that you could help kids get school supplies by ordering them online from Amazon and having it sent directly to CAI-NJ?! The response this year was overwhelming! Great job and thanks to all of those who donated. And kudos to the staff of CAI-NJ and the CAI-NJ FAST Team!!!

Speaking of technology, the Radburn Bill (which is the subject of an article later in this issue) was passed and signed into law on July 13, 2017. One of the many, many changes that the new law makes is to statutorily authorize electronic voting in community associations. Subject to certain restrictions (speak to your association's counsel first), this means that homeowners will be able to vote for board

***"The LAC works very hard,
mostly under the radar..."***

members by filling out an electronic ballot without having to physically attend that annual meeting. From a manager's perspective, the hope is that this will lead to an easier time establishing quorum for the board elections without having to wait another month (or months) to reach quorum so that the election can take place. Many of us have been waiting a long time for this to be a lawful and viable option. And while I still feel that you should always attend the annual meeting to meet the candidates and mingle with your neighbors, this is one way in which using all this technology should benefit our associations.

Finally, please check out this month's edition to learn about more about the Radburn Bill (and our Legislative Action Committee's efforts in getting it passed) as well as other issues that our LAC is working on for our chapter. The LAC works very hard, mostly under the radar, so it is nice to give them the credit and praise for a job well done. I am sure you will be impressed!

Domo arigato, Peace and Love,

Denise



LOOKING AHEAD

LARRY THOMAS, PCAM | CAI-NJ CHAPTER EXECUTIVE DIRECTOR

As this issue of *Community Trends*® is dedicated to our legislative initiatives, I am sure that you will agree with me that all the articles provide an extensive overview of our current position and status on dozens of pending legislative bills. So, considering that there is already widespread coverage on our legislative matters, I'd like to address the importance of our Political Action Committee and how vital their "behind the scenes" efforts are. Jim Rademacher, as President of CA-PAC, and Jack McGrath, as Vice President, do a thankless job raising funds to support our elected officials who support our interests when considering pending legislation that could affect our common interest communities.

CA-PAC meets regularly to discuss how to raise funds either by direct solicitation or by organizing events. Members of CA-PAC regularly attend CAI events to make a "pitch" for donations and inform the attendees of how important their contributions are. These contributions are used to support the campaigns of elected officials that advocate legislation that would benefit our community associations. There are also several instances where we need to "get the ear" of a state senator or assemblyman to inform them why we feel their bill is unfair to our residents that reside in a homeowner association or a condominium.

There is a program in place for all our membership categories. One program that is geared towards our community associations is our "Dollar a Door" campaign. Almost every bill that is introduced concerning New Jersey's common interest communities (HOAs and condos) if passed, would have an impact on every person living in a community. Therefore, CAI National created the "Dollar

a Door" campaign. Several communities have created a line item in their annual budget for this yearly pledge. It's also very important for our Management Company and Business Partner members to give a donation to CA-PAC. These companies have a substantial financial interest in the operations of our community members and dozens of these pending bills, if passed, would impact how they run their businesses. So please go to page 16 and see which of our communities, management company, business partner

"These contributions are used to support the campaigns of elected officials that advocate legislation that would benefit our community associations."

or individual members have contributed to our PAC this year and contribute today and get your name "on the list." There is a form for you, your business or your community to contribute on page 16. Also, if you are a board member for your community, see if any of your professional or service providers are listed and if not, encourage them, to make a pledge. Individual managers are also encouraged to support CA-PAC as they have a professional interest in legislation that could severely impact the way our communities are managed. This is the only method we have to "have our voice heard" in Trenton and to make sure unfavorable legislation is not voted into law. ■

2017 EVENTS & EDUCATION CALENDAR 2018

SEPTEMBER

- 7 CAVL Round Table**
Buona Sera Restaurant, Red Bank
- 14 Manager Leadership Workshop**
Rossmoor Community Association, Monroe, Twp.
- 19 Lecture Series**
CAI-NJ, Freehold
- 20 Business Partner Meet-Up**
Salvation at the Asbury Park Hotel, Asbury Park
- 26 Legal Forum: What Would You Do? Legal Issues Impacting Community Associations**
Stonebridge Community Association, Monroe
- 28 FAST Meet-Up**
Hopewell Valley Vineyard, Pennington

OCTOBER

- 4 Community Next 2020 and Beyond: Presented by the 2017 Ultimate Partners**
The Radisson Hotel, Freehold
- 17 Preconference Networking Reception**
NJ Convention & Expo Center, Edison
- 18 Annual Conference & Expo**
NJ Convention & Expo Center, Edison
- 26-28 M-100: The Essentials of Community Association Management**
Mercer Community College, West Windsor

NOVEMBER

- 16 Manager & Business Partner Panel Discussion**
The Chart House, Weehawken

DECEMBER

- 7 Annual Retreat**
Clearbrook Community Association, Monroe Twp.
- 14 FAST Meet-Up**
TBD, Red Bank

FEBRUARY

- 15 Annual Awards Dinner**
The Imperia, Somerset



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EVENTS ARE SUBJECT TO CHANGE

LEGISLATIVE UPDATE



CHRISTINE F. LI, ESQ., CCAL
PARTNER, GREENBAUM, ROWE, SMITH & DAVIS LLP
LEGISLATIVE ACTION COMMITTEE CHAIR

The Legislative Action Committee issue of *Community Trends*® is undoubtedly my favorite issue for which I write this column. I get to read all of the articles before the issue is published, and offer a brief description of the context in which the articles were written.

The effort and coordination to produce this issue isn't evident when the issue arrives in the mail of each member. To appear in the September issue of *Community Trends*, the articles have to arrive in Jackie Oskierko's computer (the expression used to be "arrive on Jackie's desk") by early August in order for Jackie and the Editorial Committee to comb through the articles. But I put the LAC issue on the meeting agenda of the LAC beginning in March. That's when I encourage volunteers to write, acknowledging that everyone has other priorities, albeit personal or professional, and emergencies which sometimes make it difficult to generate an article on time and on topic.

The pressure of a looming deadline and the anxiety of writing is compounded by the topic selection process. Will a topic selected in March still be of interest come September? Will new developments in the in the community association arena arise before September which aren't included in the selected topics? And the most dreaded concern - Will members who volunteered to write not come through?

I thank everyone who wrote. The articles individually and, therefore, collectively are excellent. They demonstrate the breadth of knowledge and experience that the members bring to the LAC. The authors never lose sight of the reason they write. We work hard through the year in meeting, analyzing and discussing bills, lobbying and advocating and then we produce "our" issue of *Community Trends* to showcase who we are and what we do. In a nutshell, we are here to serve the members of CAI-NJ. And it is a commitment which continues over the course of days, months and years. Our hope is that we educate our members, help them deal with issues, provoke consideration of potential relief in the context of legislation, and encourage

them to seek out the LAC should recourse through legislative advocacy be the course to take.

New Election Requirements. The election procedures which were followed by the Radburn community in Fair Lawn, New Jersey was the catalyst for the passage of a law on July 13, 2017 to implement a fair election process at the Radburn community and throughout the State. The LAC committed its time and energy to a bill introduced by Senator Robert Gordon, as well as several other bills, which were intended to respond to the governance structure at Radburn which has many features which ran contrary to the procedures we often take for granted in the conduct of fair, open and meaningful elections.

J. David Ramsey, Esq., who worked on the drafting of the bill and its passage into law along with other LAC members, shares in his article the history of the bill, the effort that went into the signing of the bill into a law, and what the law now means for community associations throughout New Jersey.

Redemption of Tax Sale Certificates. It is an understatement to say that the resources available to community associations and their professionals to collect delinquent common expense assessments are limited. Changes in the current statutes governing the sale of tax sale certificates warrant evaluation, leading to the possible adoption of new means to pursue delinquent assessments.

One avenue of relief is to afford community associations the right to redeem tax sale certificates. New Jersey courts have consistently interpreted New Jersey statutes to prohibit community associations from redeeming tax sale certificates.

Further consideration should be given to community associations in light of recent bankruptcy court rulings'. Decisions governing the nature of community association liens in recent bankruptcy cases, such as *In re Ronas*, and *In re Keise*, have given rise to recommendations on behalf

"I thank everyone who wrote. The articles individually and, therefore, collectively are excellent."

of community association by bankruptcy practitioners for legislative relief for community associations.

Timothy P. Duggan, Esq. elaborates on both of these problems and prescribes potential legislative action to enhance the tools available to our membership to pursue delinquent owners.

Insurance. The LAC is fortunate to have amongst its members a seasoned insurance professional. As such, the LAC looks to him for a perspective which only someone experienced in this field can bring to analyzing insurance-related bills and recommending amendments or opposition to such bills.

Vincent Hager, CIRMS brings to the forefront of this review of bills those which focused on insurance. These technical bills concern the assessment of insurance deductibles, the construction of structures to meet certain flood elevation standards, and the prohibition indemnification language in snow plowing contracts.

Property Management. The LAC also draws on the expertise of property managers of its membership and, in this context, the historical memory of its members. A bill the LAC has been considering this past year amends legislation dating back to 2000 relative to the retrofitting of lawn sprinkler systems.

Fast forward 17 years to the issue of electric charging stations in our communities – just as Tesla introduces its first mass-market sedan. With the advent of electric vehicles over a decade ago (and more than one instance of someone running an extension cord over a parking lot surface), a bill governing electric charging stations is more than ripe for consideration.

Finally, some possible relief from the costly investment our community associations make in the maintenance of fire hydrants brings to our attention a bill for the maintenance of fire hydrants by municipal utility authorities.

Michael Pesce, PCAM discusses these bills and his perspective which impacted the position which the LAC took on each of these bills.

Mortgage Foreclosure Reform. We had included

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Step right up to the CAI-NJ Annual Conference & Expo...

Community board members, homeowners and community property managers, our Annual Conference & Expo is almost here and promises to be more exciting than ever. It is set for Wednesday, October 18, 2017 at the New Jersey Convention and Exposition Center at Raritan Center in Edison.

We will once again be giving away \$1,000 per hour for a total of \$5,000 to five lucky attendees. If you attended our event last year you would have seen the happy attendees as they were handed \$1,000 in cash. Everyone in attendance will be eligible to win but you must be present. In addition to the \$5,000 in prizes, our exhibitors will be drawing winners for their exclusive prizes.

The day promises to be filled with fun and education. Our exhibitors will be joining in our Carnival theme this year as we will transform the tradeshow floor into the CAI-NJ Midway. You will have the opportunity to visit 169 professional companies, learn about the latest trends in community association services and gather advice from our experts while enjoying the fun entertainment of the day. The format of the educational programs has changed this year to allow for more sessions and resources for our attendees. There will be six condensed sessions of 25 minutes each.

The doors will open at 9:30 a.m. and you will have plenty of time to visit with our professionals and enjoy the complimentary breakfast buffet before sitting in on the first of six educational sessions, *Collaborating with CAI — How an HOA Went from Ghost Town to Board of The Year*. A team of three will discuss how a community association board was able to go from a developer's bankruptcy to an award-winning board by efficiently educating its volunteers and selecting the right vendors for their association. The team will include George C. Greatrex, Esq. of Shivers,

Gosnay & Greatrex, LLC and Dr. Robert Kahrman and Paul Raetsch both of Horizons at Woods Landing.

The second educational session, *We Can't Guess Your Age and Weight but We Can guess the Governing Document Amendments That You Should Be Thinking About*, will allow you to discover the governing document amendments that may help your association such as master deed and by-laws in addition to a discussion on community association rules, regulations and resolutions. It will be

"We will once again be giving away \$1,000 per hour for a total of \$5,000 to five lucky attendees."

presented by Fran McGovern, Jr., Esq. of McGovern Legal Services and Elaine Warga-Murray, CMCA, AMS, PCAM of RMG, Regency Management Group, Inc., AAMC.

Throughout the entire day our professional companies will be available to you as the tradeshow floor will remain open. You will have time to visit with them throughout the midway while enjoying a full complimentary lunch buffet.

The third educational session, *A New Perspective on Solidifying Customer Relations*, will explore interesting techniques on how to create an instant rapport with your colleagues by controlling your workload and setting service parameters. It will be presented by Ryan Fleming of JGS Insurance. The fourth and following session, *Disaster Safety Planning & Business Preparedness* will inform you why it is essential that you have a preparedness and safety plan in place whether you are a community association board member, business owner or oversee the daily business operations.

CONTINUES ON PAGE 54



Edward I. Guttenplan, CPA, MBA, CGMA Named President of NJCPA

Wilkin & Guttenplan Managing Shareholder Edward I. Guttenplan, CPA, MBA, CGMA has been named president of the New Jersey Society of CPAs (NJCPA), and began his one-year term on June 1, 2017.

As an NJCPA member, Ed has been involved with numerous committees, including the Education Foundation, Finance, Retirement Savings Plan, and Scholarship Fund committees. He has also held positions on Student Programs & Scholarships and Special Awards committees. He has received several organizational awards including the Distinguished Service Merit Coin, the 2004/2005 Leadership Award, and the Diversity & Inclusion Impact Award. Ed has also served terms in each available board position of the Middlesex/Somerset Chapter.

Ed is extremely active in his community and has served on boards for multiple local organizations. His dedication to professional associations has led to numerous awards from the Community Association Institute, and culminated in his induction into their Hall of Fame. ■

Finally, One of Our Own Sets Sights on State Assembly

Tom Giaimo, a community association practitioner for over thirty years, is running for the New Jersey Assembly in Legislative District 13. A native of New Jersey, and a proud alum of Middletown, New Jersey public schools, Tom attended Dickinson College where he graduated cum laude with a degree in political science. In 1986, Tom established the law firm of Giaimo & Associates, LLC, which focuses on representing non-profit homeowner and condominium associations throughout the state. For thirty years, Tom has zealously advocated for New Jersey homeowners at every level of government, including the federal, state, county, and local levels, and their various agencies and departments. Now, Tom looks forward to bringing his unique perspective and talent to Trenton, where along with many issues that he is passionate about, he will ensure that matters within the community association industry are addressed and improved.



Courtesy CAI-NJ

For more information about Tom and his campaign, please go to www.giaimo4njassembly.com. ■

Chapter Trends Editorial Guidelines

- All submissions must come from and be about:
 - A member of CAI-NJ (Manager, Management Company, Board Member, Business Partner or Business Partner Employee) in good standing.
- Companies/Communities are permitted four (4) announcements per calendar year.
- Submissions are limited to 150 words.
 - Members are responsible to condense the information appropriately, as CAI-NJ will not do so. Any submissions over 150 words will not be published.

- Submissions may include (1) image.
- Submissions should not be advertorial in nature.

Please note, CAI-NJ reserves the right to edit any submissions. The chapter reserves the right to omit information as necessary. CAI-NJ has the exclusive right to refuse to publish any submissions for any reason.

For questions regarding the Chapter Trends section of *Community Trends*®, please contact jaclyn@cainj.org or 609-588-0030.



Help CAI's Amicus Effort

The CAI Amicus Program is looking for your help. For years, CAI has participated in New Jersey court cases involving significant community association issues. We do this through our "Amicus" or "Friend of the Court" Program. With the court's permission, CAI files briefs in court cases advocating the interests of our members. CAI has successfully appeared in a number of important New Jersey cases, including *Twin Rivers*. It is important for our members to let CAI know when they are involved in, or become aware of, a lawsuit which may have an impact of general concern to the industry. We can only participate and have our views expressed when we know about these cases when they first arise. So, this is an important request on behalf of both the National and Chapter Legislative Action Committees to please advise the Chapter office of any litigation involving community association issues of potential importance to the entire industry. For any such notices, please contact Larry Thomas, PCAM at (609) 588-0030 or at larry@cainj.org. ■



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CA-PAC REPORT

Letter from your PAC CHAIRMAN



The Community Associations – Political Action Committee (CA-PAC) is essential to ensuring Community Associations Institute’s political involvement and our legislative successes in Trenton. The CA-PAC allows CAI-NJ and our members to have a direct impact on the issues and legislation that affect you. Giving to CA-PAC ensures that someone is looking out for the interests of New Jersey’s common interest communities.

CA-PAC makes careful well informed decisions on whom to support based upon a legislator’s voting record, legislative committee and overall support for our issues. We support legislators who are responsive to our concerns and your contribution is vital to our success.

With all 120 legislative seats up for election this November along with the race for Governor it is critical that we raise funds to spread our message to elected officials that lack a fundamental understanding of community association issues. Your contribution is an investment in the interests of community associations throughout New Jersey. Please send in your contribution today.

Thank you,

James Rademacher
 President, Community Associations Political Action Committee

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Purpose of CA-PAC

To promote and strive on the behalf of New Jersey community associations for the improvement of government by encouraging and stimulating New Jersey community associations, their owners, and those serving the New Jersey community association industry to take a more active and effective part in governmental affairs.

To donate to CA-PAC, send contributions to
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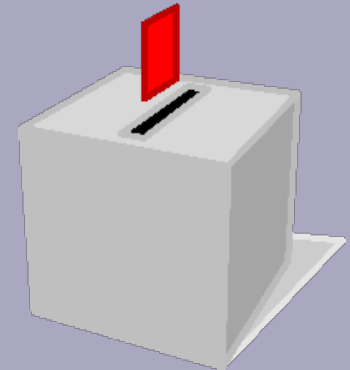




CAI-NJ IS HARD AT WORK ON OUR TOP PRIORITIES FOR THE 2016-2017 LEGISLATIVE SESSION INCLUDING:

- **Municipal Services:** CAI-NJ is advocating for advancements in the municipal services provided to your community including the maintenance of fire hydrants.
- **Delinquencies and Expedited Foreclosures (S 1832):** We are closer than ever to working with the banks and lenders to maintain vacant units and assume responsibility for maintenance fees. We are also pushing to include rent receiverships as an option.
- **Insurance Deductibles (A 3683):** This legislation deals with the Association's ability to transfer the deductible to homeowners in condominium associations.
- **Security Cameras in certain common interest community lobbies (A 3431):** Is your community considered in this legislation? If passed, certain communities in high crime areas of our state will be required to install security cameras in designated areas.
- **Snow Contractor Indemnification (S 181):** If passed as presently worded, snow contractors would be indemnified for any damage or injuries as a result of their snow removal/ ice control operations. CAI-NJ is involved in a coalition with several other organizations to meet with our elected officials and make sure our communities are protected.
- **Rain Sensor Installations (A 1484):** If you have a community controlled irrigation system, you may be required to install rain sensors to your system.

VICTORY FOR CA-PAC! New Election Law

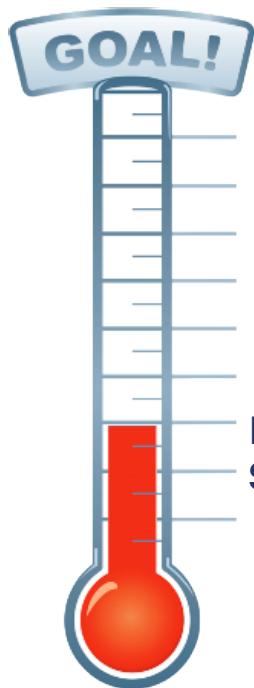


On Thursday, July 13, Governor Christie signed legislation to enhance owner participation in community association elections. The CAI Legislative Action Committee worked side-by-side with Senator Gordon, the primary sponsor of the bill, to ensure that the final version of the law would be balanced and not impose undue burdens on community associations while making the election process democratic where it currently isn't. Only through an eleven-month effort by the LAC members and the willingness of Senator Gordon to listen to, and accommodate, CAI's concerns was this able to occur.

CA-PAC in Action

In 2017 CA-PAC members have attended fundraisers for candidates that support NJ's community association industry including Assemblymen O'Scanlon, Holley, Benson, Lagana, Senators Brown, Van Drew, Gordon and Rice and Senate candidate Cryan.

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The New Jersey Election Law Enforcement Commission requires us to collect and report the name, mailing address, occupation and name of the employer of contributors whose contribution exceeds \$300 in a calendar year. Contributions to CA-PAC are not deductible for federal income tax purposes. Contributions are not limited to suggested amounts. CA-PAC will not favor nor disadvantage anyone based upon the amounts or failure to make PAC Contributions. Voluntary political contributions are subject to limitations of ELEC regulations. CA-PAC contributions are not considered payment of CAI dues.

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New BOARD ELECTION REQUIREMENTS

By J. David Ramsey, Esq.
Becker & Poliakoff, LLP

THE BACKGROUND

When we think of modern governance and our opportunities as citizens to participate, we still like to believe that our vote counts. Not only does this matter in a presidential election or mayoral runoff, but even in the most local of concerns: that of electing people to a board of trustees for our community association — the place we call home. Yet, for years, this precise issue of owners being denied meaningful access to participate in their own governance has been the source of dispute in one community called “Radburn” located in Fair Lawn, NJ.

Radburn was founded in 1929 as “a town for the motor age.” It was one of the first communities to clearly

separate pedestrian traffic from vehicular traffic; contained a spine of open green space and may have been the first community to intentionally contain cul-de-sacs. Today Radburn boasts a community of over 3,000 people who reside in almost 700 residences of diverse style and architecture. Although Radburn’s planning was far ahead of its time, its governance structure — now almost 90 years old — is anachronistic. Radburn is a community where only those nominated by a nominating committee may run



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Courtesy CAI-NJ.

David Ramsey is a shareholder in the law firm of Becker & Poliakoff, LLP, in Morristown, New Jersey. David has practiced law since 1976, with his areas of specialty in community association law, land use and development. David is a past president of the Community Associations Institute, a national educational and advocacy association for community associations, and a past president of the New Jersey Chapter of CAI. He served as the chair of CAI's Government and Public Affairs Committee from 2008 through 2016 and remains a member. He previously chaired the New Jersey LAC and the UCIOA Implementation Committee. David has also previously served as one of CAI's designated advisors to the National Conference of Commissioners on Uniform State Laws with respect to updating the model UCIOA act. For numerous years he has been peer rated as a Super Lawyer, listed in the publication Best Lawyers in America and ranked AV (highest possible rating) by Martindale Hubble.

David is a graduate of Rutgers University (1973), where he earned his Bachelor's of Arts degree (Magna Cum Laude; Phi Beta Kappa), and Rutgers Law School (1976). He is a member of the College of Community Association Lawyers. During the early part of his career he developed an expertise in community associations, drafting governing documents for commercial and residential condominiums, home owners associations and planned unit developments, and obtained registration of those projects by the New Jersey Department of Community Affairs. He has since represented numerous associations and been involved in finding solutions to the issues they face. He has frequently lectured and written on matters concerning community associations at the local, state and national level on issues ranging from community association legislation to restricting Megan Law registrants from living within community associations.

for most board seats. The catch? The nominating committee is controlled exclusively by the board. The owners are not members of the association. Only those who have served or are serving on the governing board are members of the Radburn Association.

In 2006, a group of owners sought the aid of the courts in efforts to kick wide open the election doors long closed to only the select few already serving on the Board or their allies. Ultimately, though, an appellate court concluded in 2010 that nothing in Radburn's bylaws contradicted any provision of New Jersey law. The court held that "[w]ithout a basis in legislation, it is beyond our authority to effect such a change in the relationships between community associations and their members."

Upset by this result, a number of Radburn residents turned to Senator Robert Gordon for help. Gordon, who grew up and resided in the Community for many years, sympathized with the plight of those who felt disenfranchised. In September of 2016 Senator Gordon was able to introduce legislation that would democratize the process of electing members to an association's governing board. Senator Gordon, who previously worked with the New Jersey CAI Legislative Action Committee (LAC), once again tapped the LAC for its expertise in election and association governance matters.

For a better part of a year, Senator Gordon's bill went through various iterations. In addition to the LAC, the New Jersey Builders Association, the New Jersey Department of Community Affairs and a group of Radburn residents actively participated with comments and suggested changes to the election bill. Given the long history of being denied the ability to meaningfully participate in board elections, the Radburn residents sought a bill that would provide significant detail on the nominating, election and voting process.

And finally that day came. Senate bill 2492, sponsored by Senator Gordon among many others and Assembly bill 4091, sponsored by Assemblyman Timothy Eustace, similarly sponsored by many Assembly representatives, unanimously passed each house of the legislature. Legislators throughout New Jersey had finally recognized that the time had come to codify in state law a fair process for electing board members. On July 13, 2017 Governor Christie signed the law. Pursuant to its terms it is effective immediately, but the pro-

visions regulating elections become effective on the first day of the third month following its enactment — in other words October 1, 2017. While the legislation will not affect those associations whose bylaws already include an independent process for board elections consistent with the new law, for those owners long without access to their own governance, this is a significant win. The passage of the is law also signals to all developers and community associations throughout the State that New Jersey values fair, transparent and accessible elections for all of its citizens. Notably there were several other board-election bills that had been introduced in the legislature, many of which had significant issues for CAI and its association members. The adoption of the Gordon bill ended further consideration of the other bills.

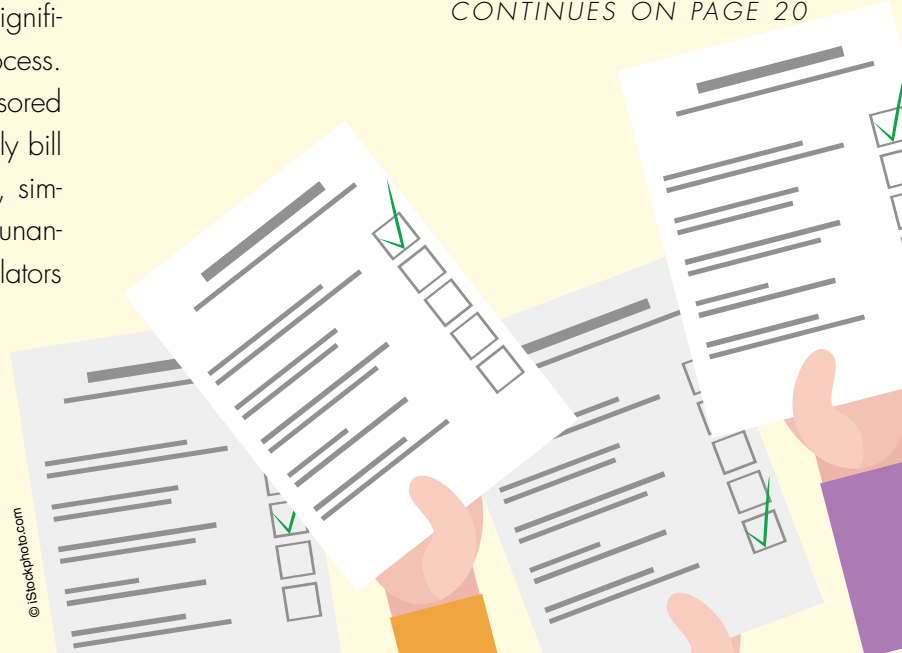
The essential components of the legislation are set forth below. Board members should carefully review this with their association's attorney and management to ensure adherence with the requirements of the new law.

NEW ELECTION REQUIREMENTS

Subject to certain specific but important exceptions discussed later, the legislation includes the following significant provisions:

- A. All owners of units or homes in a community are members of the association, whether or not the governing documents provide that they are.
- B. An owner in good standing will have the right to nominate him- or herself or any other owner in good standing for any seat on the executive board.
- C. All units will be entitled to an equal number of votes,

CONTINUES ON PAGE 20





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ELECTION...

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- unless the governing documents establish weighted voting based on a unit's size or value. Any other weighting of votes is invalid.
- D. If the governing documents do not establish a schedule for board elections — unusual in modern documents — they must occur not less often than every two years.
- E. If, due to apathy, there remains no serving board members, any association member or group of members may petition the court to organize and hold an election.
- F. No governing document provision or board rule may prohibit a person holding a valid power of attorney from voting in a board election;
- G. Associations must comply with certain procedural requirements in holding board elections:
 1. Not later than 30 days prior to forwarding the notice of the election meeting, the association must send notice to all owners of the right to nominate themselves or other owners in good standing;
 2. The period for submitting nominations shall not be less than 14 days following the mailing of the request for nominations;
 3. While the association may set a deadline for receipt of nominations, it must accept nominations that are received one day late or, if no deadline is set forth, then the deadline is the

CONTINUES ON PAGE 22

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ELECTION...

from page 20.

business day before the mailing of the notice of the election meeting;

4. The association must send a notice of the election meeting not less than 14 nor more than 60 days prior to the meeting at which the election will be held (note that this differs from the most common bylaws provision that states that notice must be sent not less than 10 nor more than 90 days prior to the election meeting);
5. Associations may use paper ballots or electronic ballots and may send notice by mail, personal delivery or electronic notice, but in the case of electronic notice of a meeting, it may be utilized only where the governing documents permit electronic notice and the owner must have consented to receiving electronic notice. But the bylaws need not authorize electronic voting in order for the association to implement it;
6. All unit owners who are current in the payment of all valid charges due the association may vote in the election (note that in connection with nomination and voting, good standing may not include being in compliance with the restrictions, rules and regulations);
7. The counting of ballots must be in accordance with the terms of the Nonprofit Corporations

Act, which requires the appointment of judges of the election who must then issue a report containing the results, as well as how many votes were disqualified and why they were disqualified.

EXCEPTIONS

Certain exceptions to the above requirements apply. First, there is a limited exception for associations having less than 50 units. Those associations need only have an election procedure that provides notice of the election meeting; notifies members of the right to nominate anyone in good standing; provides the owners with the ability to review established board member qualifications; and provides a method for counting ballots and verifying an owner's qualification to vote. However, these associations are not required to meet the specific timing requirements set forth in the legislation and may have board qualification requirements that exceed what is permitted by the Act.

In addition, the following associations or particular types of elections are exempt from all or a portion of the requirements of the Act:

- A. Where an association's governing documents provide for certain board positions to be occupied by a person living in a specific section of the community, only the owners in that section may nominate themselves or another owner

from the section and all owners are not authorized to run for all board seats;

- B. Where certain seats are reserved to affordable housing owners who own a minority of units in the community, the governing documents may limit certain board seats to owners of affordable housing units;
- C. If the members on a master or umbrella association board are made up of elected members of section association boards, the master or umbrella association is not subject to any requirements of the Act related to board elections; and
- D. In mixed-use developments, certain seats may be designated for specific unit types, such as a seat reserved for owners of commercial units.

Despite the section of the Act allowing any owner to run for any seat, other than those excepted above, it is permissible to have a provision in the bylaws that prohibits more than one owner of a unit or more than one representative of an entity-owner from serving on the board simultaneously.

The Act further validates bylaws provisions that permit board members to appoint a person to the board if a vacancy occurs by resignation, death, failure to maintain reasonable qualifications or removal by owner vote. Any other vacancy, such as by expansion of the number of board members – which some bylaws permit – must be filled by a vote of the owners despite any bylaws provision that may permit the board to fill those expanded seats.

CONTINUES ON PAGE 24



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ELECTION...

from page 22.

BYLAWS AMENDMENTS

Since the Radburn Bylaws were not amendable by the homeowners, the legislation also contains provisions concerning bylaws amendments. The provisions of the new law will impact very few associations since they apply only to communities with bylaws that are either not amendable by the owners or which require a vote of more than two-thirds of all owners to amend. If an association falls into that category, the statute sets forth a procedure to be followed that permits a vote by a majority of all votes to amend the bylaws.

In addition, the legislation prohibits a board from amending bylaws without a vote of the owners, but permits it in two specific instances. First, it permits a board to amend the bylaws to the extent necessary to render them consistent with state, federal and local law. This is beneficial since when the law changes in a manner that renders the bylaws inconsistent with law, it may cause confusion among the

members and even the board members, since they may not be familiar with new law.

Secondly, the board may propose an amendment to the bylaws and send notice of the proposed amendment to all association members, together with a ballot to reject the proposed amendment. If 10 percent or more of the owners reject the amendment within 30 days, it will be defeated. This method, then, would only be used for the purpose of bylaws amendments that are not significant or controversial.

CONCLUSION

Senator Gordon's election bill brings an end to the dispute that plagued Radburn for many years. It also provides a roadmap of procedural steps that associations are required to follow to hold a valid election. While these procedural steps are likely already followed by a majority of associations, all boards should consult with management and their attorneys when first holding an election on or after October 1, 2017, the effective date of those portions of the bill that relate to the election process. ■

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UPDATE ON PENDING BILLS

By Mike Pesce,
Associa - Community Management Corp.



I have been asked to update CAI-NJ membership on several pending bills relating to the management of community associations, as follows:

A1484 – Automatic Rain Sensors

The first bill, A1484 was introduced in the Assembly in 2016, and is sponsored by three (3) North Jersey legislators (McKeon, Jasey, and Eustace). This bill would amend the legislation passed in 2000 which required the retrofitting of lawn sprinkler systems installed prior to 2000, upon

sale of property, with automatic rain sensors which turn off the system when not needed due to rain. The 2000 legislation, however, specifically exempted, at CAI-NJ initiation, property within community associations. This bill would eliminate that exemption, and require associations to equip their common area irrigation systems with rain sensors within 24 months of passage. No mention is made of irrigation systems on individual lots owned by individual owners, but maintained by the association.

CAI-NJ presently opposes this bill, as it did many prior versions, but is looking to meet with the irrigation industry representatives, to discuss our concerns. Our historic objection has been that the technology for these systems (oftentimes, a cup which fills up and triggers the shutdown) is not sufficiently sophisticated to work well. Most managers have war stories of sensors not working, and sprinklers still operating during torrential rains. We are anxious to hear the views of the sprinkler industry to determine if anything substantial has changed in that regard. Until then, we oppose the bill as mandating an association expense that is not necessarily effective.

A4747 – Electric Vehicle Charging

The second bill, A4747, was introduced in March, 2017 in the Assembly, and would amend the Planned Real Estate Development Full Disclosure Act (PREDFDA,



Michael Pesce is the President of Associa - Community Management Corporation, a real estate management and marketing company with a primary focus on community associations (condominium, cooperatives, planned unit developments and townhouses). Previously, he practiced law, specializing in real estate litigation.

Mr. Pesce has been active in the leadership of the industry through his company's participation in Community Associations Institute (CAI). He serves on the Legislative Committee of both CAI and the New Jersey Apartment Association, is a past President of the New Jersey chapter of CAI, and is Board Liaison and a former Chair of its Legislative Action Committee. He received CAI's Member of the Year Award in 1995 and its Distinguished Service Award in 2014. Mr. Pesce achieved Professional Community Association Manager (PCAM) designation and is a licensed New Jersey real estate salesperson.

Courtesy CAI-NJ.

NJS 45:22A-21 et seq.) to require community associations to allow the installation of electric vehicle charging stations in an owner's designated parking space. CAH-NJ recognizes that electric vehicles continue to proliferate and would like to be friendly to such endeavors. This bill recognizes the right of an association to impose reasonable restrictions on such installations and appears to require associations to permit access over or under common property to accomplish the end result. Such restrictions, however, may not significantly increase the cost of the installation or decrease its efficiency or performance. The bill also provides that applications for such installations are to be treated as other architectural modification requests. Although well intentioned and the wave of the future, the bill as presently written requires revision to adequately project association interests. Accordingly, CAH-NJ representatives met, in June, with the prime sponsor, along with charging station industry lobbyists and the builders association. We are cautiously optimistic that a compromise can be reached.

A4123/S2522 – Fire Hydrants

Finally, A4123/S2522 would begin to address the inequity of treatment of fire hydrants on private streets within community associations. These bills, introduced last year, and currently pending before the Assembly State and Local Government Committee and the Senate Community and Urban Affairs Committee would address hydrants serviced by municipal utility authorities (MUA's). These authorities control some but certainly not all hydrants within community associations (the balance are handled

by towns directly or by private utilities, like New Jersey American Water). However, this bill would be a first step in the right direction.

If passed, this bill would require MUA's to "inspect, maintain and repair, fire hydrants located on streets and roads in planned real estate developments within its service borders in the same manner and to the same extent as fire hydrants that are not located in planned real estate developments are inspected, maintained, and repaired by that authority." CAH-NJ has long lobbied to get out of the business of maintaining fire hydrants, on the basis that this health and safety equipment is best maintained by those expert in the field. This bill would address that issue, but only with respect to MUA territories.

Not addressed in this bill is the cost of these hydrants, CAH-NJ's other

"CAH-NJ has long lobbied to get out of the business of maintaining fire hydrants..."

wish list item in this regard. At present, most associations pay a standby water fee for the hydrants on their private streets. This charge is often substantial, \$1,500 per year per hydrant in some cases. CAH-NJ continues to push for whoever provides the water to either charge the municipality for same or failing that, at least give the association the benefit of the lower water charge charged to municipalities for the hydrants that they pay. There has been no movement yet on this latter issue. ■

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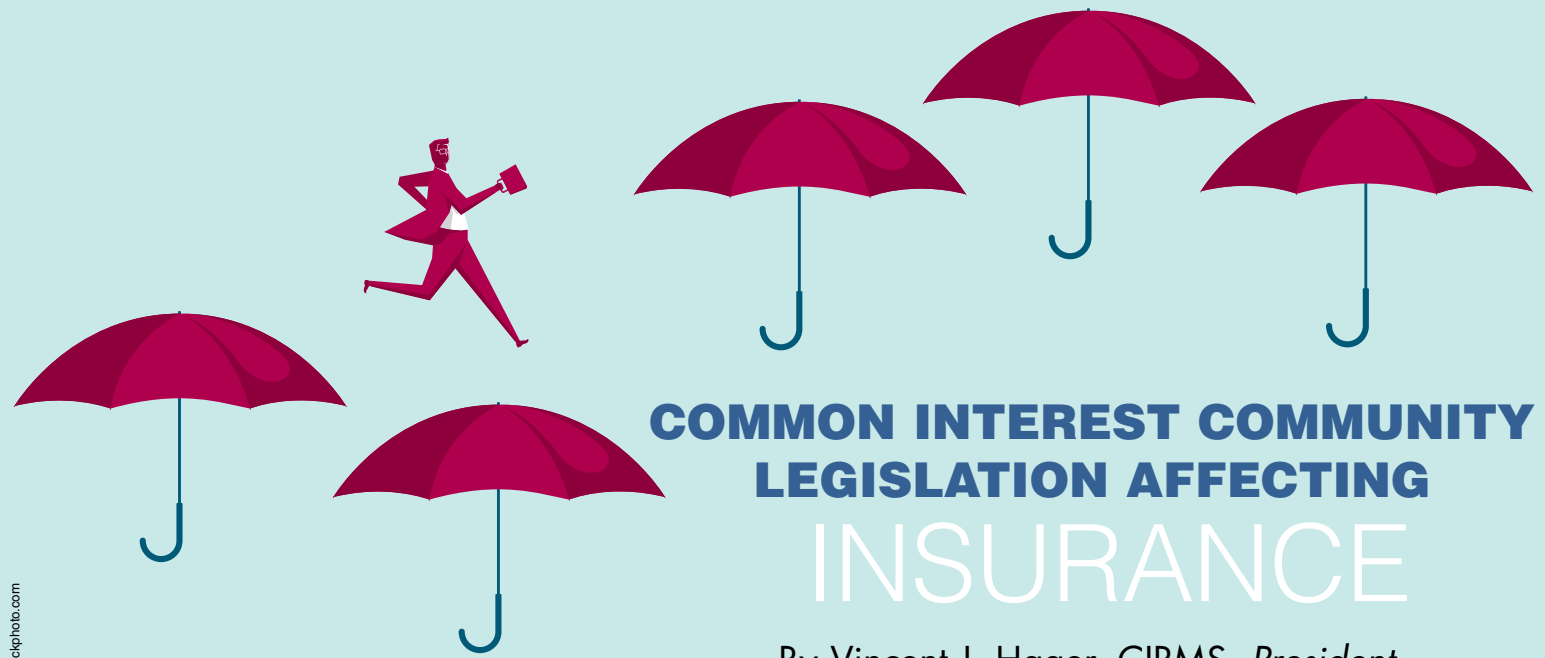
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COMMON INTEREST COMMUNITY LEGISLATION AFFECTING INSURANCE

By Vincent J. Hager, CIRMS, *President, JGS Insurance*



Recently, I had the privilege of being selected to join the CAI-NJ Legislative Action Committee (LAC). Aside from the Managers Committee (which I would be happy to serve but am a little short on my credentials), this was the only committee within CAI-NJ on which I had not previously served. It has been an eye opening experience to serve on this committee. You should understand the amount of work and effort that the volunteers of the LAC put into serving common interest communities interests. The legislative agenda is daunting each month, and they do it willingly and on their own time. I am honored to be working with such a dedicated group of professionals.

I wanted to bring to your attention three bills that affect Insurance and the common interest communities that you need to be aware of going forward.

First is **A3683**. This bill was introduced by Assemblyman Daniel R. Benson out of District 14 (Mercer and Middlesex). This bill prohibits condominium associations from assessing insurance deductibles to individual unit owners or groups of unit owners. This bill is problematic to community associations and was opposed in its current form. The ability of community associations to assess unit owners for large

deductibles is an essential tool that boards must be able to utilize. There are many deductibles in an insurance policy. It is not uncommon for an Association to have a \$5,000 primary deductible, a \$5,000 *per unit* water and ice dam deductible, \$100,000 earthquake and flood deductible, as well as many others. If an association were to have a \$5,000 per unit water deductible, and the unit on the 4th floor has a pipe break that causes damage to the 3 units below, the association would have \$20,000 applied toward the deductibles. If you remove the ability to assess unit owners to collect the deductible, then second mortgage lenders such as FANNIE MAE, will want to see reserves in the current budget to fund all of those deductibles in order to qualify for their mortgage lending.



Courtesy CAI-NJ.

Vinnie Hager is the President of JGS Insurance located in Holmdel, NJ. Vinnie has specialized in insuring Common Interest Communities for 28 years. He is a past President of CAI-NJ, and has spoken both locally and nationally regarding the unique insurance issues relative to Community Associations.

Coverage is available in the marketplace for unit owners to insure for these deductibles and assessments and typically at a negligible cost.

Next is **A4484**. This bill was introduced by Assemblyman Tim Eustace out of District 38 (Bergen and Passaic). This bill declares that deed restrictions or agreements that prevent raising or constructing of a structure to certain flood elevation standards are unenforceable. This bill could have been problematic to community associations that could have affected those in attached townhomes/row houses. The LAC and, in particular, LAC member Audrey Wisotsky, worked closely with Assemblyman Eustace to amend the bill so that it would not apply to condominium associations. We were successful in getting the language to read in part:

“Notwithstanding, the foregoing, with respect to a structure located within a common interest community, any and all other provisions of the applicable declaration of covenants, easements and restrictions, or similar document containing deed restrictions, shall remain in full force and effect and shall be enforceable. Further, if the raising or construction of a structure located within a common interest community would necessitate that construction, repair or other related work be performed with respect to other owners within the community or the subject homeowners association shall be paid by the owner of the structure which will be raised or constructed to a new elevation.”

The bill has passed the Assembly with the amended wording!

Finally, but most worrisome is **S181**. This bill was introduced by Senator Christopher “Kip” Batemen out of District 16 (Hunterdon, Mercer, Middlesex and Somerset) and Senator Fred H Madden, Jr. out of District 4 (Camden and Gloucester). This bill

prohibits snowplow or de-icing service contract from indemnifying promise against liability for loss or damage in certain instances. This bill is extremely problematic for community associations and should be opposed. The bill has passed the Senate 35-0,

CONTINUES ON PAGE 38

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INSURANCE...

from page 37.

and currently sits in the House. We have been working diligently with the Assemblymen to try and prevent it from passing. The statement accompanying this bill provides:

"This bill makes void and unenforceable any provision, clause, covenant, or agreement contained in, collateral to, or affecting a snowplow or de-icing service contract that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending or holding harmless, the promise from or against any liability for loss or damage resulting from the negligent, intentional acts, or omission of the promise."

This bill essentially removes the ability of the associations to transfer

risk to the snow plow contractor for the work the contractor is providing to the community, even if the contractor's acts are negligent, or intentional. This would unnecessarily expose an association to a number of claims that are the result of the contractors' faulty work (slip and falls due to improper plowing, and de-icing) that the association's insurance policies would need to defend, and could severely restrict the availability in the marketplace for associations to obtain coverage.

I hope to be able to continue to provide insight to the LAC and to the membership of CAI-NJ relative to bills that relate to insurance issues. Please feel free to reach out to me with any insurance questions you may have as proposed legislation comes to your attention. I can be reached via email at vhager@jgsinsurance.com. ■



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Registration: 6:00 p.m.

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Includes passed hors d'oeuvres, pasta & carving stations and open bar!

WHERE:

New Jersey Convention & Exposition Center at Raritan Center,
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Wednesday, October 18, 2017

New Jersey Convention & Exposition Center at Raritan Center

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2017 CONFERENCE & EXPO WEDNESDAY, OCTOBER 18, 2017

SCHEDULE

This year the CAI-NJ Conference & Expo will be on Wednesday, October 18, 2017 at the New Jersey Convention & Exposition Center at Raritan Center in Edison. There will be six educational sessions throughout the day, specially developed for our attendees. Everyone will have the opportunity to visit 167 professional companies and learn about the latest trends in common association services and gather advice from our experts. It's an excellent opportunity to make new contacts and meet potential vendors for upcoming projects within your community.

9:30 AM – 3:00 PM
9:30 AM – 11:30 AM
10:45 AM

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11:00 AM – 11:25 AM Room A Educational Session 1

Collaborating with CAI - How an HOA Went from Ghost Town to Board of The Year. This team of three will discuss how a community association board was able to go from a developer's bankruptcy to an award-winning board by efficiently educating its volunteers and selecting the right vendors for their association.

PRESENTERS:

George C. Greatrex, Esq. - Shivers, Gosnay & Greatrex, LLC

Mr. Greatrex, is a partner at the law firm Shivers, Gosnay & Greatrex, LLC, in Cherry Hill, New Jersey where most his practice is devoted to community association law in the areas of residential and commercial planned unit developments. Mr. Greatrex earned his B.A. degree from Rutgers University and J.D. degree from Temple University School of Law.

Dr. Robert Kahrman - Horizons at Woods Landing

Dr. Kahrman is a past treasurer of the Horizons at Woods Landing HOA, retired College Dean from Seton Hall University, the Academic Dean at the Pennsylvania Institute of Technology and the Enrollment Dean at Hudson County Community College. He holds a doctorate from New York University.

Paul Raetsch - Horizons at Woods Landing

After retiring from a 42-year career in federal service, Mr. Raetsch moved to southern New Jersey and served as president of the Horizons at Woods Landing HOA in Atlantic County.

11:30 AM – 11:55 AM Room B Educational Session 2

We Can't Guess Your Age and Weight but We Can guess the Governing Document Amendments That You Should Be Thinking About. Discover the governing document amendments that may help your association such as master deed and by-laws and a discussion on community association rules, regulations and resolutions.

PRESENTERS:

Fran McGovern, Jr., Esq. - McGovern Legal Services, LLC

For more than 20 years, Mr. McGovern has dedicated his legal practice to representing condominium, homeowner and cooperative associations. He works closely with association managers and board members to cost effectively resolve construction defect, collection and general corporate issues.

Elaine Warga-Murray, CMCA, AMS, PCAM - RMG, Regency Management Group, Inc., AAMC

Ms. Warga-Murray, owner and CEO of RMG, Regency Management Group, Inc., started her business in 1986, as the first woman PCAM in New Jersey. Her firm, RMG has continued to serve condominiums, properties, and associations throughout New Jersey and Pennsylvania. She is a national speaker, and CAI faculty member. Ms. Warga-Murray has a team of professionals who maintain personal attention and state of the art protocols.

11:45 AM
12:00 PM – 2:30 PM

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12:00 PM – 12:25 PM Room A

Educational Session 3

A New Perspective on Solidifying Customer Relations. Learn interesting techniques on how to create an instant rapport with your colleagues by controlling your workload and setting service parameters. These techniques will help you manage expectations, meet or exceed the needs of your clients and better communicate with your board and homeowners.

PRESENTER:

Ryan Fleming - JGS Insurance

Mr. Fleming is Vice President of JGS Insurance agency based in Holmdel, New Jersey. Mr. Fleming has been speaking for over ten years on various topics dedicated to the community association industry.

12:30 PM – 12:55 PM Room B

Educational Session 4

Disaster Safety Planning & Business Preparedness. Whether you are a community association board members, business owner or oversee the daily business operations, it is essential that you have a preparedness and safety plan in place.

PRESENTER:

Robin Hoy - PuroClean Restoration Services

Ms. Hoy is the co-owner of PuroClean Restoration Services. She is a certified presenter of continuing education courses for insurance professionals in New York and New Jersey. Ms. Hoy is certified in fire, water, odor control, mold remediation and applied structural drying.

12:45 PM

\$1,000 Drawing

1:00 PM – 1:25 PM Room A

Educational Session 5

What's Your Game Plan to Ensure a Winning Outcome? Gain a better understanding of insurance, the bidding process, coverage comparison, claims handling & containing costs with risk management.

PRESENTER:

Debbie Pasquariello, CIC, CIRMS - USI Insurance Services

Ms. Pasquariello is currently a senior vice president for USI Insurance Services and earned the designations of CIC (Certified Insurance Counselor) and CIRMS (Community Insurance & Risk Management Specialist). She has worked in the insurance industry for 33 years.

1:30 PM - 2:30 PM Room B

Educational Session 6

Legislative Update – Join us for this one hour informative session as representatives from the New Jersey chapter Legislative Action Committee (LAC), will discuss legislative and regulatory issues affecting common interest communities in New Jersey.

PRESENTERS:

J. David Ramsey, Esq. - Becker and Poliakoff

Mr. Ramsey is a shareholder in the law firm of Becker and Poliakoff. With experience spanning more than 30 years, Mr. Ramsey concentrates his practice in community association, real estate, zoning and planning law. Mr. Ramsey serves as counsel to the Community Builders Association and is the chair of a committee spearheading major reform legislation in New Jersey to replace the Condominium Act and modernize governance for all forms of community associations. Mr. Ramsey is the past president of the Community Associations Institute National and the past president of the Community Associations Institute's New Jersey chapter. Mr. Ramsey is a Member of the College of Community Association Lawyers, the New Jersey Builders Association, the Morris County Bar Association, the New Jersey State Bar Association, the American Bar Association, and the New Jersey Federation of Planning Officials. Mr. Ramsey has been selected for inclusion in Super Lawyers - New Jersey Edition since 2007.

Timothy Martin - Senior Associate with MBI GluckShaw

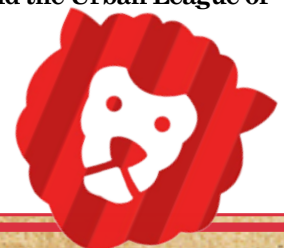
Mr. Martin focuses on legislative and regulatory affairs, he consults on healthcare issues including patient safety, access and quality of care, mental health and addiction treatment. He also manages issues concerning animal cruelty laws, municipal animal control and the regulation of shelters and pounds. In addition to his lobbying, Mr. Martin also provides event management services, helping his clients organize fundraisers for political action committees and candidates on both sides of the aisle and in all parts of the state. Prior to becoming a full-time government affairs agent, Mr. Martin interned in both the New Jersey General Assembly and the Urban League of Lancaster County, PA. Mr. Martin earned his B.S. from Millersville University.

1:45 PM

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2:45 PM

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BETWEEN CONDOMINIUM AND COOPERATIVE COMMUNITY ASSOCIATIONS

By Matthew Z. Earle, Esq.,
Kates, Nussman, Rapone, Ellis & Farhi, LLP

While cooperative housing corporations (“co-op”) comprise a large portion of the community associations located in New York City, they are less common across the Hudson and as a consequence can be misunderstood in New Jersey. As will be discussed below, there are substantial legal differences between co-ops and condominiums (“condo”) resulting in advantages and disadvantages that owners, board members, and those in the industry should be aware of.

The condo unit owner owns a parcel of real property that includes the condominium unit and a percentage interest of the common elements which is documented in a recorded deed. The condo unit owner must pay his or her own mortgage debt service to any lender and real estate taxes assessed by the local municipality against the unit, together with common expenses charges to maintain the common property. Condo associations are usually organized as a nonprofit corporation pursuant to Title 15A.

CONTINUES ON PAGE 48



Courtesy CAI-NJ.

Mr. Earle is a partner with the law firm Kates, Nussman, Rapone, Ellis & Farhi, LLP and concentrates his practice in the areas of community association law, land use, real estate tax appeals, construction law, international law, general equity, and commercial litigation before the state and federal courts of New York and New Jersey. Mr. Earle has extensive experience acting as general counsel to community associations and providing legal services relating to, among other things, assisting with the transition from developer to owner control, review and amendment to governing documents, preparation of rules and other corporate documents, managing association risk, resolving insurance coverage issues, assisting with compliance with federal and state laws, advising boards on fiduciary duties, dealing with resident disputes, and handling annual meeting and election issues. Mr. Earle is also experienced in all facets of litigation impacting on community associations including litigation concerning construction defects, election contests, covenant enforcement, and collections. Mr. Earle received a B.A. from Hamilton College in 2000 and a J.D. from Washington and Lee University School of Law in 2004, and is admitted to practice in New York and New Jersey. Mr. Earle is a member of the New Jersey Bar Association and the Bergen County Bar Association, and is also a member of CAI where he serves on the Legislative Action Committee. He has been named a New Jersey Super Lawyer Rising Star from 2010-2017.

Up meet meet

BUSINESS PARTNER MEET UP

TUESDAY, SEPTEMBER 19TH

5:00 P.M. - 8:00 P.M.

SALVATION

AT THE ASBURY HOTEL
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The Business Partners Committee is committed to supporting CAI-NJ by maximizing the value of its Business Partner members. The Committee fosters personal and professional growth through relevant education and meaningful networking opportunities for Business Partners, by Business Partners.

Join us to mingle and network with other industry professionals at the third CAI-NJ Business Partner Happy Hour organized by the Business Partner committee. We will be meeting at Salvation at The Asbury Hotel, 210 5th Ave, Asbury Park, New Jersey on Tuesday, September 19th from 5:00 – 8:00 p.m. Be sure to bring your business cards and be ready to network. RSVP on our Facebook page if you plan to join us at www.facebook.com/CAINJ Chapter. We look forward to seeing you there!

Questions? Contact Angela Kavanaugh at 609.588.0030
or angela@cainj.org

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CONDO/CO-OP...

from page 46.

A shareholder in a co-op does not own a piece of real property, but instead owns shares in a co-op corporation, which are often organized as business corporations pursuant to Title 14A. As per the terms of a co-op's certificate of incorporation, proprietary lease, and bylaws (collectively "governing documents"), the ownership of shares give the shareholder the right to "rent" one of the apartment units owned by the co-op. Notwithstanding the references to tenancies and rent in co-op governing documents, New Jersey courts have recognized that co-op ownership does not create a traditional landlord-tenant relationship, and is instead a "hybrid" form of ownership having characteristics of both real property (i.e. land) and personal property (i.e. stock).

Since a co-op has legal title to all of the land and improvements, the co-op pays the municipal real estate taxes assessed against the property. In addition, it is common for co-ops to obtain "underlying" mortgages on the real property that it owns. Funds from underlying mortgages are often used to fund capital projects, and can spread out the cost of same over a number of years. In addition to covering the cost of operating the common property, co-op maintenance fees also include a shareholder's portion of property taxes and any underlying mortgage debt service. Therefore, when comparing the maintenance charges between comparable condominium and co-op units it is important to take into account the common real estate taxes and debt service included in the co-op charges, and that must be covered individually by the condo owner outside of maintenance. In addition, the effect of the underlying mortgage upon the value of the co-op shares should be considered when evaluating comparable condo and co-op units.

Based on special IRS rules, a co-op owner can usually deduct his or

her share of the real estate taxes and interest paid on the underlying mortgage. See 28 U.S.C. section 216. In addition, co-op purchasers often obtain financing through "share loans," which are loans given by a bank or other lender that are secured by a lien on the shares and proprietary lease. As will be discussed below, share loans have some significant differences from traditional mortgages and it is often the case that there are not as many lenders in the share loan market.

While many of the governance issues involving co-ops and condominiums are identical or substantially similar (authority of the board to act, open meeting requirements, enforcement of covenant issues involving owners, etc.), significant differences arise as same relate to sales, rentals, and collection of debts.

While condominiums are traditionally freely alienable (i.e. saleable) in New Jersey, it is our experience that the governing documents of many co-ops limit the sales of shares to buyers only after obtaining the consent of the board of directors (the "board") or a committee thereof (often styled the admissions committee). New Jersey courts have determined that, "It is clear that reasonable restraints on alienation of cooperative units may be valid." *Sulcov v. 2100 Linwood Owners, Inc.*, 303 N.J. Super. 13, 28 (App. Div. 1997).

Under most sets of co-op governing documents, the board's review of a proposed applicant is limited to whether the applicant meets the financial requirements for admission set by the board. The financial requirements often will, among other things, set a standard of income to expenses that the applicant must document (such as "income must equal four times monthly fixed expenses when taking into account anticipated housing costs") and may also require the applicant to have certain liquid funds.

The admissions process usually involves submitting requested financial information

and may also include an interview. This screening may help to protect the co-op and the other shareholders from having to make up the shortfalls caused by arrears. On the other hand, it may make it more difficult and time consuming for the selling owner to find a buyer.

Additionally, the governing documents of most condominiums impose little to no significant restrictions on the right of unit owners to rent apartments (i.e. a typical provision may grant the unit owner the right to rent his apartment so long as the lease is for at least 6 months). Many co-op governing documents, however, require that the board consent to any rental (called a "sublet" in co-op parlance). The right of co-op boards to establish reasonable rental restrictions and terms and

conditions is also set forth statutorily in N.J.S.A. 46:8D-13.1 (often referred to as the "Cardinale Rule" named after the legislator who introduced the bill), which, among other things, specifically authorizes co-ops to limit the number of rentals "based on lending policies of financial institutions pertaining to owner-occupancy ratios," and permits boards to set minimum lease terms. Furthermore, the statute authorizes a complete prohibition on subleases provided that, among other things, such a policy was clearly set forth in the offering plan and has been strictly and consistently enforced. The statute prohibits "unreasonable" rental restrictions.

Many co-ops that permit rentals have adopted sublet policies that, among other things, often include

"While many of the governance issues involving co-ops and condominiums are identical... significant differences arise as same relate to sales, rentals, and collection of debts"

provisions establishing: limits on the percentage of units that can be sublet at any particular period of time; a sublet waiting list; limits on the number of sublet terms in order to avoid a monopolization of available slots by certain shareholders; and, minimum lease terms. While co-op sublet policies may tend to screen potential subtenants and preserve the owner-oc-

CONTINUES ON PAGE 50

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CONDO/CO-OP..

from page 49.

cupied character of a community, they also may make it more difficult for an owner to rent.

While the above differences are important, perhaps the most significant and financially impactful differences between condos and co-ops relate to the priority between the co-op and any lender providing a share loan, and the nature and timing of the collections process.

In a condo, with the exception of the sixth month regular maintenance limited condo lien priority created by statute, the condo's security interest in the unit is subject to the interest of a prior recorded mortgage (and is always subject to a municipal real estate tax lien). However, in a co-op that permits shares to be purchased with financing, the terms of the governing documents generally grant the co-op and interest in the stock and apartment over that of the lender. In addition, co-op permission to finance is generally premised on the lender's execution of a "recognition agreement," that, among other things, establishes the aforementioned priority and gives the lender the right to cure arrears. In other words, in a co-op "foreclosure," the co-op usually receives payment before the lender. As a result, in some cases the lender will step into the shoes of the shareholder any pay arrears in order to protect its interest in the shares and unit. The priority of the co-op interest in the shares and apartment over that of others with an interest generally means that co-ops do not have to write off

nearly as much “bad debt” as condos and generally collect a significantly higher portion of arrears lessening the burden on other shareholders.

Furthermore, in a condo the collections process, in particular foreclosure, can drag on for a significant period of time (in some cases years) resulting in delinquent owners owing many tens, if not hundreds, of thousands of dollars. Co-ops do not file “foreclosures” in the same sense as a condo. Instead, the co-op’s attorney sends the shareholder (and lender, if applicable) in arrears a Notice to Cure (compliant with the Fair Debt Collections Practices act and the governing documents) giving the shareholder a period of time to cure. In the event that the shareholder does not cure the arrears, the shareholder is served with a notice to terminate,



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indicating that in a period of time the shareholder’s interest in the stock and lease will terminate (in many cases 10 days). Upon the expiration of the 10 day period, and assuming the shareholder has not signed over the stock and lease to the co-op, the usual

practice is to file a law division action for, among other things, termination of the shareholder’s interest in stock and lease and ejection from the apartment.

Such “co-op” ejection actions may result in a judgment of, among other things, possession within 4 to 6 months. Upon receipt of the judgment, the co-op markets and sells the unit, and distributes the proceeds first to the co-op to satisfy arrears, and, if authorized by the governing documents, attorney fees and costs incurred. The remaining funds are then distributed to others, such as the lender and owner, as their interests may lie. An additional delay of 1 to 2 months may be required if the occupants of the apartment must be ejected and locked out by the sheriff. Therefore, a

CONTINUES ON PAGE 52



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CONDO/CO-OP...

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co-op ejection is often completed in a fraction of the time of a condo foreclosure and in many cases with better results due to the priorities involved.

Finally, a law called the "Cooperative Recording Act" (N.J.S.A. 46:8D-1, *et seq.*) came into effect on May 7, 1988 and applies to co-ops formed subsequent to said date. Prior to the Act, there was no comprehensive statute governing co-ops in a manner similar to the Condominium Act (although the provisions of the



"Such 'co-op' ejection actions may result in a judgment of, among other things, possession within 4 to 6 months."

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Planned Real Estate Development Full Disclosure Act, N.J.S.A. 45:22A-21, *et seq.* and implementing regulations do apply to many co-ops), and there was no public recording of the transfer of co-op ownership interests. Instead, the transfers were only evidenced on the books of the co-op. The purpose of the Act is to set up a regime for the public recording of co-op transfers in a manner substantially similar to how deeds are recorded. It also requires the recording of co-op governing documents in manner similar to how condo governing documents are recorded. ■

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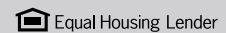
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INSIDE CONNECTION...

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This session will be presented by Robin Hoy of PuroClean Restoration Services.

The fifth session of the day will be *What's Your Game Plan to Ensure a Winning Outcome?* This session will show you how to gain a better understanding of insurance, the bidding process, coverage comparison, claims handling & containing costs with risk management and will be presented by Debbie Pasquariello, CIC, CIRMS of USI Insurance Services.

The final session of the day will be the *Legislative Update*. This one hour informative session presented by J. David Ramsey, Esq. of Becker and Poliakoff and Timothy Martin of MBI Gluckshaw, both representatives from the New Jersey chapter Legislative Action Committee (LAC), will bring you up to date as they discuss legislative and regulatory issues affecting common interest communities in New Jersey.

So, if you are a Community board member, homeowner or community property manager, this event has been created specifically with you in mind. All member board members and homeowners may attend at no charge. If you are not a member you are also welcome you to attend at no charge by using promo code CARNIVAL, to learn about the benefits that CAI-NJ has to offer you. The registration form can be found on page 43 of this issue. Please check the Conference & Expo page of our website www.cainj.org or feel free to contact me, Angela Kavanaugh at 609.588.0030 or angela@cainj.org with any questions. ■



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Common Interest Communities and MUNICIPALITIES –

Conflict and Quarrels or Cooperation and Collaboration?

Paul Raetsch,
Horizons at Woods Landing HOA

"Residents of that darned Homeowners Association are coming tonight to complain about taxes again. Those old retired folks have nothing better to do than come here and gripe!" While the Mayor is speaking, the HOA President is saying, "Those people are supposed to represent us, yet they keep raising our taxes and don't provide any services for us. I'll remind them tonight that we have two hundred voters ready to throw the bums out!"

Unfortunately, this dysfunction is all too common. Our democracy and political system are designed to discuss and debate to resolve differences civilly. But civility requires honest communication, cooperation, and compromise. The New Jersey Chapter of CAI (CAI-NJ) and its Legislative Action Committee ("LAC") are working to enable constructive cooperation with our municipal governments.

What does LAC do that can help associations strengthen relationships with their municipalities?

Many legislative and legal matters that are as important to local elected officials as they are to common interest communities ("CIC").

For instance, the proposed Bear-Proof Trash Container legislation was one we are firmly opposed, as did the League of Municipalities (the "League"). The bill would have required municipalities and CICs in almost every county of the state to utilize very expensive bear resistant trash containers. Individual residents faced costs of approximately \$100 per container and CIC, commercial and municipal containers much more. The League and LAC worked hard to keep this law from being enacted.

Virtually every community in the state must address the

CONTINUES ON PAGE 57



Paul Raetsch spent most of his career with the U.S. Department of Commerce, Economic Development Administration. He retired in 2007, after serving eight years as Regional Director of the Philadelphia Regional Office.

He is immediate past President of the Horizons at Woods Landing Home Owners Association, and has been a Director of the Northeast Pennsylvania Alliance (NEPA), Workforce Wayne, Lacawac Foundation, and the Lakeland Colony Corporation HOA.

problem of abandoned and blighted homes. LAC support was essential to enact legislation which enabled municipalities to address these issues. We were aligned with the League to get the bill passed. Once signed into law, the CAI-NJ sent letters to every district in the state with a sample ordinance to implement and enforce the new legislation. My Association followed up with our township to ensure we were protected by the law. Many other CAI-NJ members spoke with local officials to encourage enacting the local ordinances.

Every municipality should be concerned with 'zombie' mortgages. LAC is strongly backing "expedited foreclosure" reform legislation (S1832 / A3823). This legislation will improve neighborhoods by requiring lenders to either expedite their foreclosure actions on vacant properties within CICs or choose between paying the association maintenance fees or consenting to the appointment of a fiscal receiver to rent the properties during the pendency of the foreclosure actions. The legislation will improve the standard of living in all neighborhoods, and we hope you get the support of your mayor and have them ask that the League support it as well.

Municipalities should be very supportive of another bill CAI-NJ was successful in getting passed. A2060 passed both houses in late June and awaits the Governor's signature. It will require lenders to consider all short sale offers within sixty days, thereby speeding up the lengthy foreclosure process in the state. Lenders have not been responding in a timely period to legitimate offers, causing properties to

remain vacant for longer periods than desired. Municipal elected officials and CIC members have a mutual interest in eliminating foreclosed properties and should join forces with us in our efforts. We need to remind those officials that we fought for this bill and to support us in these kinds of fights.

The LAC strongly opposes A1425 which would change municipal performance bonding requirements. If enacted, it would have significant adverse impacts on CICs and municipalities trying to protect residential developments. As written, municipalities would only be able to require developers to post performance guarantees that cover improvements being dedicated to a public entity. Private streets, storm drainage ponds and basins, common grounds, to name a

"Municipalities should be very supportive of another bill CAI-NJ was successful in getting passed."



few, would not be covered by municipal performance and maintenance bonds. Municipalities should be very concerned with this bill, which is strongly supported by the commercial real estate and builders' lobbies. CAI-NJ members should encourage local elected officials to ask the League to join CAI-NJ in opposing the bill.

The LAC also is actively fighting against A3656 which would prohibit

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MUNICIPALITIES...

from page 57.

indemnification clauses in CIC contracts for snow removal. Its companion bill, S181, passed the senate unanimously. Please let your Mayors and other elected officials know that they should fight this bill. The League was able to have the bill amended to exclude local and state government contracts for snow removal. The legislation is very unfair to CICs and our local elected officials should support our efforts to kill this legislation. You should also contact your state Senator to voice your strong opposition to his vote for the bill and also talk to your Assembly members to make sure they oppose A3656. It benefits only snow removal contractors and is very bad for HOAs; it may cause significant increases in our insurance premiums. This means that if a person sues the Association for injuries received in a fall that resulted from the contractor's negligent removal of snow or ice, the Association would not be able to require the contractor to indemnify (to reimburse/hold harmless) the Association in such situations. Nor

could we pursue damage claims if they plowed down a mailbox, or worse.

Living in a CIC gives us many ways to work positively with our local government. All communities start with local government approval of a developer's subdivision plan. Sometimes the community is completed without problems. More frequently issues occur. I will use examples from my community to show why good relations with the local government can be vital.

When Kara Homes declared bankruptcy in 2006, 143 of the planned 249 homes had been sold. Only two years after final subdivision approval, the dream for a beautiful community turned into a nightmare. Working with concerned and cooperative township committee, Fernmoor Homes bought the property and construction commenced again. Without strong support from the elected officials, the property is thriving again. The elected officials worked closely with our executive board to make sure that a viable developer took over the property. In June 2011, we publicly recognized every mayor and committee member that helped secure the developer.

CONTINUES ON PAGE 60

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MUNICIPALITIES...

from page 58.

We host a "Meet the Candidates" night before every municipal election. It serves two purposes: we are informed of the candidates' positions on matters of importance to us; and, the candidates realize that our community is informed and votes.

We have held appreciation nights for our police department and awarded a commendation to one officer who had diligently worked to solve

"Our township officials helped us when we felt the developer was ignoring our requests..."



a burglary. Our property manager coordinates quarterly meetings of the police and CIC managers in the township.

Our township officials helped us when we felt the developer was ignoring our requests to bring the property to our expected standards. Compliance officers made sure the construction sites were well maintained, and the zoning board required that the maintenance ponds were brought up to standard. Our longstanding support for the mayor and committee help in getting their support.

Collaboration and cooperation can be much better at accomplishing our needs than simply complaining. We have found that the town will work with us on LAC priorities which do not conflict with League priorities. ■

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MAINTAINING THE COLLECTION TOOLBOX

By Timothy P. Duggan, Esq.,
Stark & Stark

Community associations are creatures of contract and legislation, with the second source being the one that sometimes creates issues in the collection process. This article will make a suggestion for two legislative changes to help improve the position of community associations when dealing with distressed property owners in New Jersey.

Redemption of Tax Sale Certificates.

Most associations understand unpaid real estate taxes are a first priority lien, superior to any mortgage or community association lien (even the 6 month property under N.J.S.A. 46:8B-21 (a)-(b)). However, a problem can arise when a property owner is delinquent in paying real estate taxes and the municipality sells the taxes to a third party who subsequently starts an *in rem* tax foreclosure. The tax sale certificate is in first position and can foreclose the rights of subsequent mortgagees and lienholders, including a community association who holds a recorded lien for unpaid assessments and fees. Assume a unit is worth \$250,000, with unpaid real estate taxes of \$20,000, a mortgage of \$90,000, and a lien to a community association of \$15,000. Can the community association payoff the real estate taxes to stop the *in rem* tax foreclosure and start its own foreclosure to preserve the equity necessary to satisfy its lien? At the present time, the answer is no.

The problem lies in the 1994 amendment to the tax sale law, specifically N.J.S.A. 54:5-54, which lists who has the right to redeem (payoff) the tax sale cer-

"The problem lies in the 1994 amendment to the tax sale law..."



Courtesy CAI-NJ

Timothy P. Duggan is Shareholder and Chair of Stark & Stark's Real Estate Tax Appeal and Condemnation/Eminent Domain Groups. He prosecutes real estate tax appeals for banks, national builders, shopping centers, and commercial and retail property owners. Mr. Duggan represents individuals and businesses in negotiating and challenging eminent domain proceedings, and represents certain public entities in road widening projects.

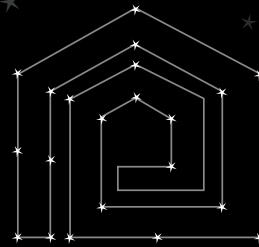
Mr. Duggan is also Chair of Stark & Stark's Bankruptcy & Creditors' Rights Group and concentrates his practice in the representation of national and community banks, agricultural lenders, franchisors, equipment leasing companies, shopping centers, and trade creditors in commercial litigation and bankruptcy cases. Mr. Duggan has substantial experience in creditor-rights litigation, including commercial foreclosures, receiverships, UCC Article 9 sales, and complex Chapter 11 cases.

Mr. Duggan is a frequent speaker and author on topics related to bankruptcy, eminent domain and tax appeal matters. He served as Co-Chair of CLE International's seminar on Eminent Domain in 2005, 2009, and 2014, and lectures nationally for CLE International's Eminent Domain conferences in Orlando, Florida, Texas, and California.

tificate. Prior to 1994, an owner, his heirs, holder of an outstanding tax-lien certificate, mortgagee, occupant or any **“other person having an interest in the land”** could redeem a tax sale certificate. Since a community association with a lien on a unit would have an interest in the land, it would have the right to redeem a tax sale certificate. However, in 1994, the New Jersey legislature amended the statute to remove the “other persons with interest in the land” and limited the right to redeem a tax sale certificate to the owners, his heirs, other tax sale certificate holders, mortgagees and occupants. New Jersey Courts have strictly interpreted this statute and denied the right of condominium associations and judge creditors to redeem a tax sale certificate. See *JNH Funding Corp. v. Ayed*, docket no. F-008704-14 (Ch. Div. NJ Mar. 21, 2017) (condominium association) and *The Caput Mortuum, LLC v. S & S Crown Services, LTD.*, 366 N.J. Super. 323 (App. Div. 2004) (judgment creditor). The only way to circumvent this result is for the community association to either (1) obtain a voluntary assignment of the tax sale certificate and complete the tax sale foreclosure by taking over the tax sale foreclosure as the plaintiff, or (2) becoming the owner of the property prior to the completion of the tax sale foreclosure and redeem as the owner. To become the owner, the community association would need to obtain a deed in lieu of foreclosure from the owner or complete a foreclosure of a community association lien.

The New Jersey legislature should

CONTINUES ON PAGE 64



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TOOLBOX...

from page 63.

once again amend N.J.S.A. 54:5-54 to allow community associations to redeem tax sale certificates for several reasons. First, a community association has a close connection to the land since the community association is advancing funds to protect and maintain common property. By doing so, the community association is adding value to the unit which benefits not only the owner, but the mortgagee and tenants, both of whom have the right to redeem. Second, the legislature expressly granted condominium associations with lien rights, which include a six month priority lien under N.J.S.A. 46:8B-21(a)-(b), in order to make certain unpaid association dues and fees can be collected through the foreclosure process. However, these rights can be extinguished in an *in rem* tax foreclosure unless the community association can protect its lien through redeeming a tax sale certificate. Third, tax sale certificate holders obtain a direct benefit by the expenditures made by community associations who often pay for garbage removal, snow plowing, insurance on common areas and maintenance to the exterior of units. In effect, community associations are preserving the unit while the tax certificate holder makes its way through the foreclosure process which may take more than a year. Finally, allowing community associations to redeem a tax sale certificate does not unfairly impact tax

certificate holders or owners since

they both receive a direct benefit from the expenditures made by a community association.

However, not allowing a community association, who advanced funds to protect a unit, to redeem a

tax sale certificate to protect equi-

ty in a unit is a true hardship on the others owners who are paying their fair share of the common expenses.

Treatment of Condominium Liens in Chapter 13 Bankruptcy Cases

Recently, New Jersey Bankruptcy Court has been asked to interpret N.J.S.A. 46:8B-21(a)-(b) (granting condo-

minium associations a superpriority lien) and 11 U.S.C. §1322(B)(2) (prohibiting the modification of security interests in residential real estate) in Chapter 13 cases. This issue turns on whether a condominium lien is a single lien or two liens, and whether the lien is a consensual lien or statutory lien. It is important to note that this issue only arises when a condominium association properly perfects a six month priority position by following the requirements of N.J.S.A. 46:8B-21. The issue often turns on how the Bankruptcy Court interprets state law.

Bankruptcy Courts have struggled with whether the granting of a six month property lien under N.J.S.A. 46:8B-21(a)-(b) creates a single lien, with six months of association dues granted a first priority over prior mortgages, or creates two separate liens. This issue is very important since a single-lien theory supports the position that the entire lien, not just the six month priority portion, must be paid in full under a Chapter 13 plan. Recently, the United States District Court for The District of New Jersey held that a condominium lien is a single lien and required the entire lien to be paid in full. *In re Ronex*, 551 B.R. 162, 168 (D.N.J. 2016).

However, in a case decided on March 2, 2017, another Bankruptcy Judge in New Jersey added a twist to the Ronex decision by finding that a community association held a single claim secured by two separate liens - one statutory and one consensual. See *In re Keise*, case. No. 16-22678, Bankr. D.B.J March 2, 2017(case is subject to a pending appeal). Under the plan proposed in *Keise*, only the six month priority claim (the statutory lien) had to be paid in full. The Keise decision is on appeal to the United States District Court, so stay tuned.

The New Jersey legislature can clarify the nature of community association liens by making it clear that a condominium association holds a single lien which is *authorized* by N.J.S.A. 46:8B-21, but *created* by the master deed. Also, the New Jersey legislature should clarify that the six month priority portion of a single condominium lien is being granted a superior lien position (i.e., partial subordination), with a single lien remaining intact. These two clarifications would further the legislature's intent of providing community associations with extras tools to collect unpaid dues and fees. ■



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CAI-NJ SHOOT THE COVER CONTEST

CAI-NJ proudly presents the 2017 Community Trends® "Shoot the Cover" photo contest. We are looking for pictures of the state's popular destinations, historical landmarks and scenic locales, perhaps in your very own community association, to grace the cover of the December 2017 issue of Community Trends®. Entries must be received by the chapter office with this entry form no later than 5:00 p.m. on Friday, November 3, 2017.

The winner will be selected by the CAI-NJ Editorial Committee and the photo will be featured on the cover of the December 2017 issue of Community Trends®. Second and third-place photos will receive special recognition inside the December 2017 issue of Community Trends®.

Photo entries should be submitted as digital files via email along with the entry form to jaclyn@cainj.org.

CAI-NJ board members, staff and members of the Editorial Committee are not eligible to enter, but all other CAI-NJ members are welcome to submit photo(s) for consideration.

Digital photo files **MUST** meet the following specifications:

- Color (RGB)
- File size of less than 3 MB in order to submit via email
- A minimum of 8 megapixels
- 300 dpi (dots per inch) at 8.5" wide by 11" high (or as close as possible)
- An original work by the photographer
- MUST be a vertical direction shot (to fit our cover)

By submission of this entry form and your photographs, you are authorizing CAI-NJ to use, reproduce and publish the photographs in print and/or electronically without compensation, and you agree that CAI-NJ may use such photographs for any lawful purpose, including for example such purposes as publicity, illustration, advertising and web content. Also, any photos of minors under 18 years of age must be accompanied by a separate release form available for download in the Community Trends® section of the CAI-NJ web site: www.cainj.org.

Name: _____ Organization: _____

Phone: _____ Fax: _____ Email: _____

Please provide a brief description of the photograph: _____



(December 1, 2016 to July 31, 2017)

One New Member

RJ Anderson

Crestwood Village 6 Community Association

Leonard Barber, CMCA, PCAM

Executive Property Management, AAMC

Donna M. Belkot, CMCA, AMS

Taylor Management Company, AAMC, AMO

Kristie Bendick, CMCA

RMG, Regency Management Group, Inc., AAMC

Lysa Bergenfeld

Ansell Grimm & Aaron, PC

Patricia Clemente

Servpro of Freehold, Middletown, So. Jersey City / Bayonne

Meghan A Dirkes

Princeton Manor

Michelina Laforgia

Water's Edge at Point Pleasant

Tony Nardone, CMCA, AMS

Corner Property Management

Christopher M. Nicosia, CMCA, AMS

Prime Management, Inc., AAMC

Mila McDonough

Diversified Property Management

Karen P. Sackstein, CPA

Karen P. Sackstein, CPA

Mohammed Salyani, CPA

Wilkin & Guttenplan, P.C.

Edward San George, PCAM

Integra Management Corporation, AAMC

Two New Members

Tracey Allen, CMCA, AMS

James Magid, CMCA, LSM, PCAM

FirstService Residential, AAMC

Craig Thompson, CMCA, AMS

Comet Management

Lawrence N. Sauer, CMCA, PCAM

Association Advisors

Three New Members

Denise Becker, CMCA, AMS, PCAM

Homestead Management Services, Inc., AAMC

Scott T. Dalley, CMCA, AMS, PCAM

Access Property Management, LLC, AAMC, AMO

Five New Members

Jean Bestafka

Renaissance Homeowners Association



Welcome
NEW CAI-NJ MEMBERS

(July 1, 2017 to July 31, 2017)

Business Partners

BG Pool Management, Inc.

Stan Dzhambazov

Landcare

Edward Modrzejcki

Pizzo Contracting

Cindy Kuhmann

Tristate Capital Bank

John Buglione

Community Association Volunteer Leaders

2100 Linwood Avenue Owners, Inc.

Joseph Zingone

Brettonwoods at Paramus C.A., Inc.

Howard Galkin

Larry Stoloff

Cedar Village at East Brunswick

John Barranco

Carrie Miller

Four Seasons Condominium

Glenn Anderson

Lexington Village Natural Area Assn.

Lyundmila Levin

Ron Parisi

David Wei

Springtop Condominiums

Dimitrios Angelis

Ed Madan

The Glens At Pompton Plains Community Assn.

Linda Fiscella

Mary ann Podula

The Palisades at Fort Lee

Mark Evans

Richard Fox

Karen Greene

Managers

Nicole Chung

Association Advisors

Peter Kilgour

Homestead Management Services, Inc., AAMC

Michelle McCartney

Spruce Hills Condominium Association

Pat Tanis

Prime Management, Inc.

Eileen Ward

Ward & O'Donnell Management Co, Inc.

Management Company

Rockfort Management

Sean Kilby, CMCA

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CAI MEMBERSHIP APPLICATION

Community Associations Institute, New Jersey Chapter
500 Harding Road
Freehold, NJ 07728
Phone: (609) 588-0030 Fax: (609) 588-0040
Web: www.cainj.org
Email: membership@cainj.org

MEMBERSHIP CONTACT (Where membership materials will be sent):

Name: _____

Title: _____

Association/
Company: _____

Address: _____

City/State/Zip: _____

Phone: (W) _____ (H) _____

Fax: _____

E-Mail: _____

Select your Chapter: _____ NEW JERSEY

Recruiter Name/Co. Name: _____

CATEGORY OF MEMBERSHIP: (Select one)

- Community Association Volunteer Leader (CAVL) *Dues vary**
 Manager \$132
 Management Company \$425
 Business Partner \$580

PAYMENT METHOD:

Check made payable to CAI VISA MasterCard AMEX

Card Number: _____ Exp. _____

Name on Card: _____

Signature: _____ Date: _____

Important Tax Information: Under the provisions of section 1070(a) of the Revenue Act passed by Congress in 12/87, please note the following. Contributions or gifts to CAI are not tax-deductible as charitable contributions for federal income tax purposes. However, they may be deductible as ordinary and necessary business expenses subject to restrictions imposed as a result of association lobbying activities. CAI estimates that the non-deductible portion of your dues is 2%. For specific guidelines concerning your particular tax situation, consult a tax professional. CAI's Federal ID number is 23-7392984. \$39 of annual membership dues is for your non-refundable subscription to *Common Ground*.

Complete only the portion of the remainder of the application that applies to your category of membership.

For CAI-NJ use only:

____ BP
____ CAVL
____ MGMT
____ MGR

COMMUNITY ASSOCIATION VOLUNTEER LEADER (CAVL):

Billing Contact: (if different than Association Address on left):

Name: _____

Home Address: _____

City/State/Zip: _____

Phone: (W) _____ (H) _____

Fax: _____ (Cell) _____

E-Mail: _____

*TOTAL MEMBERSHIP DUES (as of January 1, 2015)

- Individual Board Member or Homeowner \$120
 2nd Board Member \$210
 3rd Board Member \$285
 4th Board Member \$375
 5th Board Member \$425
 6th Board Member \$480
 7th Board Member \$535

For 2-3 Member Board applications, please indicate below who should receive membership renewal information. Please contact CAI National Customer Service at (888) 224-4321 for Board memberships exceeding 7 individuals.

Name: _____

Home Address: _____

City/State/Zip: _____

Phone: (W) _____ (H) _____

Fax: _____ (Cell) _____

E-Mail: _____

Name: _____

Home Address: _____

City/State/Zip: _____

Phone: (W) _____ (H) _____

Fax: _____ (Cell) _____

E-Mail: _____

**Total Membership Dues above include \$15 Advocacy Support Fee.

BUSINESS PARTNER:

- Accountant Attorney
 Builder/Developer Insurance Provider
 Lender Real Estate Agent
 Supplier (landscaping, power washing, snow removal, etc)
Please specify: _____
 Technology Partner
Please specify: _____
 Other
Please specify: _____

BUSINESS PARTNER AFFILIATE:

Name of Primary Company Contact: _____

FORECLOSURE REFORM IN NEW JERSEY: AN UPDATE

By George Greatrex, Esq.,
Shivers, Gosnay & Greatrex, LLC

In the September 2016 issue of *Community Trends*®, I reported on **“zombie foreclosures”** and the ongoing efforts to reform New Jersey’s foreclosure laws and practices. I commented that if you ask the board members of the 6,700 New Jersey community associations to provide the top three issues hindering their community governance, their issues would be diverse. The answers

would probably include such matters as insurance claims that increase premiums, or the collection of overdue assessments from owners driving new model cars, or complaints of owners not cleaning up after their pets. But it’s safe to say that more often than not, the issue of **vacant and abandoned homes in foreclosure** (known as **“zombie foreclosures”**) in their communities ranks near the top of their list. They are unsightly, unsafe, unsanitary, and worst of all, the owners of such properties rarely pay their Association assessments, withholding valuable resources from their association and increasing the financial burden on those responsible members who do pay their assessments.

I also commented that it is safe to say that anyone who initiates, supports and works to advance a piece of legislation through the legislative process learns early on that to



George Greatrex, Esq. is a partner with the Cherry Hill law firm of Shivers, Gosnay & Greatrex, LLC, a CAI Business Partner, and serves as the Vice-Chair of CAI’s NJ-LAC and liason to the PA/DELVAL-LAC. His practice focuses on community association law, and his firm represents approximately 180 community associations in South and Central New Jersey. Mr. Greatrex can be contacted via email at ggreatrex@sggglawfirm.com.

Courtesy CAI-NJ.

be successful in that endeavor, one must be persistent... and patient. The CAI-NJ Legislative Action Committee (LAC) has been diligent in proposing and advancing laws that ease the burdens on community associations across New Jersey caused by such properties. In 2014 a law was passed that authorizes but *doesn't require*, a foreclosing lender to expedite the foreclosure process when the property is "vacant and abandoned" (N.J.S.A. 2A: 50-73 et. seq.). However, in practice it has been seen that foreclosing lenders, in general, are choosing not to expedite the process, resulting in vacant and abandoned homes languishing in community associations all across New Jersey, sometimes for years at a time.

Associations across the state have asked for help with zombie foreclosures. In response, LAC has proposed and supported legislation to amend this law, providing that if the foreclosing lender chooses not to expedite the process. The lender would be required to pay to the association the assessments imposed against the unit until the title is transferred to a new owner. Or the lender would be obligated to agree to the appointment of a fiscal agent (also known as a "rent receiver") so that the association could recover the past due and ongoing assessments from the rents received from the unit until the foreclosure process concludes and the property is sold to a new owner. To date, the results of attempts to judicially encourage lenders to expedite their foreclosure actions, or to appoint rent receivers, have been mixed, meaning that Superior Court judges in some counties have agreed to do so, while others have not, hence the need for statewide legislation. In December of 2015 the Senate version of this bill was voted out of committee with strong bipartisan support and moved to the full Senate chamber where it was voted on and *unanimously* approved shortly before the end of the previous legislative session in early January 2016. Unfortunately, the Assembly failed to call its version of the bill for a vote before the end of the session. The LAC was instrumental in having both bills reintroduced in the new 2016-2018 legislative session (now **Senate bill 1832/Assembly bill 3823**) and is actively supporting its passage.

The good news is that the momentum in favor of these bills has continued into this current legislative session. The Senate version has already successfully cleared the

Community and Urban Affairs Committee, and has been referred to the Budget and Appropriations Committee (a necessary step in the process). While the mortgage bankers association and the Administrative Office of the Courts have expressed some minor concerns with particular language in the bills, the LAC has been in discussions with those groups and is hopeful of an agreement on the final language soon. It is anticipated that these bills will be finalized and voted on by the full chambers of the New Jersey Legislature, then sent to the Governor's desk, before the end of this current legislative session in January. 2017 is an election year in New Jersey, much legislative activity



"Another item of good news: in 2014 a law was passed that authorizes New Jersey municipalities to adopt ordinances that require foreclosing lenders to maintain up to local codes the exterior of vacant homes..."

occurs during the "lame duck" session between Election Day in November and the end of the legislative session in January. This needed reform in the foreclosure process can't come soon enough for most community associations across our state.

Another item of good news: in 2014 a law was passed that authorizes New Jersey municipalities to adopt ordinances that require foreclosing lenders to maintain up to local codes the exterior of vacant homes subject to foreclosure proceedings, or face stiff fines (N.J.S.A. 40: 48-2.12s). Many municipalities across New Jersey have adopted such ordinances and have been requiring foreclosing lenders to maintain the exterior of those homes. If your town has not yet adopted such an ordinance, we encourage you to contact your town's governing body and strongly suggest they do so. ■



JOIN A CAI-NJ COMMITTEE

Interested in taking an active role in the operations of the New Jersey chapter of Community Associations Institute?

All members of the chapter are welcome to apply to be on a committee for 2018. Three of CAI-NJ's committees are dedicated exclusively to CAVLs, Managers, and Business Partners, and there are several other committees that require the input of all membership groups to meet their goals. Detailed information about each committee can be found inside this brochure.

The service policy allows each member-company a seat on three committees in a given year, with one company representative per committee, this does not apply to Community Association Managers. CAVL committee members and F.A.S.T. committee members may also serve on an additional committee.

While placement on committees is limited, the chapter will do its best to accommodate your request. Be sure to read the Committee Guidelines, Meeting Dates & Attendance Policy carefully each year prior to volunteering to serve. The guidelines are posted on the chapter's website at www.cainj.org.

We thank you for your time and service on the chapter's committees. Your input and participation are essential to carrying out the mission of the chapter.

Please contact the CAI-NJ office with any questions at (609)588-0030 or info@cainj.org.




SAVE THE DATE!

Chapter Retreat

2018 Committee members must attend the CAI-NJ Annual Meeting and Chapter Retreat on Thursday, December 7, 2017, at the Cultural Center at Clearbrook Community Association, 1 Clearbrook Drive, Monroe Township, New Jersey 08831.

Space on committees is limited, and your reply is not a guarantee that you will be selected for service. **This form must be received in the CAI-NJ office by Friday, October 6, 2017.** Committee assignments for 2018 will be made by Friday, October 13, 2017.



2018 COMMITTEE DESCRIPTIONS

AWARDS DINNER:

- Plan and coordinate the 2018 Awards Dinner
- Establish an event theme and create decorations
- Secure event sponsorships & encourage attendance
- Available to help with the day-of-event activities, including shifts at registration

Attendance requirement: minimum of 3 of 4 regularly scheduled meetings. Meets at 9:30am.

2017 Meeting Dates: Dec. 13

2018 Meeting Dates: (Wednesdays) Jan. 17, Feb. 7, Oct. 3

BUSINESS PARTNER:

- Plan and coordinate programs and services to enhance Business Partner experience
- Plan and coordinate at least one Business Partners seminar/event per year
- Review submitted proposals for Business Partner educational track of the chapter's annual Conference & Expo
- Ensure chapter is creating value with program and service offerings to Business Partner members
- Evaluate current chapter programs and benefits for Business Partners
- Provide content for the chapter's electronic newsletter

Attendance requirement: minimum of 4 of 6 regularly scheduled meetings. Meets at 9:30am.

2018 Meeting Dates: (Wednesdays) Jan. 17, Feb. 21, Mar. 21,

Apr. 18, May 30, Aug. 1

COMMUNITY ASSOCIATION VOLUNTEER LEADER (CAVL):

- Membership is limited to CAVL members of the chapter
- Plan and coordinate at least one CAVL seminar/event per year
- Plan and coordinate at least one CAVL roundtable per year
- Review submitted proposal for the CAVL educational track of chapter's annual Conference & Expo
- Increase CAVL membership attendance at chapter's Conference & Expo
- Support chapter new member orientation program
- Ensure the chapter is creating value with their program
- Engage CAVL members with the chapter and CAI National
- Explore new ideas/benefits for CAVL members
- Provide content for the chapter's electronic newsletter

Attendance requirement: minimum of 3 of 4 regularly scheduled meetings. Meets at 11:00 am.

2018 Meeting Dates: (Thursdays) Jan. 11, Mar. 15, May 24, Aug. 16

CONFERENCE & EXPO:

- Work to enhance exhibitor and attendee participation
- Increase attendance and gather sponsorships for event
- Recommend to CAI-NJ Board of Directors the Conference & Expo theme and logo
- Work closely with Business Partner, Managers and CAVL committees to develop education sessions
- Recommend to CAI-NJ Board of Directors possible speakers for each education session
- Committee members will serve as moderators of these programs
- Logistical planning and execution for conference day activities

Attendance requirement: minimum of 7 of 10 regularly scheduled meetings. Meets at 9:30am.

2018 Meeting Dates: (Thursdays) Jan. 4, Feb. 1, Mar. 1, Apr. 5, May 3, Jun. 7, Jul. 12, Aug. 2, Sep. 6, Oct. 4

EDITORIAL:

- Coordinates the publication of Community Trends[®]
- Solicits qualified authors to submit articles
- Review and edit articles submitted for publication
- Submit one original work for publication during the calendar year
- Facilitate the chapter's annual Shoot the Cover Contest

Attendance requirement: minimum of 4 of 6 in person and 4 of 6 conference calls (cc). Meets at 9:30am.

2018 Meeting Dates: (Tuesdays) Jan. 2, Feb. 6 cc, Mar. 6, Apr. 3 cc, May 1, Jun. 5 cc, Jun. 28, Aug. 7 cc, Sep. 4, Oct. 2 cc, Nov. 6, Dec. 4 cc

F.A.S.T. :

- Coordinates the Olympics Event
- Assists on initiatives throughout the year such as Red Nose Day, Food Drive, School Supply Drive, Breast Cancer Awareness, Movember, Holiday Family Adoption
- Plans and coordinates networking meet ups

Attendance requirement: minimum of 4 of 6 regularly scheduled meetings. Meets at 9:30am

2018 Meeting Dates: (Thursdays) Jan. 25, Mar. 22, May 24, Jul. 26, Sep. 27, Nov. 29

GOLF OUTING:

- Plan and coordinate the 2018 Dennis R. Casale Memorial Golf Outing
- Secure event sponsorships and encourage attendance
- Available to help with the day-of-event activities, including shifts at registration

Attendance requirement: minimum of 3 of 4 regularly scheduled meetings. Meets at 2:00 pm.

2018 Meeting Dates: (Fridays) Feb. 23, Apr. 20, May 18, Jun. 22

MANAGERS:

- Must be a CAI-NJ Manager or a Management Company member
- Advance and promote professional community management through education, certification, recruitment, information sharing and best practices
- Develop a managers-only program on a timely issue selected by the committee
- Review submitted proposals for the Manager Education track at chapter's Annual Conference & Expo
- Write articles for Community Trends[®] for the monthly "Management Trends" section
- Solicit individual community managers and management companies to join CAI-NJ
- Recommend 2018 Professional Managers Development Program (PMDP) courses in New Jersey
- Explore new benefits and services for Manager members
- Provide content for the chapter's electronic newsletter

Attendance requirement: minimum of 4 of 6 regularly scheduled meetings. Meets at 9:30am.

2018 Meeting Dates: (Wednesdays) Jan. 10, Feb. 7, Mar. 7, Apr. 11, May 16, Jul. 11

COMMITTEE MEETINGS WILL BE HELD AT THE CAI-NJ HEADQUARTERS 500 HARDING RD., FREEHOLD, NJ



MEMBERSHIP:

- Responsible for the recruitment of new members and retention of current members through outreach
- Develop and implement strategies for welcoming new members
- Conduct monthly outreach to new members and report feedback to CAI-NJ staff
- Conduct monthly outreach to current members that will be expiring to encourage them to renew and report feedback to CAI-NJ staff
- Provide two membership leads per meeting and assist CAI-NJ staff with follow up when necessary
- Conduct outreach to recently expired members to encourage them to rejoin CAI-NJ and report feedback to CAI-NJ staff
- Develop and implement systems and programs for membership recruitment and retention

Attendance requirement: minimum of 9 of 12 regularly scheduled meetings. Meets at 9:30am.

2018 Meeting Dates: (Thursdays) Jan. 18, Feb. 15 cc, Mar. 15, Apr. 19 cc, May 17, Jun. 21, Jul. 19 cc, Aug. 16, Sep. 20, Oct. 25, Nov. 29, Dec. 13 cc

NETWORKING EVENTS:

- Plan and coordinate the 2018 CAI-NJ Networking Events including Spring Break Party (April), Beach Party (August) & Pre-Conference Networking Reception (October)
- Establish an event theme (if necessary)
- Secure event sponsorships and encourage attendance
- Available to help with the day-of-event activities, including shifts at registration
- Solicit door prizes (if necessary)

Attendance requirement: minimum of 4 of 6 regularly scheduled meetings. Meets at 9:30 am.

2018 Meeting Dates: (Thursdays) Feb. 8, Mar. 8, May 17, Jun. 7, Jul. 12, Sep. 13



ALL 2018 COMMITTEE MEETINGS WILL BE HELD AT THE CAI-NJ HEADQUARTERS 500 HARDING ROAD., FREEHOLD, NJ 07728

CHOOSING A COMMITTEE

Please prioritize desired assignment by listing your top four (4) choices: 1 being your first choice, 2 being your second choice, 3 being your third choice, and 4 being your last choice.

- | | | |
|---|--|--|
| <input type="checkbox"/> Awards Dinner | <input type="checkbox"/> Editorial | <input type="checkbox"/> Membership |
| <input type="checkbox"/> Business Partner | <input type="checkbox"/> Future All Star Team (F.A.S.T.) | <input type="checkbox"/> Networking Events |
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ULTIMATE PARTNER Profile

BELFOR Property Restoration



Photos courtesy CAI-NJ

(above) During the fire, and (top photo) after restoration.

BELFOR Property Restoration is the North American leader in integrated disaster recovery and property restoration services. With more than 100 full-service offices in the U.S., we are geographically positioned to respond to almost any disaster – large or small – coast to coast. A proven track record of superior response and unmatched resources has made BELFOR the contractor of choice for damages caused by fire, water, wind or other catastrophes. BELFOR USA Group is a privately-owned subsidiary of BELFOR Holdings Inc. and operates under the brand name of BELFOR Property Restoration.

What is your role in the organization?

Paul Migliore is a Project Coordinator working with clients, Estimators and Project Managers to ensure open communications, smooth progress and timely completion of projects.

What is your background?

Paul has a varied background in Sales and Marketing and is a certified Mold Inspector as well as IICRC certified in Fire and Smoke Restoration.

"BELFOR is not a franchise but is privately owned, and covers 90% of the globally insured markets."

How long have you been in the industry?

Paul has been in the industry for over ten years.

Is there a specific project or program that you would like to highlight?

Paul has worked on many projects, both small and large. He takes pride in coordinating the timely completion of a multi-family reconstruction project which involved an eight-unit condominium building almost totally destroyed by fire.

Is there a specific product or service that your company offers that you would like to highlight?

BELFOR specializes in Fire, Water, Smoke, mold and recovery services.

What might someone be surprised to learn about your company?

BELFOR is not a franchise but is privately owned, and covers 90% of the globally insured markets.

Have you or your company received any recent awards or certifications?

BELFOR has received the #1 Ranking by *Qualified Remodeler Magazine* for 16 years in a row.

What trends do you see for the Community Association industry?

We see an increased need for committed partnerships with community managers and financially strong service

partners. There is also a need for continuing education to be provided to assist managers with personal and professional growth. Consequently, BELFOR is committed to providing complimentary on-going educational seminars and round table discussions to enhance the Community Manager's learning experience.

Share one of your most memorable moments in the Community Association industry.

My most memorable moment in the Community Association Industry would have to be when I shaved Larry Thomas' head to support Make A Wish Foundation. This was not only fun, but raised money for a very worthwhile charity.

What sets your company your company apart from your competitors?

BELFOR is second to none when it comes to experience, resources and depth. Our employees are very professional and empathetic, especially when dealing with customers, many of whom are experiencing traumatic loss.

Describe any involvement that your organization has with community or charitable based programs?

BELFOR encourages every office to participate in charitable events and causes. BELFOR New Jersey has supported many local charities and organizations including, Make A Wish Foundation, Pediatric Cancer Research, Ronald McDonald House, Special Olympics, Local Police and Fire Departments to name a few. ■

See the complete list of Ultimate Sponsors on page 2 of this issue.



ULTIMATE PARTNER Profile

Brown & Brown Questions answered by Ryan Weiner, Senior VP



A few of their condo team members, from left to right (sitting), Jillian Macievic, Penny Verdon, Michaele Wilbert, (standing) Ryan Weiner, Connie Demerjian, Karen Paran, Jamie Valentine

Brown & Brown is an independent insurance intermediary that through its licensed subsidiaries provides a variety of insurance products and services to corporate, public entity, institutional, trade, professional, association and individual clients.

Headquartered in Daytona Beach, Florida, offices are located across the United States, with products and services offered through four major business divisions. We are listed on the NYSE as BRO.

Our corporate culture is built on vision, speed, agility and strength that allows us to thrive in the very competitive insurance environment. This unique culture has enabled us to quickly chase down new opportunities, adapt our products and services to best meet market demands, and satisfy our many and varied clients.

Our drive to be the best has made Brown & Brown one of the largest and most respected independent insurance intermediaries in the nation, with 75 years of continuous service.

What is your role in the organization? What is your background? How long have you been in the industry?

Jillian Macievic is a Vice President for Brown & Brown of Lehigh Valley and joined the team in 2007 after graduating from Bloomsburg University. She quickly earned her Certified Professional Insurance Agent (CPIA) designation, attended the first ever Brown & Brown University semester in the Northeast region in 2008, and joined the Community Association team shortly after. Her passion for insurance has grown each and every year, and she truly has become an ascending leader in the Lehigh Valley office.

Ryan Weiner is a Senior Vice President for Brown & Brown Insurance of Lehigh Valley. After graduation from the University of Richmond in 2001, he started his professional career at Brown & Brown, Inc. as a member of the Internal Auditing team out of Daytona Beach, Florida. He spent most of his time conducting financial audits of the many offices of Brown & Brown nationwide. In 2004, Ryan earned the Accredited



Jillian Macievic and Ryan Weiner, are the insurance producers and face to face relationship drivers between our office and the industry.

Advisor in Insurance (AAI) designation and began a specialty practice in the Community Association arena.

As a result of their efforts in providing the highest level of insurance and risk management services to the industry, Jillian and Ryan have developed a portfolio of over 450 Associations in New Jersey. Backed by an incredible service team, they take pride in educating their Boards and Unit Owners on all insurance matters, and handle their business with the highest level of professionalism and ethical behavior.

Is there a specific project or program that you would like to highlight?

Besides our involvement in the “selling and servicing insurance” business, we are heavily invested in the “recruiting and enhancing” business as well. One way we develop future leaders is through our own Brown & Brown University. In our formalized 13 weeks of classes, Brown & Brown veterans take younger team members under their wings. The students work through lessons, including employee benefits and property and casualty programs, led by people who have reached the top of the profession.

We know Brown & Brown University is an effective way to help people succeed. Since it was founded in 2003, the University is responsible for turning out many graduates who are among our top performers. Our producers have a passion for learning. They consistently pursue opportunities for professional development and certification, earning designations as Certified Insurance Counselor (CIC), Associate in Risk Management (ARM) and Chartered Property Casualty Underwriter (CPCU), to name just a few.

What might someone be surprised to learn about your company?

Brown & Brown has grown and expanded to the point that it is currently ranked as the sixth largest independent

insurance intermediary organization in the U.S. and seventh in the world. The company operates 195 locations in 41 states and 3 foreign offices. While of a size that provides customers access to virtually every highly rated insurance underwriting company in the country, as well many within the European insurance marketplace, Brown & Brown’s real strength is in the great flexibility it provides our brokers at the local level. Each office is operated as an entrepreneurial entity, making it possible to respond rapidly to the needs of local customers, with local knowledge.

The office in Lehigh Valley, Pennsylvania has several niche focuses, with community associations being a large one. The account management team that we have in this office is accessible, reliable, and responsive, which is a huge contributor to our success in retaining our community association customers while still having the ability to welcome new customers as well.

What trends do you see for the Community Association Industry?

As communities age, the frequency of losses will inevitably increase. Severe losses in a community will obviously impact future premiums, but the frequency of reported losses will have an equally negative impact on the future as well. In an effort to minimize future losses, most associations are taking the necessary proactive steps from a risk management standpoint.... dry vent and fireplace cleaning, water hose and water heater replacement, grilling rules and safety, etc.. The future trend however, to minimize frequency, has to do with the association insurance deductible structure.

Some associations will have no choice but to increase their master policy deductible as a result of loss history. Others will make the decision to increase the deductible in an effort to have unit owner insurance be primary for more of the responsibility of the loss. Items that are giving rise to master policy losses, are actually the owner’s responsibility to maintain, so having the personal insurance have some more “skin in the game” not only makes sense, but it improves long term loss history as well. An actively involved association insurance broker that can assist in the claims handling process with personal adjusters and units owners, will lead to a positive impact going forward as well. ■

See the complete list of Ultimate Sponsors on page 2 of this issue.





A better way to resolve your conflict...

Alternative Dispute Resolution



What is ADR?

The CAI-NJ ADR-Mediation Program is designed as an alternative to the traditional justice system. It includes negotiation and mediation with a third party. This service is offered to parties who live or work in community associations. Community associations are required by state law to offer homeowners, a “fair and efficient” alternative to litigation.

How does ADR work?

ADR involves a mediation conference where the disputing parties meet with a mediator on a voluntary basis to talk about the problem and attempt to reach an agreement. The mediator is selected by CAI-NJ and assists them in arriving at a solution, but does not impose a decision. The mediator helps the parties look at all aspects of the issues and explore what may be acceptable to both parties as a resolution.

What are the benefits of ADR through CAI-NJ?

The CAI-NJ ADR Program will most likely be less expensive than the normal judicial process because it is a one-time fee rather than court costs and undetermined legal fees. Also, mediation is a confidential process unlike court cases that are adjudicated in public session. Many mediated disputes only require one session to resolve, and those sessions can be scheduled quickly. A filed court case may take months or years to resolve.

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LEGISLATIVE UPDATE...

from page 9.

in this issue of Community Trends an update to our report in the 2016 LAC issue. The wheels of the legislature grind slowly and the LAC's efforts with mortgage foreclosure reform is certainly proof of that. Mortgage foreclosure reform is also proof of the determination of the LAC to advance the interests of its members who are often burdened by delinquent mortgagor, owners who have ceased paying common expense assessments and have often vacated or failed to maintain their homes. Some progress has been made, but much more is needed and LAC continues to press for advancement of pending bills to faces the obstacles from mortgage bankers associations.

George Greatrex, Esq. writes on the history of mortgage reform bills and where pending bills currently stand. He also provides a synopsis of existing laws, for which the LAC advocated, in the past, which serve as a resource to community associations.

Cooperative Ownership. While not as common as in New York, there are a number of communities subject to the

cooperative form of ownership in New Jersey. These communities are commonly referred to as "co-ops." Due to the paucity of those communities, when compared to condominium and subdivided lot communities, comes the concomitant confusion about the vesting of interests by way of proprietary leases, shares of stock and compliance with by-laws. While the Cooperative Recording Act became effective in 1988, there is no statutory structure for cooperatives as, for example, that which comes from the Condominium Act New Jersey.

Matthew Z. Earle, Esq. explains the fundamentals of co-ops and the concerns which may arise in those communities. The LAC is mindful of the fact that among its members are apartment corporations and the shareholders in cooperatives and provides the requisite support to these members, as well as those residing in more conventional common interest communities.

Relationships between Community Associations and Municipalities. Last, but not least, is a discussion by a community association volunteer leader (CAVL) of the LAC. The interests of community associations are intimate-

CONTINUES ON PAGE 82



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LEGISLATIVE UPDATE...

from page 80.

ly related to those of municipalities. Sometimes those interests are similar and sometimes they are disparate. Nonetheless, common interest communities, and their residents, form a significant part of municipalities throughout the State.

Paul M. Raetsch discusses a number of bills which are under the

scrutiny of the LAC. He brings a unique perspective to this issue that only a dedicated volunteer, who has served on the governing board of the community in which he resides, can.

I am certain the articles written by my fellow LAC members will hold your interest as much as they did mine. Feel free to reach out to the authors or to me to express your viewpoint or if you have any suggestions as to how we may better serve your community. ■



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An AAMC must have a minimum of three years' experience providing community association management services, a Professional Community Association Manager (PCAM) designee as the company's senior manager, a staff of which 50 percent of managers hold a professional designation (CMCA, AMS or PCAM), and must comply with the CAI Professional Manager Code of Ethics

Listed are companies who have earned the Accredited Association Management Company (AAMC) designation.

Please Note: CAI-NJ only reviews CAI designations, certifications, and accreditations in this advertisement for validity and current status. Readers are advised that each individual company is solely responsible for the content of its listing in this advertisement, including all designations, certifications, accreditations and licenses by the company or the individual employee. Concerns about the validity of non-CAI designations, certifications, accreditations and licenses should be directed to the specific company or individual in question. Removal of designations, certifications, accreditations and licenses by CAI-NJ will only take place upon the submission of a letter written by the official credentialing and/or licensing body to CAI-NJ.

Access Property Management, Inc., AAMC, AMO

Mr. Scott Dalley, CMCA, AMS, PCAM, CPM
4 Walter E Foran Blvd Ste 311
Flemington, NJ 08822-4668
Phone: (908)237-9900
Fax: (908)237-1826
Email: sdalley@accesspm.com
Website: www.accesspm.com

Associa- Community Management Corp., AAMC

Mr. Michael Pesce
1030 Clifton Ave Ste 205
Clifton, NJ 07013
Phone: (973)773-6262
Fax: (973)773-4932
Email: pesce@communityservices.com
Website: www.communityservices.com

Associa Mid-Atlantic- King of Prussia, AAMC

Ms. Paula Santangelo
555 Croton Rd Ste 400
King of Prussia, PA, 19406
Phone: (610) 834-1350
Fax: (610) 834-7541
Email: nancy.hastings@associa.us
Website: www.associamidatlantic.com

Executive Property Management, AAMC

Mr. Leonard Barber, CMCA, PCAM
408 Towne Centre Dr
North Brunswick, NJ 08902-1200
Phone: (732)821-3224
Fax: (732)821-6565
Email: len.barber@epmwebsite.com
Website: www.epmweb.net

FirstService Residential, AAMC

Mr. Michael Mendillo
21 Christopher Way
Eatontown, NJ 07724
Phone: (800)310-0326
Email: michael.mendillo@fsresidential.com
Website: www.fsresidential.com

Homestead Management Services, Inc., AAMC

Mr. Louis Curtis, CMCA, AMS, PCAM
328 Changebridge Road
Pine Brook, NJ 07058
Phone: (973)797-1444
Fax: (973)797-1499
Email: lcurtis@homesteadmgmt.org
Website: www.homesteadmgmt.org

Integra Management Corporation, AAMC

Mr. Edward San George, PCAM
200 Valley Rd Ste 203
Mount Arlington, NJ 07856-1320
Phone: (973)770-1500
Fax: (973)770-3669
Email: esangeorge@integramgtcorp.com
Website: www.Integramgtcorp.com

JCR Management Services, Inc., AAMC

Mr. John Roberts, CMCA, AMS, PCAM
PO Box A
Point Pleasant Boro, NJ 08742-0810
Phone: (732)899-5524
Fax: (732)899-5552
Email: JCR@Mycondo.com
Website: www.mycondo.com

Preferred Community Management Services, Inc., AAMC

Mr. Glen A. Masullo, CMCA, PCAM
35 Clyde Road Suite 102
Somerset, NJ 08873
Phone: (732) 873-1258 ext. 205
Email: gmasullo@pcmsus.com

Premier Management Associates, AAMC

Ms. Lori Kenyon, CMCA, PCAM
140 Sylvan Ave Fl 3
Englewood Cliffs, NJ 07632-2514
Phone: (201)947-1001
Fax: (201)947-5005
Email: lkenyon@premiermanagement.net
Website: www.premiermanagement.net

Prime Management, Inc., AAMC

Ms. Barbara Drummond, CMCA, PCAM
684 E Bay Ave
Barnegat, NJ 08005-2465
Phone: (609)693-0090
Fax: (609)698-2517
Email: bdrummond@primemanagementinc.com
Website: www.primemanagementinc.com

RCP Management Company, AAMC, AMO

Ms. Mary Faith Nugiel, AMS, PCAM, CPM
10 Centre Dr
Monroe Township, NJ 08831-1564
Phone:
Fax: (609)683-5495
Email: mnugiel@rcpmanagement.com
Website: www.rcpmanagement.com

RMG, Regency Management Group, Inc., AAMC

Ms. Elaine Warga-Murray, CMCA, AMS, PCAM
605 Candlewood Commons
Howell, NJ 07731-2173
Phone: (732)364-5900
Fax: (732)905-8606
Email: ewm@regencymanagementgroup.biz
Website: www.regencymanagementgroup.biz

Taylor Management Company, AAMC, AMO

Mr. Paul Santoriello, PCAM
80 South Jefferson Road
Whippany, NJ 07981
Phone: (973) 296-9000
Fax: (973) 267-0943
Email: paul@taylormgt.com
Website: www.taylormgt.com

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