

Community Trends®

January 2018



HAPPY NEW YEAR!

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....and more

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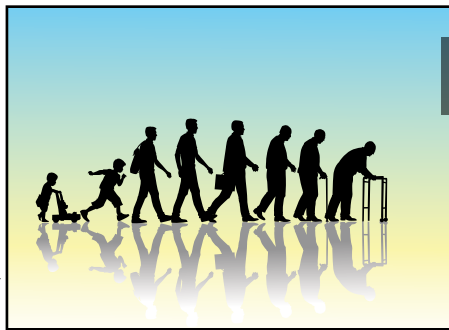
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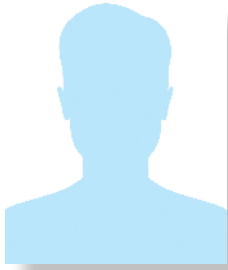


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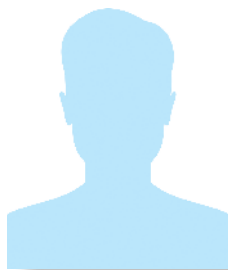
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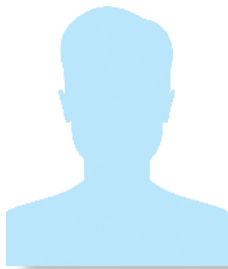
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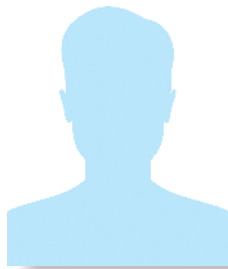
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First, I would like to thank my CAI colleagues for entrusting me to serve as your CAI-NJ Board President for the upcoming year. And, I offer special thanks to Denise Becker, last year's President. Her wisdom and guidance in terms of what she believes to be in the best interest of our members has been invaluable, and will serve as a beacon during my presidency.

The beginning of a new year is always exciting. It represents a fresh start — a time to establish new goals, both personal and professional, that we hope to achieve.

Of course, as in the case of many I would suspect, my first goal will be to lose the extra weight I have managed to add as a result of my family's wonderful holiday cooking. However, with experience as my guide, as this quest will most probably last all of six weeks, I am certain that I will have significant time to focus on my professional goals for our organization!

One of my most important efforts for this upcoming year will be the promotion of education within the Community Association industry. The CAI-NJ chapter is a vibrant and energized group of professionals, dedicated to the common purpose of bettering the communities in which we live and serve. I am convinced that education is the key to achieving this goal. Toward this end, CAI has a wide array of educational programs and designations of which

all of our members, both present and future, should take advantage. Regardless of whether you are a community manager or a homeowner leader, education offers us the most effective path to the creation and maintenance of healthy and vibrant communities.

I am convinced that the establishment of a Manager's licensing program is a key aspect of this educational process. It has long been both a personal and professional

"I am convinced that the establishment of a Manager's Licensing program is a key aspect of this educational process."

goal. Licensing will greatly enhance the level of professionalism and accountability in our industry. As a new State administration takes office, I will work diligently with the Legislative Action Committee, our CAI colleagues, and our community boards to make this goal a reality.

So enjoy the last of those holiday cookies, and let's get started!

A Happy, Healthy and Prosperous New Year to all. ■



LOOKING AHEAD

LARRY THOMAS, PCAM | CAI-NJ CHAPTER EXECUTIVE DIRECTOR

Be a Better Leader in 2018

I'm asking all our members to be better leaders in 2018. Whether you're a Homeowner Leader, a Community Manager or one of our Business Partners, we can all do a little bit more to support our industry. CAI has grown significantly over the past years and this is due to the members that have gone the extra mile to advance the quality of life in our communities. This includes members from all our categories. If you are a community manager, attend our educational events and spread the word amongst your colleagues and board members to also take advantage of what we have to offer. I see new faces at every event and it's refreshing to hear how much these members get out of our events. Again, most of these educational events are free to our members and there is a minimal fee for non-members.

There is no reason for our community boards not to take advantage of the new HL (Homeowner Leader) membership program introduced by CAI in October 2017. Please take the time to sign up all your board members as well as your key volunteers. There is no additional cost to add up to 15 board members or key volunteers to your community roster. Please see the membership application on page 49 for additional information on how to take advantage and register the additional members.

CAI-NJ has one of the strongest and most involved pool of Business Partners of any chapter in the country. They sponsor and attend our events and volunteer to be presenters at our educational roundtables and seminars. They are always available to help with our F.A.S.T. (Future All-Star

Team) philanthropic endeavors and are very generous in financially supporting these charitable efforts.

So, begin your year by being a better leader and spread the word about the advantages of a CAI membership. We have a lot to offer to all our members. If you need additional marketing information to pass along to your community board connections, please contact the office and speak with Brooke. She will be able to help you.

"Let 2018 also be a year in which you resolve to become more involved with your profession and CAI-NJ."

Let 2018 also be a year in which you resolve to become more involved with your profession and CAI-NJ. Consider submitting a proposal for the fall 2018 Conference, or share your professional knowledge by writing an article for the chapter's monthly magazine *Community Trends*[®] — see page 47 for a listing of the 2018 monthly themes. These are just some of the ways to become and stay connected with CAI and our industry.

As always, please continue to share your thoughts and ideas during 2018 by e-mailing me at larry@cainj.org.

Best wishes for the new year to all of you and your families! ■

2018 EVENTS & EDUCATION CALENDAR

FEBRUARY

15 **Annual Awards Dinner**
The Imperia, Somerset

MAY

15 **Joint Manager & Business Partner Roundtable**
TBD

31-2 **M-100: The Essentials of Community Association Management**
Mercer County Community College, West Windsor

JUNE

5 **Board Leadership Development Workshop**
CAI-NJ, Freehold

21 **Joint Manager & Business Partner Roundtable**
TBD

26 **Dennis R. Casale Memorial Golf Outing**
Forsgate Country Club, Monroe Twp.

JULY

10 **Senior Summit**
Renaissance at Manchester, Manchester

12-13 **M-203: Community Leadership**
Ramada Plaza, Cranbury

AUGUST

9 **Annual Beach Party**
Martells Tiki Bar, Point Pleasant

14 **Board Leadership Development Workshop**
CAI-NJ, Freehold

SEPTEMBER

6 **Homeowner Leader Roundtable**
TBD

13 **Manager Leadership Workshop**
TBD

OCTOBER

17 **Pre-Conference Networking Reception and Live Band After Party**
I-Play America, Freehold

18 **Annual Conference & Expo**
I-Play America, Freehold

18-20 **M-100: The Essentials of Community Association Management**
Mercer County Community College, West Windsor

NOVEMBER

1 **Joint Manager & Business Partner Roundtable**
TBD

EVENTS ARE SUBJECT TO CHANGE



LEGISLATIVE UPDATE

GEORGE GREATREX, ESQ.
PARTNER, SHIVERS, GOSNAY & GREATREX, LLC
LEGISLATIVE ACTION COMMITTEE CHAIR

Welcome to my first monthly column for *Community Trends*® as the new Chair of the CAI Legislative Action Committee (LAC) for New Jersey! I am excited to take on this new role and look forward to reporting our legislative and regulatory accomplishments to you over the course of my term. I have been attending LAC's meetings and sponsored events for over six years now, first as the liaison to the Delaware Valley chapter, then as a full-fledged committee member. I can honestly say that the LAC's meetings and educational events are some of the most interesting, informative, and yes exciting times I spend in my job during any given month. I am honored to have been selected to lead our group, and humbled by my fellow committee members' faith in me.

Our members are dedicated volunteers who donate their time and talents to our goal of improving the lives of our community association members and empowering the professionals and business partners who work every day in the field of common interest community management. There are homeowner leaders, property managers, insurance specialists, attorneys and accounting professionals on the LAC, each bringing their own expertise, experience and knowledge to our efforts to impact legislation to benefit our constituents.

The LAC's stated purpose and mission is to allow "CAI to speak with one voice on legislative and regulatory matters that affect community associations, community association managers and CAI business partners." Technically, the NJ LAC is a committee of CAI's national office in Washington that serves the State of New Jersey, which is also served by two CAI chapters, the New Jersey chapter and the Pennsylvania/Delaware Valley chapter. We review all pending legislation that could potentially impact our constituents and report our support (or opposition) to New Jersey's

legislators. To view the list of such pending legislation and the LAC's position on each bill, simply go to the CAI-NJ website and click on the bill chart link at www.cainj.org/legislative/bill-chart.

We also initiate legislation and regulatory changes to address issues faced by our constituents for which there is no current remedy. If you are reading this column you likely either live or work in a common interest community. You are our "eyes and ears" on the ground and we depend on you to report to us the issues you face and the problems you need solved. Our effectiveness as a group depends in part on your willingness to partner with us in our efforts. We invite your input!

Our legislative and regulatory priorities for the upcoming legislative term (January 2018 to January 2020) are:

- **Mortgage foreclosure reform** (to address the plague of vacant and abandoned homes in foreclosure)
- **Expansion of services to be reimbursed or performed by municipalities** (such as maintenance of fire hydrants)
- **Adoption of uniform common ownership interest legislation** (the revival of UCIOA by the NJ Law Review Commission)
- **DCA adoption of revised language further defining "adequate reserves" and "benefits derived"** (as contained in PREDFDA and the Condominium Act and their administrative regulations)
- **Opposition to legislation aimed at lessening a developer's bonding requirements under the MLUL, and legislation limiting a CIC's ability to include protective indemnification provisions in vendor contracts** (such as snow removal contracts)

2018 CAI-NJ COMMITTEES

Our efforts will be focused here, and we will not let up until we've achieved the success, and fairness, our constituents deserve.

I would like to take this opportunity, on behalf of all LAC members past and present over these last three years, to personally thank our outgoing Chair, Chris Li, Esq., for her tireless and selfless efforts in leading the NJ LAC. She inspired each of us to give our best efforts in reaching our goals as a cohesive and collaborative group. I indeed have big shoes to fill, and will need the help and support

**"Our members
are dedicated
volunteers who
donate their
time and talents
to our goal of
improving the lives
of our community
association
members..."**

of all those in our industry to continue the good work of the LAC so that together we can achieve our goals and accomplish our mission. Talk to you next month! ■

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**THE YEAR
IN REVIEW**

2018

2017

THE DOS AND DON'TS FOR 2018

By Angela Morisco, Esq.,
Becker & Poliakoff

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The year 2017 proved to be very successful for common interest communities in New Jersey. We are all very familiar with the amendments to the Planned Real Estate Development Full Disclosure Act ("PREDFDA") which have enriched the voting rights of owners in common interest communities.

Also pending in the New Jersey legislature, is a bill that would require lenders that fail to expedite mortgage foreclosure actions to pay delinquent maintenance fees or agree to the appointment of a fiscal agent to rent the property and collect the income until the foreclosure action is completed. This legislation would codify the obligations of lenders and the right of associations to have a receiver appointed. The lack of statutory authority to appoint a receiver or a fiscal agent has caused many judges to deny this remedy to associations.

In addition to the new legislation, there are some cases of interest from the New Jersey Appellate Division that warrant attention as well.

Arbitration vs. Mediation

When it comes to alternative dispute resolution in common interest communities we now know that semantics matter. The New Jersey Condominium Act, N.J.S.A. 46:8B-1 et seq. and the Planned Real Estate Development Full Disclosure Act (PREDFDA) N.J.S.A. 45:22A-21 et seq. require associations to provide a "fair and efficient" alternative to litigation to resolve "housing related" disputes. These procedures are commonly referred to as "ADR". Neither the Condominium Act or PREDFDA contemplate that ADR must or should be binding. Rather, ADR is intended as an informal attempt to resolve a dispute that does not forfeit the right to proceed in court if ADR is not successful.

Parties, and their counsel, must be mindful of the labels that are used when selecting and participating in ADR. The case of *Marano v. The Hills Highlands Master Association, Inc.*, 2017 WL 5494624 (App. Div. November 16, 2017) is instructive to associations

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YEAR IN REVIEW...

from page 11.

and counsel. In the Highlands case, the facts exposed that although the association and its counsel thought they were participating in non-binding mediation, the record reflected that the proceeding was referred to and treated as an arbitration. Arbitration contemplates a binding proceeding. Opportunity to overturn an arbitrator's award is extremely narrow and limited. Examine your governing documents, if your ADR procedure refers to arbitration as the form of alternative dispute resolution, it may be time for an amendment. Also, if your association becomes involved with ADR, to avoid unintended results, confirm that all submission documents refer to the proceeding as mediation and not arbitration.

Lender Responsibility for Delinquent Maintenance Fees

Until legislation is passed, unless a lender is an actual "mortgagee in possession", it cannot be compelled to pay maintenance fees. Two recent cases have held that incidental activity undertaken by a lender to protect its security interest does not suffice to obligate the lender to pay maintenance fees. Hence, the acts of winterizing a unit, changing locks, remediating stink bugs, landscaping and making repairs do not constitute sufficient activity to deem the lender to be in possession. See, *Woodlands Community Association, Inc. v. Mitchell*, 450 N.J. Super. 310 (App. Div. June 6, 2017); *Union Hill Condominium Association, Inc. v. Wells Fargo Bank, N.A.*, 2017 WL 5478310 (App. Div. November 15, 2017). This applies notwithstanding

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"Examine your governing documents, if your ADR procedure refers to arbitration as the form of alternative dispute resolution, it may be time for an amendment."

the pendency of a mortgage foreclosure action.

Based on these decisions, it would not be prudent to join the lender as a defendant in a suit to collect a money judgment for delinquent maintenance fees.

Bankruptcy Updates

This year, there were at least four decisions from the Bankruptcy Courts attempting to confirm the status of a priority condominium claim of lien in a Chapter 13 bankruptcy. The manner in which the lien will be treated and paid out under a Chapter 13 plan, depends on whether the lien is classified as a statutory lien or a consensual lien. All four decisions acknowledge that a condominium lien is a created by statute and by the association's governing documents. The courts acknowledge that the New Jersey Condominium Act, N.J.S.A. § 46:8B-21 (b) (1) affords a claim of lien a limited six-month priority over a prior recorded mortgage.

The anti-modification provisions of the Bankruptcy Code, prohibit a debtor from modifying the rights of claims

CONTINUES ON PAGE 14

Lawn Maintenance
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YEAR IN REVIEW...

from page 12.

“secured only by a security interest in the debtor’s principal residence”. 11 U.S.C. § 1322 (b) (2)

The most recent case, *In Re: Holmes*, 573 B.R. 549 (September 19, 2017), Judge Gambardella held, in substance, that since the lien is entitled to priority, it is partially secured by an interest in the debtor’s principal residence and no portion of the lien could be modified or crammed down pursuant to 11 U.S.C. § 1322 (b) (2). See also, *Whispering Woods Condominium Association, Inc. v. Rones*, 551 B.R. 162 (D.N.J. 2016). Under this line of reasoning, the entire lien (priority and non-priority) is entitled to payment. Hence, if the condominium lien is entitled to priority, the entire pre-petition claim will be paid in full.

In contrast, at least two other New Jersey decisions have held that the priority lien is both a statutory lien (N.J.S.A. § 46:8B-21 (b) (1)) and a consensual created by virtue of the governing documents. Under this line of reasoning, the condominium possesses a secured claim represented by the priority portion which must be paid in full and the balance of the lien (non-priority portion) is treated as consensual lien that is treated as a general unsecured lien entitled to payment of a percentage along with general unsecured creditors. *In Re: Smiley*, 569 B.R. 377 (D.N.J. July 12, 2017); see also, *In Re: Keise*, 564 B.R. 255 (D.N.J. March 2, 2017).

Until the issue is finally determined and settled, community association practitioners will continue to advocate using the reasoning set forth in the *Holmes* and *Rones* decisions. ■

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Aging in Place within Your Community -



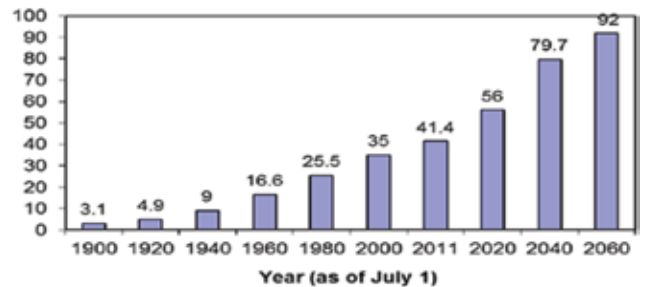
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A Look at Safety, Comfort, and Independence

By Glenda Carroll, CMCA, AMS, PCAM, LSM, Toll Brothers, Inc. and Nancy Hastings, CMCA, AMS, PCAM, Associa Mid-Atlantic - King of Prussia

According to AARP, one in three Americans is now fifty or older and by 2030, one in five will be sixty-five or older. In fact, the 2010 U.S. Census Bureau reported that the sixty-five and older age group has grown at a faster pace than our population and is projected to increase to fifty-five million in 2020. These statistics are compelling and will have a significant impact on community associations in the coming years. With almost ninety percent of adults aged sixty-five and older wanting to stay in their current homes, the impact will be seen in both age-restricted and non-age-restricted communities. This is known as “aging in place,” which has been defined as “the ability to live in one’s own home and community safely, independently, and comfortably, regardless of age, income, or ability level.” As people are living longer, communities will be faced with the daunting task of potentially managing seven diverse generations residing in the same neighborhood. Everything from association amenities and social activities to governing documents and budgets will need to address and cater to this broad spectrum of residents. Many of today’s communities are not properly prepared to handle the costs of meeting the needs of

Figure 1: Number of Persons 65+, 1900-2060 (numbers in millions)



Generation Title	Year Born
Centenarians	1917 and earlier
Matures	1918-1945
Baby Boomers	1946-1964
Generation X	1961-1981
Millennials	1981-1996
Generation Z	1996-2011
Generation Alpha/iGeneration	2011-Present

those residents who want to “age in place” safely and comfortably in their homes.

CONTINUES ON PAGE 18

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AGE IN PLACE...

from page 16.

Is your community "Aging in Place" friendly?

Communities must be proactive in asking themselves "Is our community 'aging in place' friendly?" This is a conversation that starts jointly with the Board and its membership.

Communities that are designated as age-restricted have many advantages – their design, amenities, and social activities geared toward an aging population may already be in place. If your community is not age-restricted, utilize community volunteer resources and establish a committee

to explore the issue at a holistic level. Be sure to also include the management team as they can provide you with a wealth of knowledge and their experiences regarding how other communities handled these changes.

Housing, transportation, social engagement, and the availability of health services rank as the top four most pressing needs for residents "aging in place." Review each

of these categories and determine where improvements can be made. Realistically, there are many aspects you cannot change about your community, such as the location, original construction, and environmental aspects, but you can influence engagement, opportunity, transportation, etc. Strategizing should include a range of low or no cost items - items that may be funded by the association, as well as those services or activities that may be completed/underpinned by volunteers.

Most towns have a vast amount of local, free, and almost free resources for those wishing to "age in place." A simple reference list of services and events would be a great resource for both residents and managers. Your County Office on Aging can provide you with information and assistance on:

- Nutrition Services
- Home Care and Care Management Services
- Personal Assistance Services Program (PASP)
- State Health Insurance Program (SHIP)
- Prescription Assistance
- Local Special Events/Calendar of Meetings
- Transportation

CONTINUES ON PAGE 20

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AGE IN PLACE...

from page 18.

Common Areas

Keep “aging in place” at the forefront when assessing, improving, and planning projects for common areas. Here are just a few safety and convenience tips that should be incorporated into the design of projects:

- Reduce trip hazards by using non-slip surfaces, handicap, and flush mount thresholds.
- Provide easy access to doors and ramps. Replace heavy doors with automatic doors. Consider zero grade entry ramps.
- Replace doorknobs with levers.
- Use handrails in areas where there are long hallways or distances to traverse.
- Countertop heights in kitchens, bathrooms, and craft room areas should be ADA compliant.
- Landscaping design and maintenance should keep pathways clear for security purposes and allow for easy wheelchair/walker/cane access.
- Poor lighting will dramatically reduce depth perception for seniors. Use the recommended light levels by age group in lumens and footcandles.
- Place light switches at an appropriate height and add motion sensors where possible.
- Check with local sign ordinances and determine if exterior traffic signage can allow for increased reaction time.
- Curbing, concrete, and asphalt should have appropriate curb cuts and ADA compliant pavers.
- Lifts and zero grade entry are now the standard for swimming pools.

CONTINUES ON PAGE 50

ATTENTION ALL CAI-NJ SEMINAR ATTENDEES:

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The Palisades at Fort Lee Condominium Association, Inc. v. 100 Old Palisade, LLC

By John Randy Sawyer, Esq.,
Stark and Stark

The New Jersey Supreme Court recently issued a decision in the matter of *Palisades at Fort Lee Condominium Association, Inc. v. 100 Old Palisades, LLC, et. al.*, 230 N.J. 427 (2017), that has the potential to significantly reduce the amount of time condominium associations will have to evaluate the condition of the common elements of their communities, and then bring suit for any construction deficiencies found therein, following transition of control of the common elements from the Sponsor to the unit owners.

The *Palisades* case involved the question of when the clock starts running for the six year statute of limitations period ("SOL") applicable to property damage claims by a condominium association. This is a critical question for all condominium associations because it is often the case that several years have passed since completion of construction of the project and the date when the unit owners finally get control of the common elements.

The structure that eventually became the Palisades at Fort Lee Condominium was originally constructed by an entity called Palisades A/V Acquisitions Co., LLC as apartment building. The building was "substantially complete" as of May 1, 2002, which is the date on which certificates of occupancy were issued. Palisades A/V Acquisitions Co., LL rented units in the building for two years before, in June 2004, the building was sold to an entity called 100 Old Palisade, LLC. 100 Old Palisade, LLC then converted the rental apartments and units into condominiums. As part of the condominium conversion process, 100 Old Palisade, LLC retained an engineering firm to inspect the common elements of the property and issue a report. The report pointed out some issues with the existing structure such as spalling and cracking concrete in the parking garage. In offering units for sale as the Sponsor of the condominium, 100 Old Palisade, LLC had the report attached to the public offering statement,

dated January 27, 2005, and to the master deed. As required by the condominium law, 100 Old Palisade, LLC controlled the board of the association until it sold seventyfive percent of the units in the Palisades, which occurred in July, 2006. At that point, the unit owners took full control of the condominium association and retained their own engineering firm to inspect the common elements. That firm

issued a report dated June 13, 2007, which detailed construction defects that were discovered in the exterior walls, roofing, concrete flooring, and plumbing, and in other areas, such as the parking garage and

CONTINUES ON PAGE 26

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PALISADES...

from page 24.

landscaping. The unit owner controlled association later filed suit in March, 2009.

At the trial level, several defendants filed motions for summary judgment arguing that the SOL had run out by the time the Association filed suit in March, 2009. They took the position that the SOL's six year clock started to run when the structure was substantially complete in May, 2002, and because the Association knew it had claims to make once it received its engineering firm's report in June, 2007, the Association should have filed suit within the remaining year left under the six year SOL period, i.e. by May, 2008. The trial judge agreed and dismissed the Association's case. The Appellate Division reversed the trial court. In doing so, the Appellate Court in part reasoned that because under New Jersey's condominium law unit owners have no control of the association until transition occurs, any limitations period applicable to claims by an association should not begin to run, at the earliest, until the unit owners gain control of the board of the association following transition. The Appellate Court also found that under the "discovery rule," which states that a claim will not "accrue" until the claim-holder knows or has reason to know he/she has been injured, the SOL's six year clock did not begin to run against the Association until it received its engineering firm's report in June, 2007, making the suit filed in March, 2009 well within the limitations period.

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The Supreme Court did not accept the approach taken by either the trial court or the Appellate Division. The Court found that the SOL clock does not begin to run automatically at substantial completion of the construction regardless of whether the association knows or should know it has a claim, as the trial court had concluded. The Court also rejected the Appellate Court's holding that the SOL cannot begin to run on a condominium association's claim prior to transition. Instead, the Court reiterated the long standing line of cases applying the "discovery rule" and held that the six year clock under the SOL begins to run, i.e. "accrues," on the date that an association knows or reasonably should know that it has been injured.

Although it is disappointing that the Supreme Court did not recog-
CONTINUES ON PAGE 28

SPOTLIGHT ON SERVICE

With great respect for those who serve our country, the Editorial Committee of CAI-NJ is seeking spotlights on service members. This may include active, or inactive members of the United States Armed Forces.

Please take this opportunity to spotlight someone you know and help the CAI-NJ community recognize and thank them for their service to our country.

Criteria

1. Must be a member of the United States Armed Forces, active, inactive or has served.
2. Must be either a:
 - a. Member of CAI-NJ (Manager, Board Member, Business Partner or Business Partner Employee)
 - b. A parent, spouse or child or a CAI-NJ member (classified above)
3. Must include 500 to 1,000 words about their service along with a photo

★ For questions or to submit a "Spotlight on Service" contact Jaclyn Oskierko at jaclyn@cainj.org.



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PALISADES...

from page 27.

nize that unit owners are powerless to protect themselves from the harsh effect of SOL's prior to transition, the "discovery rule" law that the Court did apply is well settled and known to construction defect practitioners. That part of the Court's decision is not the concern. What came next is what is alarming. In applying the discovery rule to determine when the clock starting running on the Palisades at Fort Lee Condominium Association's claims, the Supreme Court held that the knowledge of the association's predecessor in title, i.e. the Sponsor, was relevant to the inquiry. The Court held that "[a]n owner of a building cannot convey greater property rights to a purchaser than the owner possessed. If the building's owner knew or reasonably should have known of construction defects at the time of the sale of the property, the purchaser takes title subject to the original owner's right—and any limitation on that right—to file a claim against the architect and contractors....if the building's original owner does not file a construction-defect lawsuit within the six-year limitations period from accrual of an actionable claim, the purchaser taking title has no right to revive a lapsed claim." The Court then remanded the matter back to the trial court to hold an evidentiary hearing to determine what the Sponsor knew and when the Sponsor knew it.

So what does this mean for condominium associations? Simply put, if, prior to transition, the Sponsor of your condominium knew or should have

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2018 Annual Awards Dinner CALL FOR NOMINATIONS NOW OPEN!

Each year, the New Jersey chapter of Community Associations Institute celebrates excellence in the industry during the Annual Awards Dinner. The event will be held at The Imperia in Somerset, NJ. This year the event will take place on Thursday, February 15, 2018.

Nominations are now open for the following categories including the Candice Bladt Community Manager of the Year, the Committee of the Year, and the Committee Chair of the Year.

CAI-NJ and the Awards Committee are once again honoring the Board of the Year to be presented to a CAI-NJ member community association board. Please note, a minimum of three (3) homeowner leaders must be members of CAI-NJ to be eligible.

In order to be considered, nomination packets must be filled out completely with all required information and submitted to CAI-NJ no later than Friday, January 5, 2018. Nominations can be emailed to jaclyn@cainj.org, faxed to 609-588-0040, or mailed to CAI-NJ, 500 Harding Road, Freehold, NJ 07728.

There is no limit to the number of nominations a person can submit, and self nominations are welcome. All award nominees must be members in good standing in CAI-NJ.

Enclosed are the official call for nominations entry forms, rules and instructions.

You can also download these forms on the website, www.cainj.org/awards.

For questions regarding this application, please contact Jaclyn Oskierko, Director of Events & Editorial at jaclyn@cainj.org or 609-588-0030.

Deadline to submit nominations is Friday, January 5, 2018

Nomination Contact Information

Name: _____ Company/ Community: _____

Phone: _____ Email: _____

Nomination Information

Please select the entry type from the four options below. Only one nomination per form will be accepted. Please use multiple forms when nominating for multiple categories.

Nomination Category

Select Only One From Below.

Candice Bladt Community Manager of the Year

CAI-NJ Committee Chair of the Year

CAI-NJ Committee of the Year

Community Board of the Year

Committee of the Year Options

If Nominating a Committee Please Check Off Only One From Below.

___ Awards Committee

___ Beach Party Committee

___ Business Partner Committee

___ CAVL Committee

___ Conference & Expo Committee

___ Editorial Committee

___ F.A.S.T. Committee

___ Golf Committee

___ Legislative Action Committee

___ Managers Committee

___ Membership Committee

___ CA- Political Action Committee

___ Spring Break Committee

Committee Chair of the Year Options

If Nominating a Committee Chair Please Check Off Only One From Below.

___ Stephanie Wiegand, Esq. (Awards)

___ Jessica Long (Beach Party)

___ Maria Elena Solis CMCA, AMS (Business Partner)

___ Steve Kroll (CAVL)

___ Patricia McGlone, Esq. (Conference & Expo)

___ Joe Chorba, CPA (Editorial)

___ Lauren Vadenais (F.A.S.T.)

___ Georgette Kyriacou (Golf)

___ Christine F. Li, Esq. (LAC)

___ Jeff Cirkus, CMCA, AMS, PCAM (Managers)

___ Erika Befumo (Membership)

___ James Rademacher (CA-PAC)

___ Courtney Knox (Spring Break)

Board of the Year & Candice Bladt Community Manager of the Year

If Nominating a Board or Manager Please Complete Information Below.

Nominated Manager or Board President Name

Company or Community Name

Nominee Email

Nominee Phone

Nomination Information

Please fill in all information below. Incomplete applications will not be accepted. You may attach additional pages and other supporting documents to this application.

What has this nominee done to earn this award?

Please provide examples of what this nominee has done to support the goals and objectives of CAI-NJ.

Please provide any additional information that supports your nomination.

Nominate a Young Professional below for the “2017 Outstanding Young Professional Award” to be awarded at the 2018 Annual Awards Dinner, which will be held on Thursday, February 15, 2018 at The Imperia in Somerset.



The F.A.S.T. committee is seeking to honor a young professional in our industry who gives without asking in return. We are asking for companies to nominate the young professionals on their team who they feel should be recognized for their efforts made in both their personal and professional life.

The nominated young professionals should meet the following criteria:

- Working in an aspect of the community association industry and member of CAI-NJ
- Under the age of 35
- Has gone above and beyond that which is expected of them personally and/or professionally

We are looking for someone who has made a difference in others' lives through volunteer work, self-sacrificing spirit, diligence, reliability, determination, follow through, etc. If you look at them and say “I’m Impressed” then nominate them for the “Young Professional of the Year” award.



Complete the information below and return it to jaclyn@cainj.org, along with supporting documents including the following:

- One letter of recommendation from a supervisor
- One letter of recommendation from a co-worker
- Any additional documents that support the nomination

All nominations must be submitted by Friday, January 5, 2018.

Nominee Name: _____

Nominee Company: _____

Nominee Email: _____ Nominee Phone: _____

IMPORTANT:

Community Trends®

Author/Article Submission Policies

Community Trends® is a monthly publication of the New Jersey Chapter of the Community Associations Institute (CAI-NJ). The purpose of this magazine is for the dissemination of informative and noteworthy information that is relevant to the lives of every person living in or working with community associations throughout New Jersey. *Community Trends®* should not be used to provide the kind of authoritative and comprehensive information that must be tailored to serve individual needs when legal, accounting or other professional advice is required.

CAI-NJ encourages interested persons to submit articles for consideration by the Editorial Committee. Publication in *Community Trends®* is a wonderful opportunity to write about an issue relevant to community associations, and the Editorial Committee will carefully review all submissions. When an article is published, the opinion of the author and accuracy of the facts presented in the article are not specifically endorsed by either CAI-NJ or the Editorial Committee. Neither CAI-NJ nor *Community Trends®* guarantees a placement of any submitted article, and any article can be rejected for any reason at any time by the Editorial Committee or CAI-NJ. All articles should be written in the third person.

The submission of an article by an author implies that the article is the original work of the submitting author, and the submitted article has also not been published in any other publication or on-line previously. Authors found to be in violation of these policies can be subject to discipline by the CAI-NJ Board of Directors, which may levy penalties including the following:

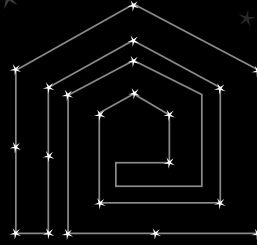
- A. Temporary or permanent ineligibility from authoring articles for *Community Trends®*;
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- C. Referral to CAI National for review and possible further sanctions; and/or,
- D. Suspension of any and all chapter privileges as determined by the Board.

Authors may submit a photograph with their article. Please note that CAI-NJ has the exclusive right to refuse to publish any photograph for any reason. Permission to reprint any article first published in *Community Trends®* is subject to the single condition that all reprints must include the following ownership acknowledgment, "Reprinted from the (month) 20__ issue of the CAI-NJ's *Community Trends®*."

Community Trends®,

Kari Valentine, CMCA, AMS,
Editorial Chair

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The Case for Board Leadership Education: *A Board Member's Tale*

By Steve Kroll,
Fairways at Livingston



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When discussing what makes a great leader, a question often arises: Are some people just born great leaders with little need for training or can people be trained to become great leaders? While it is true there are individuals who seem to have innate leadership qualities already with them when they step into responsible positions, the majority of us could benefit immensely from leadership training in the particular field that we are expected to be effective leaders.

As board members and homeowner leaders, we are on the forefront of handling issues impacting our communities. The residents of our communities look to us for leadership on matters of importance and to provide wise stewardship on behalf of the community association. Like some medieval knight out of JR Tolkien's world, a board member is on an inner quest to prove their worthiness but not quite sure how to achieve it.

In responding to that critical need for board members of common interest communities to acquire solid leadership skills, the Community Associations Institute provides to members a free one day Board Leadership Development Workshop for the state chapters to conduct on behalf of board members seeking to become more professional in their leadership role.

I was fortunate enough to attend the New Jersey chapter's CAI Board Leadership Development Workshop last summer at the CAI-NJ headquarters. The high demand for the workshop was quite evident because it was a full house. A few late subscribers gained admission only on the promise by those assembled that we would all become great leaders! With that oath, the board member training began.

The BLD workshop was well organized and ran smoothly during the whole day. There were five subject modules covered with three different industry experts leading them. The five modules were: 1) Governing Documents and Roles & Responsibilities; 2) Communications, Meetings, and Volunteerism; 3) Fundamentals of Financial Management; 4) Professional Advisors and Service Providers; and 5) Association Rules and Conflict Resolution. These modules were selected very carefully to ensure that the critical aspects of governing community associations were covered. While the attendees had various levels of experience as board members ranging from the newly crowned to those who proudly displayed scars from past battles, the workshop was conducted in a way that benefitted all participants.

Our three instructors brought their theoretical knowledge, practical expertise, and a sense of humor to the workshop.

They even managed to forge on while tolerating our group sighs when discussing community residents that pose challenges from a governance standpoint.

The BLD workshop handouts were: 1) The Board Member Toolkit; 2) The Board Member Toolkit Workbook; 3) Financial Statement Examples; 4) Community Association Leadership: A Guide for Volunteers; 5) Managing & Governing: How Community Associations Function; 6) From Good to Great: Principles for Community Association Success. The workshop was designed to follow the Board Member Toolkit and the associated workbook. This approach kept the workshop focused and allowed par-

"...a board member is on an inner quest to prove their worthiness but not quite sure how to achieve it."

ticipants to easily follow along as we transitioned from one subject to another. The other training material was meant for candle light reading during challenging times, especially the inspiring "From Good to Great".

By having extremely knowledgeable instructors with many years of experience in their field, the sessions lent themselves to many attendee questions coupled with informative answers plus terrific exchanges among participants eager to share their board experiences. From my viewpoint, there is nothing better than being in a room with incredibly knowledgeable experts in community association issues along with other board

CONTINUES ON PAGE 38



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BLD..

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members willing to share their experiences in community governance. The BLD workshop is one of the most effective ways to cover critical subject areas necessary to being an effective leader among your community's residents. I highly recommend all board members and homeowner leaders to attend the next BLD workshop taking place this summer.

While the BLD workshop is an intense one-day training in community association matters, CAI-NJ offers several other CAI member-free opportunities for board members and homeowner leaders to participate in throughout the year.

There is the CAI-NJ lecture series on

CONTINUES ON PAGE 40

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current topics impacting community associations; an industry expert presents the topic with a Q & A session to follow. Since the topics are typically selected because they feature new issues that are or will impact community associations, it is a great opportunity for board members to hear about the latest developments that industry experts are bringing to our attention.

The annual Senior Summit to be held in July this year is the perfect venue to attend right after the BLD workshop. I found that the interactions in the workshop prompted more questions. I was eager to attend this event to ask those questions of a panel of industry experts, as were many of the attendees there. A hearty breakfast



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The Roundtable Forum is a casual evening event whereby industry experts discuss over a dinner feast topics that are important to board members. Like the knights of the roundtable, board members circulate among different tables to hear from the different field experts. It's an informal and light format that allows attendees to ingest "food for thought".

The Annual CAI-NJ Conference and Expo to be held on Oct 18th is another informal educational opportunity for board members to attend presentations by industry experts as well as learn from exhibitors about their products and services. Walking the great exhibition hall with satchel in hand allows board members and homeowner leaders to meet and greet all who would give freely of their time and wisdom in all matters relating to community associations. All who attend are guaranteed to come away richer in spirit, fuller in freebies, and having learned that there is much to learn on the journey.

Hopefully, you get the idea from this tale that CAI and CAI-NJ provide a wealth of opportunities to gain knowledge about how community associations can be governed and improve your leadership skills. CAI-NJ combines the generic CAI BLD workshop with several other informal venues targeting New Jersey community association issues. I have found that taking advantage of the educational offerings of CAI-NJ has allowed me to become more knowledgeable about the issues impacting

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BLD...

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my community association; with that increased knowledge I have become a more effective leader on behalf of the community's residents.

Like most of us I wasn't born with leadership skills. I have gained more confidence in them through my participation in the educational opportunities that CAI-NJ has offered to board members and homeowner leaders. I hope my board member tale will inspire other worthy subjects to take up the leadership-training mantle on June 5th at the next Board Leadership Development Workshop. ■

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known about construction defects in the common elements of the condominium either on the date of substantial completion, or at some point thereafter, then the six year SOL applicable to the association's claims will have started to run prior to the unit owners gaining control of the board of the association. As a result, the moment the unit owners gain control of the association's governing board, it is possible that all or most of the six years they have to file suit could have already passed without their knowledge. According to the Supreme Court, if a Sponsor of a condominium knows about construction defects before turning over control of the community to the unit owners, then that Sponsor is obligated to file suit over those defects against the responsible parties despite the fact that the Sponsor is simultaneously selling units in the condominium to the general public.



"Another recommended course of action for unit owners is not to wait for transition."

Anyone familiar with the condominium world knows this will never happen. The Supreme Court reached this conclusion without any apparent regard for the realities of how condominium development in New Jersey works or for the tremendous prejudice this new law will visit upon innocent condominium unit owners.

So what should associations do to protect themselves from this legal landmine? The safest thing to do to avoid the potentially harsh effect of the Palisades case is for an association to immediately file suit against the Sponsor and fictitious contractor and engineer/architect entities. This should be done immediately upon the unit owners gaining control of the association's board. This will stop the SOL clock ticking if it has, in fact, already started running. The

association can then negotiate a stand-still agreement with the Sponsor to stay the case while the association retains an engineer to inspect the common elements. Such an agreement would need court approval. This is obviously not an ideal scenario — an association's newly-in-control board faced with incurring costs to file a lawsuit before even knowing whether or not grounds for such a suit exist. If such a suit is not filed, however, every day that passes from transition represents a day that the association could be deemed to have lost all of its claims.

A newly-in-control board of an association can also make an immediate demand upon the Sponsor to disclose any knowledge it has regarding potential construction defects in the community, and the date that it possessed such knowledge, as part of the transition process, in order to try to pinpoint if and when the SOL clock started running. Again, not an ideal solution. The Sponsor may simply lie. Or, more likely, the Sponsor may say it was not aware of any defects, but could be found later following an evidentiary hearing to have been in possession of sufficient facts that it "reasonably should have known" about a claim thereby triggering the SOL anyway.

Another recommended course of action for unit owners is not to wait for transition. If, from your own experience or from speaking to your neighbors, you become aware of problems with the community buildings, such as water leaks, cracking and spalling, or other defects, then speak to an attorney familiar with condominium law about your options. That attorney will likely recommend that you at a minimum make a demand upon the Sponsor to retain an engineer to explore the problems and, if defects are discovered, retain an attorney to file suit against the responsible contractors. If the Sponsor refuses, it is possible that an individual unit owner can file what is known as a derivative lawsuit in the name of the association against the responsible parties including the Sponsor.

There is no question that the *Palisades* case is an unfortunate decision by our highest court that will undoubtedly result in many innocent unit owners being left holding the bag for costly construction defects. The best thing unit owners can do to try to avoid this outcome is to move as quickly as possible following transition, including consulting an attorney and retaining a qualified engineering firm. ■

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WRITE FOR COMMUNITY TRENDS®



CAI-NJ and the Editorial Committee are always looking for new articles to publish in Community Trends.®

One of CAI's major strengths is the willingness of its volunteer members to contribute their time and share their knowledge and experience. Nowhere is that willingness more important or more noticeable than in the area of CAI publications.

Our own chapter magazine is an example of this sharing by our members. Everything that is printed, despite the diversity of the subject matter, has the same goal: to share with other CAI members information that will help them better serve the community.

All articles are reviewed by the Editorial Committee. We recommend that articles contain no less than 500 words, but no more than 1,500 words. Articles should be written in third person, eliminating the use of "I," "we," "me," "my," and "our." CAI retains the right to edit articles to conform to content space requirements.

If you are interested in submitting an article for possible inclusion in Community Trends ®, please contact Jaclyn Oskierko at 609-588-0030 or jaclyn@cainj.org

View the guidelines for submitting an article at <http://www.cainj.org>

- March: Homeowner Leaders (Due Feb. 3)
- April: Spring Into Summer (Due Mar. 3)
- May: TBD (Due Apr. 3)
- June: When Things Go Wrong (Due May 3)
- July: Senior Summit (Due June 3)
- August: Are You Hitting Your Marks (Due July 3)
- September: LAC
- October: Conference & Expo
- November: Keep Your Community Competitive (Due Oct. 3)
- December: TBD (Due Nov. 3)



Congratulations to the Winners of the 2017 CAI-NJ Recruiter Club Challenge!

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Denise Becker, CMCA, AMS, PCAM
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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
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***TOTAL MEMBERSHIP DUES (as of October 2, 2017)**

- Individual Homeowner \$125
- 2 Homeowners \$230
- 3 - 15 Homeowners \$295

For more than 3 homeowners, please indicate below who should receive membership renewal information. Please attach additional paper if needed. Please contact CAI National Customer Service (888) 224-4321 for memberships exceeding 15 individuals.

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AGE IN PLACE...

from page 20.

- Fitness Centers need to have fitness equipment suitable for all age groups. Although elliptical machines and free weights are often standard, they are not well suited for residents with limited mobility. Consider alternative ideas, such as air-resistant equipment.

Remember that the design does not need to be clinical or hospital-like in design. You can have stylish form and function when it comes to adapting your facilities for residents that are "aging in place."

Activities and Amenities

In communities where many of its residents are older, ensuring that appropriate activities and events are available has led to increased mobility, weight loss, and countless other benefits.

Here are a few recommendations:

- Group activities should be geared towards the needs of the residents in the community. For communities with seniors, instructors should be properly trained in senior fitness. This cannot be emphasized enough.
- Outdoor parks and walking trails are a plus. Benches and/or periodic nature stops will make these features better utilized.
- According to the AARP Livability Index, social connection is ranked # 3. Be sure that social events, clubs, and activities range in variety, cost and times.
- Partner with local universities and museums to bring quality education, arts and literature to your community.
- Partner with local continuing care, memory centers, and health cen-

ters to see what joint programs or resources are available that may benefit your community members.

- Studies have shown that owning a pet can be physically and mentally beneficial for people of all ages. In the case of senior citizens, “just 15 minutes bonding with an animal sets off a chemical chain reaction in the brain, lowering levels of the fight-or-flight hormone, cortisol, and increasing production of the feel-good hormone serotonin. The result: heart rate, blood pressure and stress levels immediately drop. Over the long term, pet and human interactions can lower cholesterol levels, fight depression and may even help protect against heart disease and stroke.” Do not forget pet waste stations, outdoor dog runs, and indoor washing facilities.

Communication

It is common knowledge that people generally retain a small portion of the information that is being delivered. It is important in any community to communicate information several times and in several different ways:

- Email
- Newsletter
- Bulletin Board
- Website
- Phone



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Some suggestions include:

- Start your community communication by providing a calendar (email and hardcopy) of events and activities planned for the month. This calendar should include any club or committee meetings.

- Establish a “Neighbor to Neighbor” group. This is similar to block captains and allows management to call attention to topics or items that all residents need to be aware of.
- Town Hall Meetings allow residents of the community to address any

CONTINUES ON PAGE 52

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---	---

AGE IN PLACE...

from page 51.

current topics, issues, and concerns.

- Monthly or weekly meetings in which residents are encouraged to sit down with the management team is a great way to learn about residents' concerns and needs.

Ask, Listen, and Learn!

As CAI has stated, "Communicating is a two-way activity in which receiving information is as necessary for understanding as providing it. Listening, therefore, is an integral part of communicating effectively." Regardless of the type of community you are managing, make a conscientious effort to really listen to your residents. Giving residents ownership in the planning of events and programs can be very beneficial to both

the residents and the community. Even in communities of residents "aging in place," diverse and creative programs are sought after. Today's aging population is much different than those of previous generations. They are more engaged and health conscious, and don't let their age limit their possibilities.

When you are looking at ways to improve on resources, activities, and amenities gather input from residents, utilize professionals in their respective fields, take advantage of local resources, and lay out a practical plan while developing projected costs. Careful long-range planning in phases can likely get your community where you want it to be over time with minimal financial impact. ■

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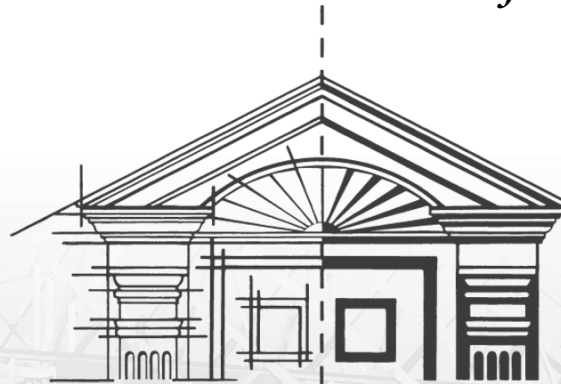
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