

# Community Trends<sup>®</sup>

September 2016



LAC ISSUE

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....and more



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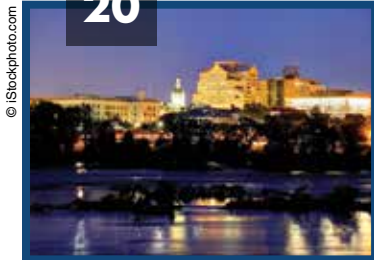


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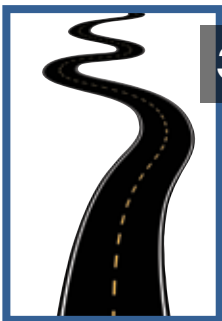
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# LOOKING FORWARD

LARRY THOMAS, PCAM | CAI-NJ CHAPTER EXECUTIVE DIRECTOR

Prior to joining CAI-NJ as the Executive Director in September of 2014, I had no idea of the amount of pending legislation that involves both HOAs and condominiums. One of my first meetings as the Executive Director was the NJ-LAC meeting. Needless to say, I was amazed at the quantity of proposed bills and the depth at which the effect of the bills would be if they became law. I dedicated time every week to try to “catch up” with the major bills while still getting my feet underneath me with all of the other facets of what CAI-NJ is, as well as putting together a team of staff members and keeping the daily operations up and running.

At the second meeting, I was a little more in tune to the conversations, but between the last meeting and this meeting, several new bills were introduced and needed to be evaluated. Their potential affect needed to be carefully measured should they become law. Chris Li, as Committee Chair, kept the conversations on point, focused and valued all of the committee members' opinions and input as well as comments from our lobbyists — Tim Martin and Paul Matecera from MBI Gluckshaw.

Still, after the second meeting, I would sit at home at night and go over the previous meeting's minutes and my notes from the most current meeting and educate myself on the several items of suggested legislation. Chris Li was very helpful and through several phone calls and hundreds of emails, got me to the point that I understood the process and direction that the committee determined was the best for our communities.

These meetings led me to believe that if I were to be of value to the NJ-LAC, I needed to get some assistance from within my office. Right about this time, I was interviewing for a new Director of Membership and Marketing. After several interviews, Laura O'Connor came in for an interview. Laura had a strong background in membership marketing and also several years of involvement with the New Jersey Restaurant Association's legislative action program. I

immediately realized that my search for my new Director of Membership and Marketing was complete and hired Laura soon afterward. Laura has been an invaluable addition to the staff and tutors me every day on the inside workings of how the legislative process works. Laura attends every LAC and PAC meeting and is always up to speed on the committee's initiatives and progress.

The NJ-LAC is comprised of 20 members from all of our membership categories — Community Association Volunteer Leaders, Managers and Business Partners. This combination gives the committee the ability to hear the opinions from every angle. What may seem like bad legislation to the business partners, might make sense to the CAVL's, or visa-versa. This is where the details of the meet-

***"That's the easy part. Once we come up with an opinion, we need to use all of our resources to see that our voice is heard by the right people."***

ing conversations are fleshed out and a position is taken. In a lot of cases, the bill makes sense in a lot of ways, but needs some tweaking to make it a beneficial measure for our communities.

That's the easy part. Once we come up with an opinion, we need to use all of our resources to see that our voice is heard by the right people. This may be the sponsors of the bill or the chair of the involved committees. This is where MBI-Gluckshaw goes to work. They know all of the decision makers in Trenton and spend countless hours behind the scenes getting our voice heard. Once a course of action is determined, Tim Martin sets up meetings with various senators or assemblymen and we start our cam-

CONTINUES ON PAGE 71

# LEGISLATIVE UPDATE



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

Throughout the year, I plan and look forward to the Legislative Action Committee issue of *Community Trends*<sup>®</sup>. This issue is a way for me to showcase to the CAI community the efforts of the LAC. LAC members get together monthly to discuss legislative initiatives and, from there, individuals further volunteer (or get volunteered) to draft amendments to legislation, correspond with State officials and legislators, meet with legislators, attend political events, and present to the CAI membership by way of programs, such as the legislative update programs and at CAI's Conference and Expo in October. There are also dedicated CAI members, such as David Ramsey, Esq. and Ronald Perl, Esq., who constantly work behind the scenes and support the LAC, even though they are not official members.

The LAC has attempted to broaden its reach to CAI-NJ members by means of my monthly column in *Community Trends*<sup>®</sup>. Complete copies of legislative update columns published in *Community Trends*<sup>®</sup> are posted in the Legislative News section on the home page of the CAI-NJ website, located at [www.cainj.org](http://www.cainj.org).

The opportunities that the LAC has to spread the word on its activities month-after-month (yes, it is sometimes as tedious and time-consuming as this may sound) often does not come close to the recognition that these dedicated community associations professionals and volunteers deserve. So, with this issue, I share the personal perspectives of individual members. Here's where we are and where we are going.

**Manager Certification/Registration.** If you followed the efforts in past years to license property managers, you will recall that a bill for manager licensing was passed by the Senate and Assembly early in January 2014. The bill was pocket vetoed by Governor Christie on January 21, 2014, due to the anticipated financial burden that the law would create. Caroline Record, Esq. takes you through the steps that the LAC has taken since

then and the twists and turns which the CAI-NJ's efforts to accredit this industry have taken since then.

**Municipal Services Act.** The Municipal Services Act became effective in January 12, 1990, and the common sentiment of community associations is that much still remains to be accomplished for the law to operate in the manner contemplated when it was passed into law. Issues with the scope of the Act have been compounded by the changes in the types of common facilities and services which are now constructed as part of common interest communities, the operation, maintenance and replacement of which is the responsibility of the association, and not the municipality. Paul Leodori, Esq. discusses the MSA and the focus of the LAC in seeking reforms.

**Zombie Foreclosures.** For those not familiar with the expression (and with attribution to Wikipedia), a zombie title is a real estate title that has stayed with the owner of a residential property after the mortgage lender has begun a foreclosure process (making the owner believe that the owner no longer owns) but then the lender does not finish the foreclosure process, thus leaving title in zombie (limbo) status.

George Greatrex, Esq. discusses the several bills in which the LAC has been involved, beginning with the law adopted in 2014 authorizing the expedited foreclosure of "vacant and abandoned" properties and another law requiring foreclosing lenders to ensure that the exteriors of vacant homes subject to foreclosure proceedings comply with local codes. From there, he updates us on current legislative initiatives.

**Condominium Lien Priority.** Since 2014, the Federal Housing Finance Agency has targeted the "super lien" priority, seeking its elimination. In New Jersey, condominium associations receive a priority of up to six (6) months of assessments over record mortgages and certain other liens. Steven Mlenak, Esq. discusses the efforts of

# "The LAC thanks CAI for dedicating this issue to the writings of the Committee..."

CAI's Federal Legislative Action Committee, in which the LAC in New Jersey, has been involved.

**Association Elections.** There is no limit to the disputes and disagreement that the conduct of community association elections and meetings raise – either in academic discussions or at the meeting you attended last evening that ran past midnight due to dissention. Recently, the issues raised at one community association in New Jersey highlighted the concerns which have long impacted the conduct of community association meetings and elections, and Thomas Martin, Esq. discusses the role which proposed legislation might play in dealing with these problems.

**Community Association as Exempt Social Welfare Organizations.** Could your association qualify for an exemption from federal income tax on certain qualifying income? Does the public have full access to the Association either through direct access like parks, greenways, lakes, bike paths or through user fees such as golf courses and restaurants? Carol Koransky, CPA raises the possible applicability of a federal income tax exemption for communities with certain types of amenities and related fees.

**What is LAC?** Unstated most of the time (but sometimes expressed), the LAC members have all pondered the answer to the question of what is LAC, and why it matters. We suspect members of CAI-NJ have also asked this question and, more important, are interested in why LAC matters. Paul Raetsch, a Community Association Volunteer Leader member, asks this question and probes the answer in an entertaining (and sometimes challenging) quiz.

The LAC thanks CAI for dedicating this issue to the writings of the Committee, and I thank the members of Committee, and all who have contributed support over the past years. I welcome your thoughts on how the Committee may serve you even better. ■

*Christine F. Li is a partner in the law firm of Greenbaum, Rowe, Smith and Davis LLP in Woodbridge, New Jersey. She is a member of the firm's Real Estate Department, and chair of the firm's Community Association Practice Group and of its Planned Real Estate Practice Group. Chris is a Fellow of the National College of Community Association Lawyers, and of the American College of Real Estate Lawyers. She is a member and former chair of the Board of Consultants of the New Jersey State Bar Association, Real Property, Trust and Estate Law Section. She is a co-author of New Jersey Condominium & Community Association Law (Smith, Estis & Li), last published in 2016.*

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# INSIDE CONNECTION

Angela Kavanaugh | DIRECTOR, CONFERENCE & PROGRAMS

## Marvel at the opportunities with CAI-NJ...

If you live in or manage a condo association or HOA you don't want to miss the biggest Community Associations Institute New Jersey chapter event of the year, the Conference & Expo, planned specifically with you in mind. It will take place on Wednesday, October 26, 2016 at the Garden State Exhibit Center in Somerset, New Jersey. Doors open at 10:00 AM.

This year for the first time ever, CAI-NJ will be giving away \$1,000 per hour for a total of \$5,000. All attendees will be eligible to win but you must be present to claim your prize. In addition, our exhibitors will be raffling off their own Marvelous grand prizes that I am sure will delight you!

The Conference & Expo floor will be packed with almost 170 exhibits. It will be an excellent opportunity for you to have questions concerning your community association answered as well as shop for service providers and professionals that can assist you and your community homeowners in maintaining a successful community association.

You will have some time to walk the floor and enjoy our complimentary breakfast buffet before sitting in on the first educational program, "The One Hour Board Meeting and Beyond." This session will be led by Craig Huntington, president of Alliance Association Bank. With over 20 years of collective knowledge, he will demonstrate how to organize and turn your monthly meetings into a pleasant experience for all.

After the session, you will have more time to visit the exhibits for more expert advice. For your convenience there will be a full complimentary lunch buffet available which is sure to please your pallet.

The second educational session for the day will be, "Batman vs. Superman – The Struggle Regarding Ethics and Confidentiality for Board Members and Property Managers." As a board member or community manager you are faced with problems every day. Learn how to resolve these issues with



information based on relevant law. This session will be presented by Jonathan Katz, Esq. and Terry Kessler, Esq., both of Hill Wallack, LLP. They will be joined by Denise Becker, PCAM of Homestead Management, Inc., AAMC.

The third educational session of the day will be the, "Legislative Update," which is guaranteed to inform you of the most current legislative and regulatory issues that can

affect you living in a common interest community. Topics such as Municipal Services Act reform, Mortgage Closure reform, Manager Licensing and Election reform will be discussed. Discover how the Legislative Action Committee (LAC) advocates for you as a homeowner. Presenters will be Christin Li, Esq., CCAL, partner at Greenbaum, Rowe, Smith & Davis, LLP, George Greartex, Esq., of Shivers, Gosnay & Greatrex, LLC, Tim Martin of MBI Gluckshaw and Mike Pesce, PCAM of Associa-Community Management Corporation.

The final educational session of the day, "Be a Super Hero Vendor by Meeting your Client's Expectations", will be led by Paul Santoriello, PCAM, CMCA, AMS, president of Taylor Management Company, AAMC, AMO. He will instruct our business partners on how to best meet your needs and expectations as board members and community managers.

So if you live in or manage a condo association or HOA be sure to attend. Pre-registration to this event and the educational sessions is recommended in order to ensure admission. All member homeowners and board members may attend at no charge. If you are not a member we welcome you to attend at no charge by using promo code, "MARVEL", to learn about all of the benefits that CAI-NJ has to offer you. **The registration form can be found on page 56 of this issue.** Please check the Conference & Expo page of our website [www.cainj.org](http://www.cainj.org) or feel free to contact Angela Kavanaugh at 609.588.0030 or [angela@cainj.org](mailto:angela@cainj.org) with any questions. ■

# 2016 EVENTS & EDUCATION CALENDAR

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**WEDNESDAY  
SEPT 7** **MANAGER LEADERSHIP SERIES**  
Rossmoor Community Association  
Monroe Twp., NJ

**THURSDAY  
SEPT 8** **BUSINESS PARTNER ESSENTIALS**  
Doubletree Hotel  
Somerset, NJ

**THURS- SAT  
SEP  
8 - 10** **M-100: THE ESSENTIALS OF  
COMMUNITY ASSOCIATION  
MANAGEMENT**  
Doubletree Hotel  
Somerset, NJ

**WEDNESDAY  
SEP 14** **THE FUTURE OF NEW JERSEYS  
COMMUNITY ASSOCIATIONS**  
Forsgate Country Club  
Monroe Twp., NJ

**TUESDAY  
SEP 20** **CAI LECTURE SERIES:  
FAIR LABOR STANDARDS ACT**  
CAI-NJ Headquarters  
Freehold, NJ

**THURSDAY  
SEP 22** **CAVL ROUNDTABLE**  
The Lincroft Inn  
Lincroft, NJ

**TUESDAY  
SEP 27** **CAI LECTURE SERIES:  
LINKEDIN**  
CAI-NJ Headquarters  
Freehold, NJ

**THURS-FRI  
OCT 20-21** **M-350: MANAGERS AND THE LAW**  
Monroe, NJ

**TUESDAY  
OCT 25** **PRE-CONFERENCE  
NETWORKING RECEPTION**  
Garden State Exhibit Center  
Somerset, NJ

**WEDNESDAY  
OCT 26** **ANNUAL CONFERENCE  
& EXPO**  
Garden State Exhibit Center  
Somerset, NJ

**WEDNESDAY  
NOV 9** **ANNUAL PCAM RECEPTION**  
Ocean Place  
Long Branch, NJ

**THURSDAY  
NOV 17** **MANAGER & BUSINESS PARTNER  
ROUNDTABLE**  
Chart House  
Weehawken, NJ

**THURSDAY  
DEC 8** **ANNUAL MEETING & CHAPTER  
RETREAT**  
Clearbrook Community Association  
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EVENTS SUBJECT TO CHANGE



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# CHAPTER TRENDS

BE A PART OF THE TREND! Submit your company's or association's news, milestones and achievements to us at [communitytrends@cainj.org](mailto:communitytrends@cainj.org) for publication in the Chapter Trends section of *Community Trends*®.

## Access Property Manager Receives CPM

Flemington, NJ — Access Property Management (APM) announced that Alex Scheffer has earned the Certified Property Manager® (CPM) designation from the Institute of Real Estate Management (IREM). The CPM designation signifies that the recipient exemplifies the highest level of expertise and integrity. It is considered the leading credential in the real estate management business for property and asset managers. "We believe in delivering best practices to our associations and board members," said Louise Krinsky, vice president at APM. "Alex's determination and work ethic underscores our company's overall commitment to education."

CPM requirements include extensive educational course work through IREM, successfully negotiating a rigorous case study, adhering to a strict ethical code and passing the CPM examination.

Scheffer currently serves as a portfolio manager in the Edison, NJ office. He oversees property planning and improvements, in addition to the community's fiscal management and residential concerns.

Scheffer earned an BS in Economics from Penn State University and also holds The Certified Manager of Community Associations (CMCA), Accredited Residential Manager (ARM).

Founded in 1989, Access Property Management is an Accredited Association Management Company (AAMC®) and an Accredited Management Organization (AMO®).

## BuildingLink.com Announces Beta Release of Aware-FC™

BuildingLink.com, a web-based property operations software for luxury residential buildings, announced the beta release of Aware-FC™, its smart-sensor solution for private fitness centers in residential buildings. The company is beta testing Aware-FC™ in The Solaire, a luxury apartment build-

ing in downtown Manhattan, where its custom-built network of sensors is monitoring the exercise facility's equipment usage and ambient temperature. Aware-FC™ is the first offering in the company's "Aware" line of IoT sensor-related solutions planned for BuildingLink subscribers, which will put sensor-based analytics at property managers' fingertips, helping them to make better operational decisions in the future in areas such as laundry rooms, elevators, and leaks.

## mem property management Announced Office Expansion

Somerset, NJ — mem property management has announced the expansion of its offices in Central New Jersey with the securing of a significant increase of Class A office space at Somerset Executive Square, 3 Executive Drive in Somerset, New Jersey.

"As of August 1, our accounting department and Central New Jersey property management team will be fully operational at the new location and connected to our Galloway regional office and Jersey City, Hudson County, headquarters with a state-of-the art Voice over IP system," said founder and CEO Martin Laderman, "in addition, we are very excited to announce that vice president Matthew Laderman will be relocating to the new Somerset offices to provide additional management support."

mem property management was founded in 1989 and has become one of the fastest growing private companies in the country (#556 on the *Inc. 5000*). In 2013, mem property management was invited to join the Better Business Bureau (BBB) as an Accredited Business, and

Photos courtesy CAI-NJ.



mem property management's new office in Somerset, NJ.

CONTINUES ON PAGE 16

**LIVE IN A CONDO OR HOA?**  
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# Why Should I Support CA-PAC?

CA-PAC contributions increase the industry's visibility and access to candidates who need to understand and care about our views on legislative and regulatory policies. Many competing trade associations such as the realtors, homebuilders, and bankers have large PACs and have been raising funds for many years. A strong CA-PAC increases the community association industry's political credibility as a way to hold lawmakers accountable for their actions.



CA-PAC has a record of supporting candidates in a **BIPARTISAN** manner.

Already this year CA-PAC has sent CAI-NJ members to events for legislators supporting **ELECTION REFORM** such as, Senators Robert Gordon and Jeff Van Drew, supporters of foreclosure reform like, Assembly Speaker Vincent Prieto and Senator Ronald Rice, and supporters of municipal services reform like, Senator Jim Whelan.

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### CHAPTER TRENDS...

from page 12.

has maintained an A+ rating. The expanded offices in Somerset will allow mem property management to better service its growing portfolio of homeowners associations, high rise communities, condominium associations, townhomes and active adult communities.

"The investment in expanded Class A office space in Somerset demonstrates our continued commitment to providing our valued customers in central New Jersey with outstanding customer service and support," said Laderman.

### Greenbaum, Rowe, Smith & Davis LLP Names Justin P. Kolbensschlag as Partner

Woodbridge, NJ — Greenbaum, Rowe, Smith & Davis LLP has announced that Justin P. Kolbensschlag has been named a partner in the firm.

Kolbensschlag focuses his practice in complex commercial litigation related to a broad range of issues, employment litigation, employment counseling, and the representation of clients in medical malpractice matters and significant injury personal injury claims. He is based in the firm's Woodbridge office, where he is a member of the Litigation Department.

An active member of New Jersey's legal community, Kolbensschlag is a member of the New Jersey State and Middlesex County Bar Associations and Trial Attorneys of New Jersey. He is also a member of the Jersey Shore Chamber of Commerce and the

CONTINUES ON PAGE 78



CAI-NJ PRE-CONFERENCE

# NETWORKING RECEPTION



**WHEN:** Tuesday, October 25, 2016  
Registration: 6:00 p.m.  
Reception: 6:30 p.m. - 8:30 p.m.  
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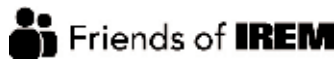


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# What the Heck is LAC, and Why Should I Care?

## A Quick Quiz for Board Members of Common Interest Communities

By Paul M. Raetsch, President  
*Horizons at Woods Landing HOA*

When our property manager suggested that we join CAI, we did. I was aware of the workshop opportunities available to our volunteer leaders, the advice available on the web site, and the networking opportunities to meet with other volunteer leaders around the state. What I did not consider were the many important roles and functions the CAI-NJ's Legislative Action Committee (LAC) serves.

Here is a quick quiz to test if you understand the importance of LAC to residents of New Jersey's common interest communities.

### **True or False – A “Super Lien” is the healthiest choice at the Outback Steakhouse.**

**False** — A “super lien” gives a condominium association (but not an HOA) in NJ higher priority for unpaid assessments than even the first-mortgage holder, placing the interest of the association in front of the first mortgage. This gives lenders an incentive to pay off past assessments; and, when the lender does foreclose, they must pay off the association's lien first. Unfortunately, in 2015 the Federal Home Finance Authority (FHFA) proposed regulations to void super liens in order to protect the lenders. The LAC is fighting this and has urged CAI members to ask our members of congress to fight this

### **True or False – You can easily take action to stop or change laws and regulations.**

**True** — Sending letters to urge legislators is simply a click away thanks to LAC. The LAC is urging our members of congress to co-sponsor the HOME bill. If passed it will give members of common interest communities federal income tax credits for association fees. Each of us can help convince our federal legislators to cosponsor the bill by using this simple CAI link: [Please Co-Sponsor the HOME Act.](#)

### **True or False – There is little your township can do to deal with foreclosed and abandoned properties.**

**False** — The LAC was successful in getting legislation enacted (Lender Accountability for Property Maintenance)



Courtesy CAI-NJ.

*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 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.*

which enables municipalities to force lenders to properly maintain deteriorating properties during pending foreclosure actions. Virtually all common interest communities have to deal with the problems caused by foreclosures and abandoned properties. The LAC spends a great deal of time trying to help us deal with those problems. However, for this law to be effective, HOA boards and residents need to contact the municipality to make sure they approve the required local ordinance.

### **True or False – There is little an HOA or Condo can do to speed up foreclosures.**

**True (for now),** but LAC hopes to convince the legislature to pass a law to help. The LAC helped write two bill in this legislative session, A-3823 and S-1832, which would allow common interest communities to petition the court to require a foreclosing lender of an abandoned property to either pay the HOA's assessments during the foreclosure process, or to appoint a fiscal-receiver to recover rental income from the property if the lender refuses to expedite the foreclosure. These bills will provide financial relief and enhance the aesthetics of our communities if enacted. The LAC hopes these bills will be passed this session.

### **True or False – Association board members' email addresses are private and need not be shared with residents.**

**True (thanks to LAC)** - A provision in S-357 would have required board members to publish their personal e-mail addresses for residents of common interest communities. The LAC

tries to influence legislation which would be detrimental to volunteer board leaders and was able to have that provision stricken from the bill. The revised bill may go to a vote this year.

### **True or False – Your monthly association fees are deductible for Federal and NJ income taxes.**

**False (for now),** but the federal HOME act, H.R. 4696, is under consideration in congress. The CAI supports this bill which would allow individual taxpayers an income-based tax deduction, up to \$5,000, for qualified homeowners association assessments paid during the taxable year. Also, Assemblyman Singleton,

*CONTINUES ON PAGE 22*



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## QUIZ...

from page 21.

Burlington County, has introduced A-3900 which provides for a gross income tax deduction for homeowner's payments of HOA and condo assessments. The CAI is supporting this bill.

### **True or False – Your association covenants can prohibit ham radio antennas on common ground or lots.**

**True (for now),** but HR 1301, also called the Amateur Radio Parity Act, would require associations to allow ham radio communications and installations within their properties without regard to architectural review procedures. The LAC (NJ and national) has opposed this bill and was able to have it amended to continue to prohibit antennas in common areas and to permit associations to enact reasonable limits on antennas on homeowners' lots.

### **True or False – Thanks to your covenants, your association may prohibit all political signs during election season.**

**False –** While your covenants may clearly prohibit any signs on lots or common grounds, the New Jersey Supreme Court case of Mazdabrook has overturned those bans. So what does the 2012 New Jersey Supreme court ruling mean to us practically? In short, an HOA rule banning all political signs is unconstitutional and unenforceable. However, an HOA rule reasonably restricting the posting of political signs, such as allowing one or two standard size signs to be displayed in the window or door of a condo or townhome for a month or two before the election until the day after the election, would likely be found constitutional and thus enforceable.

### **True or False – If your community suffers from a major disaster like Hurricane Sandy, your association will be able to receive state grants to rebuild common infrastructure.**

**False (for now) –** However, the LAC supports the Disaster Assistance Equity Act of 2015, sponsored by Rep. Steve Israel (D-NY), which amends an earlier disaster relief act. The bill would correct an inequity by which HOAs and condos can receive disaster loans, but not grants.

### **True or False – You must provide “Bear Proof” trash containers if a black bear has been spotted in your municipality.**

**False –** in part thanks to LAC. The LAC strongly opposed a proposed state law that would have required homeowners and associations to provide bear proof trash containers throughout most of the state. The legislation is no longer under consideration.

### **True or False – The Municipal Services Act (Kelly Bill) helps prevent residents of common interest communities from paying double for municipal services.**

**True –** The Kelly Bill covers removal of snow, ice and other obstructions from the roads and streets; lighting bills of the roads and streets, and collection and disposal of leaves and recyclable materials, as well as solid waste along the roads and streets. However, the bill is 25 years old and the LAC is working with state legislators to update the services provided under the bill, including providing fire hydrant services.

### **True or False – Amicus curiae are stars in the Broadway show Hamilton.**

**False –** “Amicus curiae” means “friend of the court” in Latin. The LAC filed an amicus curiae brief in the matter of In re: Ronas. In February 2016, the U.S. District Court for New Jersey held that liens filed by condominium associations are protected from modification. A member of the NJ LAC filed the brief which helped the court reach that conclusion which is very important to condominium associations. The Supreme Court concluded that “[t]he Bankruptcy Court erred in treating the Association’s lien as a ‘wholly unsecured’ claim which could be stripped off (either in whole or in part); instead this Court finds that the lien was partially secured by a security interest in the debtor’s principal residence.” While this ruling only applies to condominium associations, the precedent is important for all common interest communities.

CONTINUES ON PAGE 24



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## QUIZ...

from page 22.

When I joined CAI, I was unaware of the LAC and how it focuses on state and federal legislation that could impact common interest communities, both positively or negatively. Nor did I know the LAC works with a firm specializing in legislative matters (lobbyist) to scope out legislation and communicate the views of the CAI membership to elected officials. If your Property Manager or board does not inform you about laws or court cases that impact HOAs and how to influence the outcomes, find out why not! The 1.5 million residents of the 6,600 common interest communities in New Jersey should be a major political force.

Those of us serving as volunteers on common interest community boards can become overwhelmed with problems and issues within our own community. Joining CAI has been invaluable to me as I became a more effective volunteer leader. Becoming a member of the LAC has proven to me the value, as stated in the LAC guidelines, of "working together to represent the interests of, and to provide regular communications to, CAI members regarding state legislative, regulatory, and amicus curiae activities of relevance to the creation and operation of community associations." ■

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**Members of CAI-NJ's Legislative Action Committee held a series of regional LAC Updates in the first quarter of 2016. Topics included CAI Amicus, Municipal Services Act, delinquencies and foreclosure reform, manager certification, board elections and bills that CAI opposes.**



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**Thank you to the members of the panels:**

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- Paul Leodori, Esq.
- Tom Martin, Esq.
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- Ron Perl, Esq.
- Michael Pesce, PCAM
- Dave Ramsey, Esq.
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## FORECLOSURE REFORM IN NEW JERSEY: Expediting The Dreaded “Zombie” Foreclosures

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

If you were to ask any board member of any of the 6,600 community associations in New Jersey what the top three issues are that dog them day to day in their efforts to govern their communities, you might hear about claims against their insurance coverage that result in rising insurance premiums, or collecting overdue assessments from owners who drive shiny new cars, or maybe even complaints about owners who fail to scoop up after their pets. But it's safe to say that more often than not, the issue of vacant and abandoned homes in foreclosure in

their communities rank 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. These vacant and abandoned properties in foreclosure are known in the industry as “zombie” foreclosures.

It is also 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 be successful in that endeavor, one must be persistent...and patient. The NJ-LAC has been diligent in proposing and advancing laws that ease the burdens on 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” (NJSA 2A: 50-73 et. seq.). However, in practice it has been seen that foreclosing lenders, in general, are choosing not to expedite the



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Courtesy CAI-NJ

process, resulting in vacant and abandoned homes languishing as a drain on the financial health of community associations all across New Jersey, sometimes for years at a time.

In response to requests for help from associations across our state dealing with zombie foreclosures, the NJ IAC has 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 title is transferred to a new owner, or the lender would be required 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, hence the need for legislation. In December of last year 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 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 NJHAC was instrumental in having both bills reintroduced in the new 2016-2018 legislative session (now Senate bill 1832/Assembly bill 3823).

The good news is that the momentum in favor of these bills has contin-

*CONTINUES ON PAGE 30*

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## ZOMBIE FORECLOSURES...

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ued 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 Committee (a necessary step in the process). While the mortgage banking lobby has expressed some concerns with the bills, the NJ-LAC has been in discussions with that group and are hopeful of an agreement on the final language. It is expected 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 year. 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 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. If your town has not yet adopted such an ordinance, you are encouraged to contact your town's governing body and strongly suggest they do so. Amendatory language to this law was introduced last year which would require lenders foreclosing on vacant and abandoned properties to likewise maintain the interior of such units, but it was not approved before the end of last year's legislative session. It has not yet been introduced in the current legislative session. Stay tuned... ■





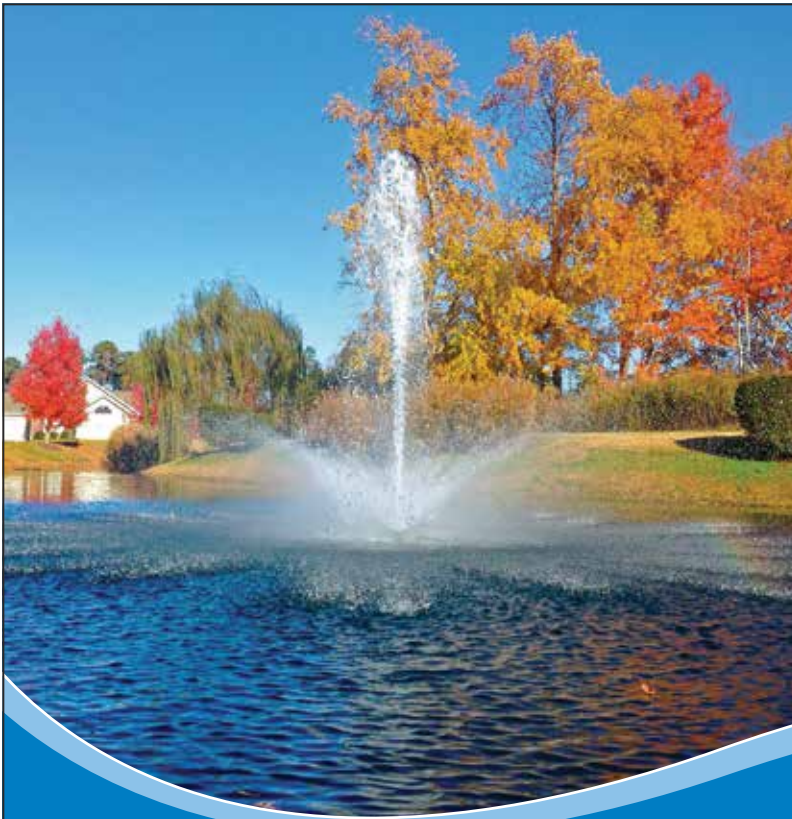
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# MANAGER'S LICENSING/ CERTIFICATION — Where We've Been and Where We're Going

By Caroline Record, Esq.,  
Hill Wallack, LLP



*Caroline Record is a partner in the Morristown office of Hill Wallack. She was Chair of the LAC in 2000-2001 and returned to the LAC in 2009 after spending 6 years on the CAI Board of Trustees. Caroline has participated extensively in the drafting of the proposed legislation and discussing the benefits of the bill with all relevant parties. She received the CAI-NJ President's Award in 2014 for her efforts.*

Courtesy CAI-NJ.

CAI has supported a mandatory registration system for community association managers with protection for homeowners, mandatory education and testing requirements with testing on fundamental knowledge, standards of conduct and appropriate insurance requirements. CAI opposes the licensing of community association managers as real estate brokers, agents or property managers.

There are currently 9 states in the country with a community manager licensing, certification or registration requirement in effect. There are also 11 states with legislation pending with regard to the licensing/certification of community association managers. In New Jersey, a certification requirement was part of the all-encompassing UCIOA legislative effort of the 1990s.

For many years I had listened to and participated in conversations with community managers wanting what they did for a living to be recognized as a profession and seeking a way to make sure that only those qualified could be known as a community association manager and continue to participate in the profession as long as certain professional requirements were observed.

In 2012, following a 3 year investigative process by a task force comprised almost entirely of managers, the first attempt at a stand-alone manager licensing bill was introduced in New Jersey. The bill was described and advocated as a consumer protection bill primarily for the benefit of the

CONTINUES ON PAGE 34

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## LICENSING...

from page 32.

residents of community associations. This bill was passed by the Senate on January 9, 2014, passed by the Assembly on January 13, 2014 and pocket vetoed by the Governor on January 21, 2014 due primarily to an estimated annual expense of \$1.2 million dollars which would impose an unwarranted financial burden on the State.

This annual estimated expense was both a surprise and mystery to those who had been working on the passage of the bill. Following a discussion with the Commissioner of the Department of Community Affairs a short time after the bill was pocket-vetoed, it was made clear to those attending that the DCA expected the floodgates to open with regard to the receipt of owner complaints and that additional staffing and technology would be required to handle the large increase of complaints anticipated to be received. CAI-NJ has attempted to convince the DCA that staffing increases and technological upgrades would not be required to the extent that they

anticipated because the only focus of the legislation and any Board subsequently created was to implement and monitor the requirements applicable to a community association manager in New Jersey. In addition, CAI attempted to explain that expense required to implement the omnibus legislation enacted in Virginia (an estimated \$1.2 million), was not an apples to apples comparison of the scope and effect of the limited manager licensing legislation which had been proposed in New Jersey.

The original proposed legislation would create a Community Manager Board consisting of 9 members, all with 3 year terms and a 2 year term limit. There would be 2 public members, 1 member from the executive branch of government and most importantly, 6 members who were licensed community association managers. All members of the Board would serve without compensation. The requirement that a majority of the Board consist of those in the community association manager industry was of utmost importance to those on the task force.

The requirement to obtain a community association manager license would be

imposed upon anyone who was engaging in the practice of providing community management services. The license requirements would not apply to an officer or member of a community association who performed management services for no fee/compensation or an attorney, CPA; engineer or other licensed professional. One would not need to obtain a license if they were a direct salaried employee or performed only ministerial or clerical functions such as bookkeeping for a community association or management company, also another issue of importance to the task force members. A superintendent employed by such a community association would also not need to be licensed.

Much debate occurred during the task force meetings with regard to licensing requirements and qualifications. It was decided that a candidate for the license would need to be at least 18 years of age, have successfully completed an approved training program and examination. It is anticipated that any manager who had acquired a CMCA from CAI or AMS from IREM would be grandfathered for a short period of time and not be required to take the examination to be developed by the Board.

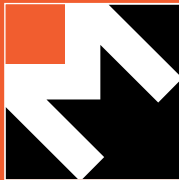
A nonnegotiable requirement from CAI National was that the proposed legislation would impose a mandatory insurance requirement. An employee dishonesty policy in at least the amount of the monies under the control of the community association manager would be required. The policy would be applicable to a

CONTINUES ON PAGE 35

*"Much debate occurred during the task force meetings with regard to licensing requirements and qualifications."*



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## LICENSING...

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community association manager and all co-workers and be paid for by the association unless otherwise agreed.

The proposed license would be for a 2 year cycle. A community association manager would be required to complete 18 hours of continued

education biennially, of which 3 hours were to be devoted to ethics, another requirement important to the task force members. The estimated renewal fee, based on existing fees in other jurisdictions with such legislation in place, would be approximately \$225.00, which were estimated to be sufficient to support any and all anticipated expenses of the DCA and Community Manager Board in administering the requirements. An exorbitant fee would not be supported by CAI under any circumstances. The licensing fees of other professionals were evaluated to determine the reasonableness of any proposed fee.

If there was a violation by an individual of the requirements, the Commissioner of the DCA could issue an injunction and/or impose a \$2,500 fine for a first offense and a \$5,000 fine for a second and subsequent offenses, of course after offering an opportunity for a hearing.

In 2015, the concept of manager certification rather than manager licensing was proposed to the DCA. No independent Community Manager Board would be established. The criteria for certification and recertification would be similar to what was proposed for licensure. Self-certification by a manager of compliance with continuing education requirements would be permissible. The DCA would handle the registration process electronically and if a written complaint regarding a manager is received, the DCA would simply confirm that the manager appears in the DCA's records as a certified manager and refer any complaint to a rotating peer review committee, to be comprised of three (3) certified community association managers. CAI will continue to approach the DCA attempting to finalize the development and monitoring of this much-needed program until our efforts are successful. ■

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# NEW JERSEY MUNICIPAL SERVICES ACT – **BACK TO THE FUTURE**

By Paul Leodori, Esq.  
Law Offices of Paul Leodori, P.C.

On January 3, 1990, an article in the Trenton Times was captioned “Double Payments Scratched for Condo Owners” claiming that “New Jersey condominium owners tallied a huge victory yesterday when legislation eliminating double payment for certain municipal services was signed into law by Gov. Thomas H. Kean.” And so the Municipal Services Act, N.J.S.A. 40:67-23-2 et seq. became law in New Jersey.

For the first time, the law required New Jersey municipalities to reimburse qualified private communities for the costs of certain municipal services not provided to the communities by the municipality, or alternatively, to actually provide those services to the private communities.

The New Jersey League of Municipalities opposed this bill claiming that local governments would be burdened

with additional costs. Additionally, other opponents of the law, argued that community associations were intended to be “self-sufficient” and thereby they exclusively responsible to provide their own maintenance. Conversely, owners in community associations claimed that the municipal tax structure was discriminatory because the homeowners were paying for services such as garbage pick-up and street cleaning through municipal property taxes and again through association maintenance fees.

Although the battle line was drawn in the legislature in the 1980’s, with community associations on one side and municipalities on the other, the war is not over. Many of the initial issues debated more than twenty-five years ago remain contentious today. The Municipal Services Act now requires that the municipality provide the following service or reimburse private communities for: (1) removal of snow, ice and other obstructions from the roads and streets; (2) lighting of the roads and streets, to the extent of payment for the electricity required, but not including the installation or maintenance of lamps, standards, wiring of or other equipment; and (3) collection of leaves and recyclable materials along the roads and streets and the collection or disposal of solid waste along the roads and streets. See N.J.S.A. 40:67-23.3.



*Mr. Leodori is the managing attorney of the Law Offices of Paul Leodori, P.C. in Medford, New Jersey and he has been representing both community association boards and individual members throughout New Jersey for many years. He is Vice Chair of the CAI-NJ Legislative Action Committee and frequently lectures on community association issues and topics.*

Courtesy CAI-NJ.

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However, the legislative history of the Municipal Services Act reflects how deep the underlining roots of the problem are and that its ultimate passage was the obvious result of a political compromise between the competing interests. Left unresolved is the inequity community associations continuing paying double for municipal services. In an early version of the bill introduced to the Senate on September 19, 1988, the breadth of reimbursable items was much broader than ultimately signed into law. Specifically, in 1989 it was proposed that municipalities provide, or otherwise reimburse, community associations to "maintain and repair water lines, storm sewers and sanitary sewers beneath the roads and streets." An earlier version of the bill introduced on September 19, 1988 went even further and required municipalities to either reimburse community associations or otherwise maintain both "detention and retention basins, provided such structures [were] used primarily for the controlling of storm water runoff and not for recreational use."

Today, with capital improvements such as water lines, storm and sanitary sewers, retention and detention basins and fire hydrants growing older, owners in community associations are asking the same questions that were being asked in the 1980s: "Why should they, as residents of a community association who are paying taxes for water lines, storm and sanitary sewers, public retention and detention basins and fire hydrants for others within their municipality, not be reimbursed by their municipality to maintain these items in their communities since they are paying for these very

same public improvements by way of association maintenance fees?"

The answer is simple. Municipalities do not want to pay for capital improvements, the maintenance of capital improvements or the replacement of capital improvements, if not obligated. The legal issue is whether community associations are being

'double-taxed' or not. A more subtle question is "are high density communities with shorter water lines, shorter storm sewer lines and shorter sanitary sewer lines actually overpaying for their municipal services compared to other residents in their municipality who live in less densely developed areas with longer water lines, longer

CONTINUES ON PAGE 40



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## **MUNICIPAL SERVICES...**

from page 39.

storm sewer lines and longer sanitary sewer lines?"

By preparing proposed legislation to expand the services covered by the Municipal Services Act, the Community Association Institute's New Jersey Legislative Action Committee, is working to address the obvious inequities inherent in community association owners paying maintenance fees which are used to maintain and replace capital improvements as similarly situated neighbors, not part of a community association, are not required to pay for beyond their municipal taxes. Like many legislative initiatives, the concept of distributing municipal services in a fair and equi-

table manner is understandable but difficult to implement.

It would seem that the reluctance of municipalities to increase tax revenue through raising taxes, even to bring equity to all taxpayers is never a politically popular position to endorse; unless there are more beneficiaries of equality than what the status quo currently affords.

It therefore appears that as long as the inequitable condition of "double taxation" continues with respect to municipal services, community association owners must press legislative initiatives to expand the breadth of the Municipal Services Act. Presumably there will come a time in the future in which the voice of community association owners, who are mindful of and advocate to their respective state legislators,

*"...community association owners must press legislative initiatives to expand the breadth of the Municipal Services Act."*

against being "double-taxed," will be heard in the New Jersey legislature. The pendulum hopefully will soon swing in favor of those persons who, like their predecessors, can convey to their legislators the fairness of the Municipal Services Act treating all municipal residents equally for municipal services.

The New Jersey Legislative Action Committee has identified expanding the breadth of the Municipal Services Act as one of its top priorities and with the support of its membership, is hopeful that such a change is attainable in the near future. ■

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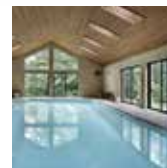
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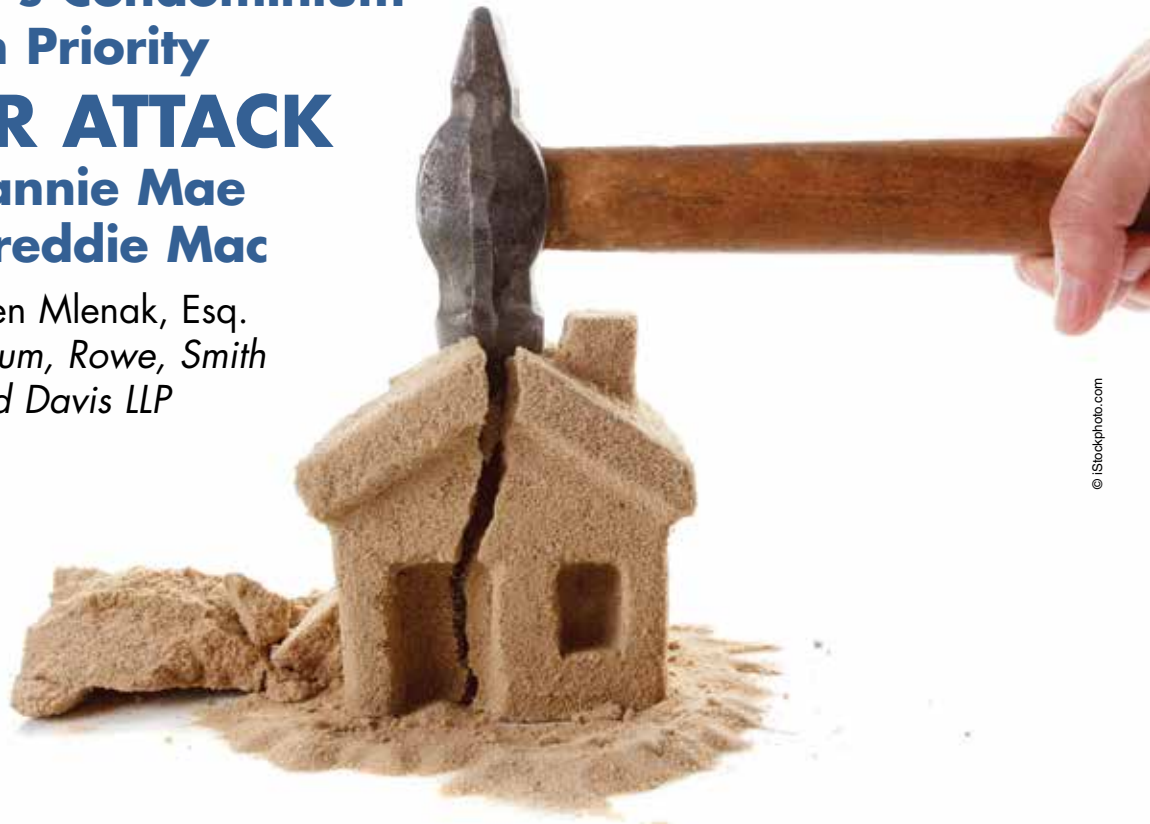


## New Jersey's Condominium Lien Priority

# UNDER ATTACK

by Fannie Mae  
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By Steven Mlenak, Esq.  
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As is the case in 21 other states, and the District of Columbia, New Jersey allows condominium associations a limited lien priority of up to six (6) months of “customary condominium assessments” over prior recorded mortgages and other non-governmental liens provided that the association’s lien was timely recorded and with proper notice to the mortgage lender. N.J.S.A. 46:8B-21. In lay terms, when a mortgage lender forecloses on a condominium unit and the unit is sold at a sheriff’s sale, up to six (6) months of “customary condominium assessments” must be paid to the association by the purchaser of the unit in order to discharge the association’s lien.

This lien priority, sometimes referred to as a “super lien,” was adopted by the Legislature in 1996 with the intent to alleviate some of the burden felt by associations when units within their condominium, often vacant and abandoned, face foreclosure. Now more than ever, it provides some measure of financial stability for condominium associations impacted by high foreclosure rates, while incentivizing mortgage lenders and servicers to complete foreclosures on vacant or abandoned homes. Now, this lien priority is under attack at the federal level.

Much of the current mortgage market is controlled by two federally-chartered companies, Fannie Mae and Freddie Mac. Among other functions, these companies set and manage the standards mortgage lenders use when extending loans to homeowners. When the standards set by Fannie Mae and Freddie Mac are not met, most banks will choose not to extend credit. In the context of community associations, lenders look to the standards to confirm an association’s financial stability, that it is properly insured and that the governing documents meet certain standards.

In 2014, the Federal Housing Finance Agency (FHFA), the independent federal agency which regulates Fannie



*Steven Mlenak is an attorney with Greenbaum, Rowe, Smith and Davis LLP who concentrates a majority of his practice in the area of community association law. He can be reached at [smlenak@greenbaumlaw.com](mailto:smlenak@greenbaumlaw.com) or at (732) 476-2526.*

Courtesy CAI-NJ.

Mae and Freddie Mac, began targeting the limited lien priority statutes throughout the country. The FHFA points to the Housing and Economic Recovery Act (HERA) which contains a provision that provides that "no property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to property of the Agency." 12 U.S.C. § 4617(i)(3). Based upon this language, the FHFA has argued in federal courts throughout the country that it must consent to any lien priorities on Fannie Mae or Freddie Mac loans. Without such approval, the FHFA argues the lien priorities should be invalidated.

The FHFA has already been successful in several cases before the District of Nevada. While the FHFA began its challenges in Nevada, the issue is now being heard in courts throughout the country and is expected to continue its challenges through the federal appeals courts. In addition, Fannie Mae and Freddie Mac are now looking to change their lending standards to outright prohibit lending to condominium homeowners in states which afford associations a lien priority over the first mortgage. If adopted, such changes would drastically impact condominium associations in New Jersey.

CAI's Federal Legislative Action Committee continues to rally against the changes proposed by Fannie Mae, Freddie Mac and the FHFA. Together with the local LACs,

CAI is working with legislators throughout the country to support housing finance reform legislation which would require that federal regulators verify that evidence-based standards for community associations be developed, tested, and accepted by community associations, lenders, and mortgage investors prior to transitioning to a new mortgage finance system.

Still, the threat to New Jersey's statutory lien priority is at serious risk. Should FHFA be successful in its mission

*"CAI's Federal Legislative Action Committee continues to rally against the changes proposed by Fannie Mae, Freddie Mac and the FHFA."*

to eliminate the lien priority, the financial and social welfare of condominium associations throughout the country would be immediately impacted. Members are encouraged to learn more about this developing topic on CAI's dedicated webpage at [www.caionline.org/Advocacy/FederalAdvocacy/PriorityIssues/Pages/Mortgage-Finance-Reform.aspx](http://www.caionline.org/Advocacy/FederalAdvocacy/PriorityIssues/Pages/Mortgage-Finance-Reform.aspx). ■

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# ***RUNNING MEETINGS AND ELECTIONS – New Bills Dealing with Old Issues***

By Thomas C. Martin, Esq., Partner  
*Price, Meese, Shulman & D’Arminio, P.C.*



Two recently introduced pieces of legislation (one in the New Jersey State Assembly (A-2027) and one in the New Jersey State Senate (S-1586)) are likely to have a substantial impact on how we all address meetings and document review for our upcoming meetings.

Both bills seem to have been introduced to serve a fairly localized but repetitive issue that appears to keep coming up related to meeting organization, voting and records at one large common interest ownership association. Although ostensibly designed to address one association, these bills in the Assembly and Senate warrant a certain level of scrutiny and attention because they will both have a real and concrete impact on common interest ownership associations across the State of New Jersey.

## **Setting Forth Uniformity of Powers.**

Primarily, these two bills seek to address meeting governance, certain aspects of voting and record keeping.

For example, the stated intent of these Bills is to provide for “uniform powers, standards of operation and protec-

tions” for unit owners with a goal of increasing “fairness” and “transparency.”

## **The “Fiduciary Duty” of Volunteer Board Members.**

To that end, these pending Bills make all board members “liable as fiduciaries to the owners for their acts or omis-

*CONTINUES ON PAGE 46*



Courtesy CAI-NU.

*Thomas C. Martin, Esq. is a Partner in the law firm Price, Meese, Shulman & D’Arminio, P.C., Woodcliff Lake, New Jersey. Mr. Martin has been an active Member of the New Jersey chapter of the Community Association’s Institute for over a decade and during that time has been serving on the Legislative Action Committee. He also served as the Chair of the Legislative Action Committee from 2011-2012. Mr. Martin’s practice is devoted primarily to community association law addressing all manner of issues affecting common interest ownership associations including formation, transition, general corporate counseling, contracts, enforcement of governing documents, maintenance fee issues and defense of personal injury/property damage claims.*

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## MEETINGS AND ELECTIONS...

from page 44.

sions.” To a certain extent this type of language codifies well-established and already existing case law which sets these standards for volunteer board members. The language in these bills fortifies the already existing fiduciary standards by specifically putting them into the law. In a nutshell, a fiduciary duty is a legal duty to act solely in another party’s interests and to not profit from that fiduciary duty. In English – do not hire your brother-in-law as the landscaper.

Seems obvious, but there is a reason why these laws are passed.

If you are concerned about individual liability as a board member, you should consult with your legal counsel if you have any questions. Nevertheless, most governing documents provide for indemnification of the board or individual board members for actions taken within the board’s authority.

### Members as Owners.

Both bills also state that membership in a common interest ownership association “shall be comprised solely of all of the owners of dwelling units or homes . . . .” Many common interest ownership associations have governing documents which contain this type of language already. Nevertheless, it appears clear this proposal is designed to clarify the point and to make sure that “membership” is equal to “ownership” and to bring an end to non-unit owners being members of a common interest ownership association.

This seems to be driven by a feeling that those making the decisions for a common interest ownership association should have an equity stake in the association.

This makes sense inasmuch as many units or homes, as the case may be, are the primary investment of the owner. The Bills also confirm that (unless specifically stated otherwise in the governing documents) the percentage of ownership interest “shall be” in the same proportion of the common element expense to that unit.

### Inspection of “Business Records” and “Financial Records.”

Inspection of business records can also be a cloudy and nebulous issue. After all, what records can be disclosed?

Which records must be disclosed? Are the records confidential? How can we tell? Is the association potentially exposed to a lawsuit or the board makes the wrong the decision?

The bills also increase “transparency” by making business and financial records available at reasonable times and reasonable locations in response to an owner’s written request. The statute goes into detail to set forth definitions of the terms “business records” and “financial records.”

Thus, under the statute, “business records” that must be made available include “notices, agendas and minutes of meetings, governing documents, including copies of the declaration and by-laws, and governmental orders.”

“Financial records,” which must also be disclosed include such things as “all receipts and expenditures, invoices and cancelled checks and an account for each unit setting forth any shares of common expenses or other charges due, the due dates thereof, the present balance due, and any interest in common surplus.”

The association would also be charged with the responsibility to redact all personal identifiers from these records, which can be a very substantial and onerous task.

You may wish to consult with your legal counsel to consider developing a standard “Record Review Policy.” Depending, of course, on the individual needs of your association, it is possible a standard “Record Review Policy” published to all owners may serve to clarify some ambiguities. For example, who pays for copies? How much should the copies cost? Can an owner take notes of the records? Can we set a time limit on available records? What is a reasonable time frame; three years, five years, seven years or more, or less? A “Record Review Policy” may assist any association in seeking to avoid potential future pitfalls and may help provide a standard set of information for all so one can say they received greater or lesser access than another owner. Again, these are things you may want to discuss and address with your legal counsel and be guided accordingly. It has been our experience these types of “Record Review Policies” can go a long way to avoiding potentially unnecessary litigation over issues such as access to records.

### Election Recalls.

The bills allow for recall elections with or without cause. Thus, 5% of the owners can make demand for a vote to

CONTINUES ON PAGE 83



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# Exempt Social Welfare Organizations

## Could Your Association Qualify?

By Carol Koransky, CPA  
Wilkin & Guttenplan, P.C.

As the old saying goes, there is one thing that is certain in life and that is taxes. This doesn't just apply to individuals, it also applies to most Associations. The great majority of associations file their annual federal tax returns as either a regular corporation (Form 1120) or electing to file as a homeowner/condominium association (Form 1120H) under IRC section 528. In either case, the association is subject to federal income tax on certain qualifying income. The tax rate applied when filing as a regular corporation is a graduated tax starting at 15% up to the first \$50,000. The tax rate followed when filing as a

homeowner/condominium association is a flat tax of 30% on certain qualifying income. Qualifying income is defined differently under these alternatives as well.

There is one exception that some Associations have been able to meet. That exception is to qualify as a Sec. 501 c (4) organization – an Exempt Social Welfare Organization. The exception is very limited and a number of Associations that have applied for this status have been denied it. Just recently, the IRS has been busy once again with issuing a private ruling on a homeowner Association requesting such a status. In the recent ruling, the IRS ruled that the Association that requested this status was denied the status as it didn't qualify as a social welfare organization.

What does an Exempt Social Welfare Organization mean? An organization is considered to be an exempt social welfare organization if it is primarily engaged in promoting in some way the common good and general welfare of the people of the community. The organization must be operated primarily for the purpose of bringing about civic betterments and social improvements. The IRS has described three elements that must be satisfied for a homeowner Association to qualify for this exemption:

CONTINUES ON PAGE 50



*Carol Koransky, CPA, MBA is a principal at Wilkin & Guttenplan, P.C. Wilkin & Guttenplan is a medium sized public accounting firm located in East Brunswick, NJ. Founded in 1983, Wilkin & Guttenplan serves closely-held/middle market businesses and their owners, high net worth individuals, the sports and entertainment industry, medical/healthcare practices, and a multitude of real estate entities. The firm also specializes in a number of niche markets, specifically the Common Interest Realty Association (CIRA) market. Wilkin & Guttenplan is recognized as one of NJ's top mid-sized businesses according to NJBiz Best Places to Work in NJ.*

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**EXEMPT...**

from page 48.

1. It must serve a "community" which bears a reasonable recognizable relationship to an area ordinarily identified as governmental;
2. It must not conduct activities directed to the exterior maintenance of private residences; and
3. The common areas or facilities it owns and maintains must be for the use and enjoyment of the general public.

*"The organization must be operated primarily for the purpose of bringing about civic betterments and social improvements."*



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In later rulings the IRS stated that:

1. "Community" does not embrace a minimum area or certain number of homeowners and
2. A homeowners' association may not receive an exemption if it represents an area that isn't a community and it restricts the use of its recreational facilities to only members of the association;

In other words, based on the rulings, associations wouldn't be considered an exempt social welfare orga-

CONTINUES ON PAGE 53



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# COMMUNITY ACADEMIC INSTITUTE 2016 LECTURE SERIES

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### FREE EVENT FOR ALL CHAPTER MEMBERS

#### PROGRAM HIGHLIGHTS

- Understanding the new White Collar Amendments to the Fair Labor Standards Act, which significantly increases the minimum salary level for certain "white collar" employees previously deemed to be exempt from overtime.
- How will the regulations impact my business?
- Prepare for implementation of the "Final Rule."
- Learn what constitutes sexual harassment and what does not.
- Insulating your company from vicarious liability for supervisor harassment.
- How to avoid personal liability for harassment.
- What should/should not be included in an employee handbook?
- How to handle requests for leave.

**Date:** Tuesday, September 20, 2016  
**Location:** CAI-NJ Headquarters, 500 Harding Rd. Freehold, NJ 07728  
**Agenda:** 9:30 am-10:00 am: Registration & Breakfast  
10:00 am-11:30 am: Program  
**Speaker:** Justin Kolbenschlag - Greenbaum, Rowe, Smith & Davis, LLP

Space is limited. Attendees are strongly encouraged to register by Friday, September 9, 2016. Pre-registration is required.

If you register for this program and cannot attend, please call the chapter office at (609)-588-0030 to cancel.

Questions? Email Angela Kavanaugh at [Angela@cainj.org](mailto:Angela@cainj.org) or call (609) 588-0030.

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**Pre-Registration is required.** If you register for this program and cannot attend, please call the chapter office at (609) 588-0030 to cancel.

**This event requires a cancellation notice at least 72 hours in advance. If a notice is not received, a \$25 cancellation fee will be charged per registrant. Substitutions are permitted if you cannot attend.**

**Questions?** Email Angela Kavanaugh at [angela@cainj.org](mailto:angela@cainj.org) or call (609) 588-0030

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By successfully completing this program, the New Jersey Chapter of Community Associations Institute (CAI-NJ) will approve a half day of credit for this program towards the Professional Management Development Program (PMDP).

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## **EXEMPT...**

from page 50.

nization which operates exclusively for the promotion of social welfare if it provides maintenance of common property for the benefit of its members. Additionally, if the association's income is used to provide direct benefits to its members, members that pay dues for such maintenance, this would indicate that the association is benefiting members, and not the community. Any benefit to the community may be incidental.

As stated earlier, most associations will not qualify for such exempt status, but an association may possibly qualify if the public has full access to the association either through direct access like parks, greenways, lakes, bike paths etc. or through user fees such as golf courses and restaurants. Additionally, it is possible that even in a gated community, if for example the gates are merely for security, an Association may qualify.

If the association does qualify as an exempt social welfare organization, the association must file Form 990 (Return of Organization Exempt from Income Tax). Form 990 is a complex return and includes significant information about the association as well as the names of the board members. In addition, there is the possibility that association could also be subject to unrelated business tax.

This is an intricate issue and if your association meets the criteria, it may be beneficial to have a discussion about social welfare organizations and the related tax consequences with your tax professional. ■

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This year the CAI-NJ Conference & Expo will be on Wednesday, October 26th at the Garden State Exhibit Center in Somerset. There will be educational seminars, created specifically for each of our member types. Attendees will also have the opportunity to visit with 167 professionals and learn about the latest trends in community association services and gather advice from the experts as well. It's an excellent opportunity to make new contacts and meet potential vendors for upcoming projects within your community.

**First time ever, we will be giving away \$5,000 in cash prizes. Everyone is eligible but you must be present to win!**

**10:00 AM – 11:30 AM Complimentary breakfast buffet available in the food area**  
**10:00 AM – 3:00 PM Trade show floor open**

**11:00 AM – 11:45 AM Community Association Volunteer Leader Educational Session – Lecture Room**

**The One Hour Board Meeting and Beyond** - This is your opportunity to get those long grueling meetings under control. Craig will demonstrate how using a timed agenda, setting up the room correctly and having an organized time for the homeowners to speak will help any board turn their monthly or quarterly meeting into a meeting homeowners will want to attend.



**Presenter: Craig Huntington - President of Alliance Association Bank, a division of Western Alliance Bank.** Craig is a well-respected and distinguished industry and motivational speaker. He has been presenting managerial, leadership and motivational presentations for the past 20 years and has developed a comprehensive collection of presentations on a wide range of subjects.

**12:00 PM – 2:30 PM Complimentary lunch buffet available in the food area**  
**12:00 PM – 12:45 PM Manager's Educational Session – Lecture Room**

**Batman vs. Superman: The Struggle Regarding Ethics and Confidentiality for Board Members & Property Managers** In a world where association board members are faced with issues regarding ethics and confidentiality on a daily basis, who can you turn to in order to work through these complex problems? In this battle of good versus evil, you can't rely on the Man of Steel or the Dark Knight. This program will arm you with the necessary information and discuss the relevant law in order to help you properly navigate these thorny issues.



**Presenter: Jonathan Katz, Esq., - Hill Wallack LLP**

Jonathan H. Katz, Esq. is an attorney and a partner in Hill Wallack LLP's Community Association Practice Group in Princeton, New Jersey. Jon concentrates his practice in the areas of community association law and litigation, representing condominium and homeowners associations throughout New Jersey.



**Presenter: Terry Kessler, Esq. - Hill Wallack LLP**

Terry A. Kessler, Esq. is an attorney and a partner in Hill Wallack LLP's Community Association Practice Group in Princeton, New Jersey. She concentrates her practice in the area of community association law, representing condominium and homeowners associations throughout New Jersey.



**Presenter: Denise Becker, PCAM – Homestead Property Management, Inc., AAMC**

Denise Becker is the Senior Vice President of Community Management at Homestead Management Services, Inc, in Hillsborough, New Jersey, responsible for community management, the oversight of community managers, new business development, and client relations and marketing.

# 2016 CAI-NJ ANNUAL EXPO SCHEDULE & PRESENTATIONS

1:00 PM – 1:45 PM

Legislative Update Session – Lecture Room

**Representatives from New Jersey chapter Legislative Action Committee (LAC)**, will discuss legislative and regulatory issues affecting common interest communities in New Jersey. Topics include Municipal Services Act reform, Mortgage Foreclosure reform, Manager Licensing and Elections reform. Join us for this informative session to learn more about these important hot issues.



**Presenter: Christine Li, Esq., CCAL – Partner, Greenbaum, Rowe, Smith & Davis LLP**

Christine F. Li is a partner at Greenbaum, Rowe, Smith & Davis LLP, Woodbridge, New Jersey where she is a member of the Real Estate Department and Chair of the firm's Community Association and Planned Real Estate Practice Groups. Her community association practice includes general counseling, collections, and alternative dispute resolution. She is a Fellow in the College of Community Association Lawyers and the American College of Real Estate Lawyers, and a co-author of the treatise New Jersey Condominium and Community Association Law.



**Presenter: George Greatrex, Esq. – Shivers, Gosnay & Greatrex, LLC**

George C. Greatrex Jr. is a partner in the law firm of Shivers, Gosnay & Greatrex, LLC in Cherry Hill, New Jersey where the majority of his practice is devoted to community association law in the areas of residential and commercial planned unit developments. Mr. Greatrex and his firm currently represent 150 such associations in Southern and Central New Jersey. Mr. Greatrex received his B.A. degree from Rutgers College in New Brunswick and his J.D. degree from Temple University School of Law in Philadelphia.



**Presenter: Tim Martin – MBI GluckShaw**

Timothy Martin is a Senior Associate with MBI GluckShaw out of Trenton, New Jersey. Mr. Martin focuses on legislative and regulatory affairs, consults on a number of healthcare issues including patient safety, access and quality of care, mental health and addiction treatment. Prior to becoming a full time government affairs agent, he 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.



**Presenter: Mike Pesce, PCAM - Associa-Community Management Corp.**

Mike Pesce, PCAM is Branch President of Community Management Corp. an Associa company located in Clifton, New Jersey, a real estate management company focused on community associations, including condominiums, cooperatives, planned-unit developments and townhouses. Mr. Pesce previously practiced law and concentrated his practice in real estate litigation. Mr. Pesce received his B.A. from the University of Notre Dame and his J.D. from Rutgers University.

2:00 PM – 2:45 PM

Business Partner Educational Session – Lecture Room

**Be a Super Hero Vendor by Meeting Your Client's Expectations.** Paul will show business partners how to work effectively with management companies and understand the board management structure. Some of the key points that will be discussed are how to get your foot in the door and in front of managers and board members, how to retain your contracts and how to navigate conflicts and maintain good relationships.



**Presenter: Paul Santoriello, PCAM, CMCA, AMS - President Taylor Management Company, AAMC, AMO**

Paul Santoriello oversees the entire organization and is actively involved in the management services division. Having been an accountant for a Big 8 accounting firm (Deloitte Haskins and Sells) for 3 years, he possesses a strong background in all areas of financial management. During his 21 years of property management experience he has developed a broad base of knowledge regarding management of the various community association structures. Paul holds a B.S. in Accounting from the University of Delaware.

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2016 CAI-NJ Annual Conference & Expo

**ATTENDEE  
REGISTRATION FORM**

**Wednesday, October 26, 2016**

**Garden State Exhibit Center  
50 Atrium Drive, Somerset, NJ 08873**



Please type or print company/association name in block letters exactly as it should appear on name badges.

Attendee Name and CAI Designation (1). \_\_\_\_\_

Company/Association Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: (     ) \_\_\_\_\_ Fax: (     ) \_\_\_\_\_

E-mail: \_\_\_\_\_ Website: \_\_\_\_\_

Please note: CAI-NJ only reviews CAI designations, certifications, and accreditations for validity and current status. Registrants are advised that each individual company is solely responsible for the content they provide on registration forms 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. CAI-NJ advises that for training, marketing or other purposes, the Conference & Expo may be recorded, videotaped and/or photographed. By attending this event, I consent to the use of my image by CAI-NJ and agree to waive any claim for the use of my image, including without limitation, the appropriation of my image for commercial purposes or the invasion of my privacy.

**PRE-REGISTER TO RESERVE YOUR SEAT**

Check the box for the Educational Session(s) you plan on attending.

- 11:00 AM – 11:45 AM Community Association Volunteer Leader Educational Session
- 12:00 PM – 12:45 PM Manager’s Educational Session
- 1:00 PM – 1:45 PM Legislative Update Session
- 2:00 PM – 2:45 PM Business Partner Educational Session

**CONFERENCE FEES:**

	CAI Members		Non-CAI Members	
	Pre-registration	On-site registration	Pre-registration	On-site registration
Homeowners, Unit Owners, Board Members	FREE	FREE	\$20.00	\$25.00
Business Partners	\$125.00	\$150.00	\$150.00	\$180.00
Individual Managers	\$75.00	\$100.00	\$100.00	\$130.00

**Member Homeowners, Unit Owners, Board Members — FREE!**  
Pre-registration is recommended as tickets are limited.

**SUITCASING POLICY:** CAI-NJ has a no-tolerance policy regarding "suitcasing," which describes the practice of non-exhibiting companies or individuals soliciting sales in the conference hotel, on the tradeshow floor, in the aisles, or in the lobbies, and/or representing their services or soliciting conference participants for conflicting social activities. Violators of this policy will be ejected from the show and charged the highest single-booth rate (\$1,950.00), which must be paid prior to registering as an attendee, exhibitor, or sponsor at any future CAI-NJ conferences or events. Additionally, the CAI-NJ Board of Directors may take additional actions available to the Chapter as deemed appropriate based upon the violation of the suitcasing policy.

**Promo Code** \_\_\_\_\_

**PAYMENT OPTIONS:**

**Payment by Check**  
Mail form with check payable to:  
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Attn: 2016 Conference & Expo  
500 Harding Road  
Freehold, NJ 07728

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**Questions:** Contact Angela Kavanaugh at (609) 588-0030 or email [expo@cainj.org](mailto:expo@cainj.org).

(For CAI-NJ Use Only):  
EXP: \_\_\_\_\_



# 2ND ANNUAL CAI-NJ OLYMPICS



The 2nd Annual CAI-NJ Olympics was held on Wednesday, July 20, 2016 at Thompson Park in Monroe, Twp., NJ. 22 teams competed in a variety of challenges that included items from water balloons, whipped cream and being locked to a chair! The group then enjoyed a BBQ picnic and Beer and Wine followed by the awards presentation.

**Congratulations to the Winning Team, Associa CMC!**

Thank you for everyone's support in raising funds for the Make a Wish Foundation of NJ. All proceeds will be donated to the group for the second year in a row!

**CAI-NJ IS PROUD TO  
ANNOUNCE THAT THE  
EVENT RAISED  
\$3,702.90 TO BENEFIT**



**VIEW MORE PHOTOS AT [WWW.CAINJ.ORG/PHOTOS](http://WWW.CAINJ.ORG/PHOTOS)**





**CONGRATS TO THE 2016 WINNERS**

**1st: Associa CMC**

**2nd: LAN Exteriors**

**3rd: Morris Engineering, LLC**









## **THANK YOU TO THE 2016 OLYMPICS SPONSORS**

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The Falcon Group







# THE 2016 CAI-NJ RECRUITER CLUB CHALLENGE... RECRUIT YOUR WAY TO A FREE TRIP TO LAS VEGAS!



Recruit at least five new CAI-NJ members and you qualify to win this year's CAI-NJ Recruiter Club Challenge. New members can be any combination of Business Partners, Managers, Community Association Volunteer Leaders, and Management Companies.

For contest details contact CAI-NJ:  
609.588.0030 or [membership@cainj.org](mailto:membership@cainj.org)

## GRAND PRIZE:

A free trip\* to the 2017 CAI National Conference in Las Vegas, NV

Second Place Prize: \$250 Visa Gift Card

Third Place Prize: \$100 Visa Gift Card



Sponsored by:



### Contest Rules:

1. To be eligible recruit at least 5 new members between December 1, 2015-November 30, 2016.
2. The member with the most new member recruits between December 1, 2015-November 30, 2016 will win.
3. Recruiters can only win 1 prize per year.
4. CAI-NJ may allow substitutions of prizes in certain circumstances.
5. Prize winners will be announced at the CAI-NJ Chapter Retreat in December 2016.
6. Winner(s) need not be present to win.
7. \*The Grand Prize is a trip to the 2017 CAI National Conference in Las Vegas, NV. Includes airfare to Las Vegas, NV, from Newark, NJ, or Philadelphia, PA; two nights at conference hotel and conference registration.



(As of July 31, 2016)

**One New Member**

- Tracy Blair, CMCA, AMS, PCAM
- Robert C. Griffin, Esq.
- Erin O'Reilly, CMCA, AMS
- Cynthia Pirrera, CMCA, AMS, PCAM
- H. James Polos, CMCA
- Kari Prout
- Daniel Rush
- Elizabeth Saunders, AMS
- Graceanne Welsh, AMS

**Two New Members**

- Lysa Bergenfeld, Esq
- Mario Spoleti

**Three New Members**

- Jeffrey M. Logan

**Four New Members**

- Steve Kroll
- Caesar Mistretta

**Seven New Members**

- Lawrence N. Sauer, CMCA, PCAM

**Ten New Members**

- Donna M. Belkot

**Take the Recruiter Club Challenge and win a FREE Trip to Las Vegas!**



*See details right here!*



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# Welcome

NEW CAI-NJ MEMBERS

(July 1, 2016 to July 31, 2016)

## BUSINESS PARTNERS

### **AEMS Service Company**

Sudeep Das

### **Jesan Construction and Maintenance Services**

Angelo Giacchi

### **Terracare Landscaping**

Gary Kayal

### **Insurance Office of America**

Jessica Dawdy

## COMMUNITY ASSOCIATION VOLUNTEER LEADERS

### **Patricia Degnan**

White Meadow Lake Property Owners Association

### **Joy Weinreich**

White Meadow Lake Property Owners Association

### **Sharyn Walsh Mckay**

Greenbriar Oceanaire Community Association

## MANAGERS

### **Mary E. D'ime'**

### **Suzan Webb**

### **Howard Bader**

Apple Ridge Association

### **Kathleen Strzalkowski**

Midlantic Property Management

### **Susan Maria Cuevas**

Taylor Management Company

## MANAGEMENT COMPANIES

### **Omni Property Management**

Lucinda E. Tucker

# 2016 ANNUAL PCAM RECEPTION

## SAVE THE DATE

**November 9, 2016**

Ocean Place Resort and Spa

1 Ocean Boulevard

Long Branch, NJ 07740

6:00 PM- 8:00 PM

*Celebrate Your Accomplishments with CAI-NJ*

Join us on for the Annual PCAM Gala. Enjoy a top shelf open bar, hors d'oeuvres and buffet stations.

All PCAM designates are welcome as our guest along with all CMCA & AMS designates who recieved their designation in 2015 or 2016.

**This Event is Only Open to PCAM, CMCA, AMS, as well as, Ultimate, Elite and Premier Partners**

**More Information Coming Soon!**



## 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)

- |                                                                        |            |
|------------------------------------------------------------------------|------------|
| <input type="checkbox"/> Community Association Volunteer Leader (CAVL) | Dues vary* |
| <input type="checkbox"/> Manager                                       | \$142      |
| <input type="checkbox"/> Management Company                            | \$410      |
| <input type="checkbox"/> Business Partner                              | \$565      |
| <input type="checkbox"/> Business Partner Affiliate (CAI-NJ only)      | \$100      |

### 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)

- |                                                               |       |
|---------------------------------------------------------------|-------|
| <input type="checkbox"/> Individual Board Member or Homeowner | \$120 |
| <input type="checkbox"/> 2nd Board Member                     | \$210 |
| <input type="checkbox"/> 3rd Board Member                     | \$285 |
| <input type="checkbox"/> 4th Board Member                     | \$375 |
| <input type="checkbox"/> 5th Board Member                     | \$425 |
| <input type="checkbox"/> 6th Board Member                     | \$480 |
| <input type="checkbox"/> 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: \_\_\_\_\_  
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Fax: \_\_\_\_\_ (Cell) \_\_\_\_\_

E-Mail: \_\_\_\_\_

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

### BUSINESS PARTNER:

- |                                                                                                            |                                             |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Accountant                                                                        | <input type="checkbox"/> Attorney           |
| <input type="checkbox"/> Builder/Developer                                                                 | <input type="checkbox"/> Insurance Provider |
| <input type="checkbox"/> Lender                                                                            | <input type="checkbox"/> Real Estate Agent  |
| <input type="checkbox"/> Supplier (landscaping, power washing, snow removal, etc)<br>Please specify: _____ |                                             |
| <input type="checkbox"/> Technology Partner<br>Please specify: _____                                       |                                             |
| <input type="checkbox"/> Other<br>Please specify: _____                                                    |                                             |

### BUSINESS PARTNER AFFILIATE:

Name of Primary Company Contact: \_\_\_\_\_

# ULTIMATE PARTNER Profile

## BELFOR Property Restoration Questions answered by Paul Migliore



Courtesy CAI-NJ

Before a kitchen restoration by BELFOR

Formed in 1999, 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.

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

I am a project coordinator for the Northern NJ office. My job is to be a liaison between clients and production

teams. I have over 30 years' experience in client services, business development, team building and management. I have been in the industry for 10 years.

### **Is there a specific project or program that you would like to highlight? Please describe.**

I was a project coordinator for a large multi family building destroyed by a devastating fire. I was responsible for managing the project from board up and securing the scene, through demo and reconstruction. Some of the challenges faced included searching for and recovering valuables in a dangerous and unstable structure. Another challenge conquered was coordinating coverages, preferences, and selections of multiple parties involved.



The same kitchen after restoration.

### **What might someone be surprised to learn about your company?**

When we speak to prospects and clients they are under the impression that BELFOR only specializes in large losses. However, they are surprised to learn that BELFOR does thousands of small losses every year. BELFOR is a privately held US based company covering 90% of the world's insurable markets with resources second to none. BELFOR is not a franchise.

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

BELFOR recently received the Top Remodeler Award from *Qualified Remodeler Magazine*. We have received this award for 15 consecutive years.

*"We see an increased need for committed partnerships with community managers..."*

### **What trends do you see for the Community Association industry?**

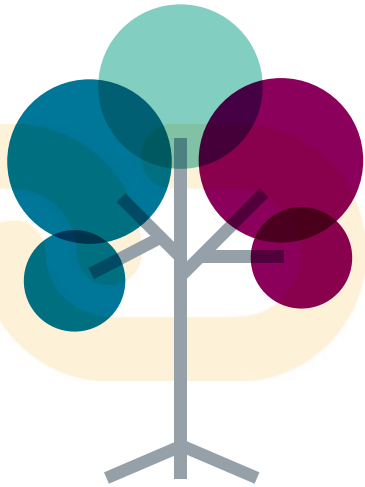
We see an increased need for committed partnerships with community managers and financially strong service partners. There is also a need for continuing education to be provided to assist managers with personal and professional growth. Consequently, BELFOR is committed to providing complimentary on-going educational seminars and round table discussions to enhance the community manager's learning experience. ■

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



# ULTIMATE PARTNER Profile

mem property management Questions answered by Martin H. Laderman



mem  
PROPERTY MANAGEMENT

## Helping You Enjoy Your Home

mem property management is a privately held NJ property management company, founded in 1984, by Martin H. Laderman, with the vision to increase property value through solid, experienced management. Since that time the company has expanded to manage dozens of properties from its New York border to the Jersey Shore.

mem property management is privileged to serve some of the finest communities throughout New Jersey including many of the major developers and builders as well as communities as diverse as small ocean-front condominiums to large master-planned communities with several hundred homes to age-restricted retirement communities.

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

I am very proud to be the CEO and President of mem property management. I am incredibly lucky to have the best job in the world.

In 1982, I joined a New Jersey real estate management condominium firm with responsibility for the daily manage-

ment of 25,000 residential units. I recognized the importance and need for exceptional professional property management and started mem property management in 1984.

I am a member of National Association of Residential Property Managers, Community Associations Institute (CAI); and I am actively involved with the New Jersey Association of Realtors legislative activities. In 1999, I completed the "Essentials of Community Association Management" and I am currently in the process of obtaining the Association Management Specialist (AMS) and Professional Community Association Management (PCAM) Designation.

### **Is there a specific project or program that you would like to highlight? Please describe.**

One of the highlights for the past year was the opportunity to sponsor The New Jersey Cooperator's Condo, HOA, Co-op & Apt. Expo., one of the most popular real estate trade shows in New Jersey, attended by nearly 1100 board members, homeowners, property managers and apartment building owners throughout the state. We had the largest booth at the show and the best coffee and

treats, but most importantly, we were able to meet so many interesting people and learn more about our constantly changing industry.

### **What might someone be surprised to learn about your company?**

I believe in a hands-on, personal, team approach to property management, recognizing the individual requirements of each property and tailoring our management program to meet those unique needs. With a results-driven approach and a never-ending aim for capital improvements, we continue to provide outstanding value and service to all New Jersey properties that we manage and strive to maintain the comfort, beauty, and safety of each community we serve. My incredibly talented and beautiful wife Elvia is Executive Vice President, and my son, Matthew is Vice President of Operations, so we are very much a business based on family values and building and maintaining strong, long-term relationships. I believe our clients see that as our greatest strength, especially compared to our competitors.

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

mem property management achieved the position of 556 on the *Inc. 5000 List*, a renowned recognition of the top 5000 fastest growing private companies in the United States. mem also received recognition from *Inc.* as number

14 in the list's top real estate companies, as well as number 25 in the New Jersey profiles and number 44 in the New York metro standings.

mem property management also is proud to be recognized by the Better Business Bureau (BBB) as an Accredited Business, achieving an A+ rating for its proven record of trustworthiness, ethics and commitment to outstanding client service.

### **What trends do you see for the Community Association industry?**

I think the community association industry was a little slow to embrace social media and online marketing. 91% of online adults use social media regularly and Internet users have an average of 5.54 social media accounts. We have been online from the very beginning and have been able to resolve many questions by being able to respond to our communities in real-time on Facebook, Twitter and other social channels. We also share timely local news and events so we can be a valuable resource to our communities. Social media is also a great way to showcase the beautiful communities we manage and introduce the talented team of professionals who work tirelessly every day to keep our residents happy. I think we will see more and more management companies connecting to residents online as a way to complement their offline services. ■

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



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## LOOKING FORWARD...

from page 5.

paign. In addition to meetings with these elected officials, we (upon Tim's recommendation) attend fundraisers and events to get the "facetime" needed to make our points to the involved decision makers. This leads me to CA-PAC. Without the necessary funds to attend these events, we do our industry an injustice. Jim Rademacher and the CA-PAC committee are constantly looking for member donations and fundraising events to pay for our attendance to these events. If you haven't already, please make a donation to our PAC and help our chapter have a voice in legislation that can and will have a definite impact on our livelihoods and the residents of our common interest communities. ■

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[management@youngandassoc.com](mailto:management@youngandassoc.com)  
[www.yaapropertymanagement.com](http://www.yaapropertymanagement.com)



## If you could make one rule or law for community associations, what would it be?

"All townhouse/condo owners in New Jersey would have access to interest free loans to maintain their Maintenance Fees if they qualify. A major qualification would be loss of income through no fault of their own, i.e., illness, layoff, job downsize, failed business, etc., etc. Funding for the grant I just made into law would come from developers as they build these units."

**Joseph Ferrante, President**  
*Lakeside at North Haledon Condominium Assn., Inc.*

"Although it can be very difficult to get volunteers to be board members as it is, I think it would be beneficial to require board members to take a mandatory certification course similar to the M100 or CMCA that community managers take. It is vital for board members to understand their roles and responsibilities as well as the laws pertaining to the association. It can take quite a bit of time for new board members to be comfortable in their roles and fully understand the operations of the association. Education for board members would benefit both the board members themselves and the association for which they volunteer."

**Jamie Cullen, CMCA**  
*First Service Residential*

"Every Friday is Compliment Day. Let's all share some of the best things about our neighbors with one another!"

**Mary Ann Calogera, CMCA, AMS, ARM**  
*RCP Management Company*

"Each community to provide coffee and donuts to vendors working on site on all days ending in Y."

**Robert J. Puterman, President**  
*Regal Restoration*

"Unit owners have a certain quota of inquiries or requests. Once that point has been reached, it is mandatory that they submit their candidacy for the next open board seat."

**David Shahrabani, Vice President**  
*Popular Association Banking*

"If I could make one law for community associations it would state that anyone using their property as an investment/rental property would be required to have a lease addendum. The addendum would say: if the owner defaults on their maintenance dues for a period of 60 days, the Association will have the right and authority to levy the rent due to the owner until the owner's debt is paid in full. And, if the tenant fails to pay the rent, the Association will have the right and authority to start eviction proceedings against the tenant and charge all legal fees back to the homeowner."

Although we have lease addendums with similar wording, we can't go after owners who have not signed and addendum stating they are willing to go along with this policy. My new law would make it automatic and without any further agreement or approval from the investor/landlord."

This would eliminate or at best greatly reduce the number of delinquent rental properties in the community. It will also reduce some of the legal fees spent trying to go after the delinquent homeowner."

**Shelia Green-Barnhill, CMCA**  
*Townsquare Village, HOA*

"I would make community grilling a rule for all associations that are multifamily dwellings. This would eliminate the mindset of many residents that the fire code restrictions have infringed upon their "right to grill." Residents would understand that if they choose to move into a multifamily dwelling community, open flame cooking devices are prohibited."

**Jackie Galante, Board Member**  
*The Crestmont Highlands Neighborhood Condominium Association, Inc.*



**Community Association Volunteer Leader  
Best Practices Roundtable Discussion  
and Cocktail Reception**

**FREE event for all Community Association Volunteer Leaders**

**Thursday, September 22, 2016  
6:00 p.m. - 9:00 p.m.**

**The Lincroft Inn, 700 Newman Springs Road, Lincroft, NJ**

**Sponsored By:**

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**2016 CAI-NJ  
CAVL Committee**

Thomas Lycan – Chair  
Angela Onafowora - Vice Chair  
David Bialick  
Bob Kahrmann  
Steve Kroll  
Charles Lavine  
Jack McGrath

**Board Liaisons:**

Jean Bestafka  
Frank Catanzarite  
Valentine Valdman

**Topics:**

- The cost of delaying building repairs and improvements
- Capital improvement projects and the RFP process
- New insurance demands & cyber space
- Rent receiverships and foreclosures
- Understanding the association's financial statements and how to use them as a decision making tool
- What are the forward thinking trends for your community regarding aging in place

**Attendees will have the opportunity to participate in all six roundtable topics.**

Date: Thursday, September 22, 2016

Location: The Lincroft Inn  
700 Newman Springs Road  
Lincroft, New Jersey

Agenda: 6:00 p.m. - 7:00 p.m.: Cocktail Reception  
7:00 p.m. - 9:00 p.m.: Roundtables

Space is limited. Attendees are strongly encouraged to register by Friday, September 16, 2016

**Pre-registration is required.**

*If you register for this program and cannot attend, please call the chapter office at (609)-588-0030 to cancel.*

We require a cancellation notice at least 72 hours in advance. If a notice is not received, a \$25 cancellation fee may be charged per registrant. Substitutions are permitted if you cannot attend.

Questions? Email Angela Kavanaugh at Angela@cainj.org or call (609) 588-0030.

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Attn: 2016 Roundtable Discussion  
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Fax to (609) 588-0040.  
Email to angela@cainj.org.

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## MANAGER BEST PRACTICES ROUNDTABLE DISCUSSION AND NETWORKING RECEPTION

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Two networking sessions (6:30 p.m. - 7:15 p.m. and 8:45 p.m. - 9:30 p.m.)

All attendees are invited to join the Business Partner Roundtable attendees for the networking sessions.

Date: Thursday, November 17, 2016

Location: The Chart House  
Lincoln Harbor Pier D-T  
1700 Harbor Blvd.  
Weehawken, NJ 07086

Agenda: 6:30 p.m. - 7:15 p.m.: Cocktail Reception and networking with Business Partners  
7:15 p.m. - 8:45 p.m.: Roundtables  
8:45 p.m. - 9:30 p.m.: Dessert Reception and networking with Business Partners

### Pre-registration is required.

If you register for this program and cannot attend, please call the chapter office at (609) 588-0030 to cancel.

We require a cancellation notice at least 72 hours in advance. If a notice is not received, a \$25 cancellation fee may be charged per registrant. Substitutions are permitted if you cannot attend.

Questions? Email Angela Kavanaugh at Angela@cainj.org or call (609) 588-0030.

Space is limited. Attendees are strongly encouraged to register by Friday, November 11, 2016.

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### CONTINUING EDUCATION NOTICE:

By successfully completing this program, the New Jersey Chapter of Community Associations Institute (CAI-NJ) will approve 3 hours credit for this program towards the Professional Management Development Program (PMDP).

## TOPICS:

- Privacy expectations as it relates to security documentation within the community
- Rules and responsibilities of the concierge and/or security guard
- Security systems – keypads, cameras, access control, biometrics
- Insurance – What should be included in your insurance policy regarding security?
- Cooling towers, testing, compliance and cleaning as it pertains to Legionnaires Disease
- Rebates for lighting conversions –A case study

## MANAGER BEST PRACTICES ROUNDTABLE DISCUSSION AND NETWORKING RECEPTION

Name: \_\_\_\_\_

CAI Designation(s): \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

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## BUSINESS PARTNER BEST PRACTICES ROUNDTABLE DISCUSSION AND NETWORKING RECEPTION

Two networking sessions (6:30 p.m. - 7:15 p.m. and  
8:45 p.m. - 9:30 p.m.)

All attendees are invited to join the Managers  
Roundtable attendees for the networking sessions.

Date: Thursday, November 17, 2016

Location: The Chart House  
Lincoln Harbor Pier D-T  
1700 Harbor Blvd.  
Weehawken, NJ 07086

Agenda: 6:30 p.m. - 7:15 p.m.: Cocktail Reception  
and networking with Managers  
7:15 p.m. - 8:45 p.m.: Roundtables  
8:45 p.m. - 9:30 p.m.: Dessert Reception  
and networking with Managers

### Pre-registration is required.

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Questions? Email Angela Kavanaugh at [Angela@cainj.org](mailto:Angela@cainj.org)  
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## TOPICS:

- **Friends with Benefits – unlocking the value  
in your business partner relationships**
- **How to provide services to the luxury  
community**
- **A Fair Labor Standards ACT (FLSA) update  
and its impact on business**

## BUSINESS PARTNER BEST PRACTICES ROUNDTABLE DISCUSSION AND NETWORKING RECEPTION

Name: \_\_\_\_\_

CAI Designation(s): \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

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### REGISTRATION FEES:

CAI-NJ Business Partner Members: \$50.00  
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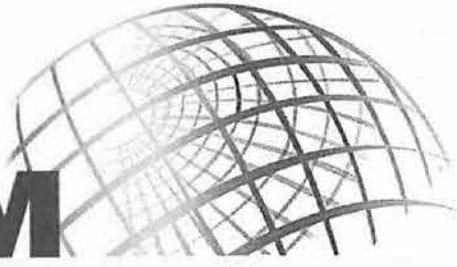
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**Chapter Trends...**

from page 16.

Jersey Shore Association for Human Resources.

Kolbensschlag received his J.D. magna cum laude from Seton Hall University School of Law, and earned his B.A. from the University of Delaware. He has been listed in *Super Lawyers – New Jersey Rising Stars* (a Thompson Reuters business) in the Business Litigation practice area since 2013, and was previously an associate at the firm. ■

Send your industry-related news for "Chapter Trends" to Jaclyn Olzewski at [jaclyn@cainj.org](mailto:jaclyn@cainj.org) or call 609.588.0030.



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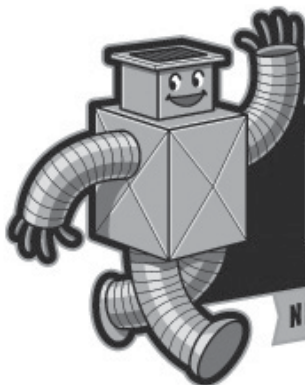
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## MEETINGS AND ELECTIONS...

from page 46.

recall and remove a board member. That demand for a recall vote is then voted upon by all of the owners and the Board member can be removed on a majority vote to remove.

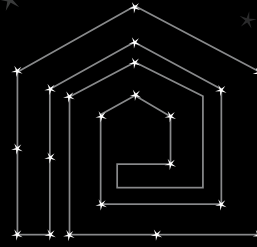
Any owner in a common interest ownership association is afforded the opportunity to request a hearing with the relevant State Agency (primarily the Department of Community Affairs) in the event the Board does not act on the recall vote demand within 20 days.

## Closing the Door on Closed Door "Working Sessions?"

The Bills further seek to do away with and remove closed door "working sessions" of the board. Working sessions typically involve full and frank debate among board members but no voting on proposed resolutions. These Bills eliminate the closed door "working sessions" and make them more akin to open public meetings of a municipality or other public entity.

## Conclusion.

The volunteers of the Legislative Action Committee of the Community Associations Institute are working with our governmental affairs group, MBI GluckShaw, to try to seek appropriate amendments to these Bills to try to clarify the provisions outlined above. We are proud that we have the opportunity to work with MBI GluckShaw and to have their guidance and assistance to look out for our membership and to navigate the complicated legislative landscape of Trenton. ■



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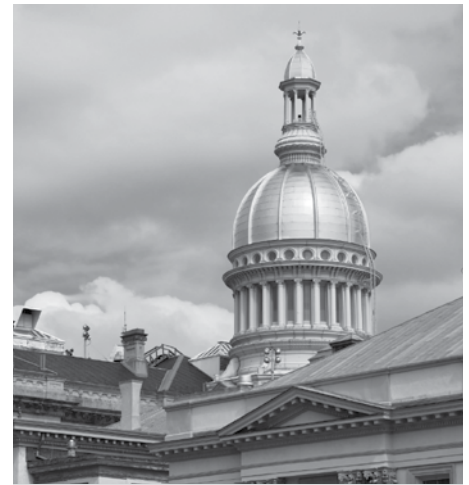
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## Help CAI's Amicus Effort

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](mailto:larry@cainj.org). ■



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