

Community Trends®



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LEGISLATIVE UPDATE

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We welcomed 2017 over a month ago. Likely some of that January 1 excitement (along with usual resolutions!) has dissipated but it still remains a new year with new potential. This is my third year of serving as the Chair of the Legislative Action Committee and, as in past years, I am honored to lead this group of dedicated professionals and community association volunteer leaders with credentials beyond reproach.

We've all heard the old cliché that practice makes perfect. I am not convinced that the cliché applies to serving as Chair of the LAC. Although the lessons of the past two years have been invaluable, each year brings new members, new ways to collaborate and advance the goals of the LAC and CAI-NJ, and new challenges. But these same challenges are what make this committee plow through bills at meetings month after month, get traction on issues, and broaden its achievements each year. For 2017, I am confident that the LAC's efforts can and will continue to enhance and better serve the CAI-NJ Chapter.

It is not common knowledge that the LAC is not a committee of the CAI-NJ Chapter as are other CAI-NJ committees. The LAC in New Jersey forms a part of the National Legislative Action Committee of the Community Associations Institute, which is why the committee is sometimes referred to as the "National Legislative Action Committee-New Jersey". As such, the LAC is somewhat of an "odd duck". Its professionals and CAVL's keep their eye on the legislative ball particularly within New Jersey, but nationally as

well. Caroline Record, our liaison with the Federal LAC, keeps the LAC in New Jersey current on federal legislation of significance to community associations in New Jersey. With the expertise of its lobbyist, MBI-GluckShaw in the most recent years and, in particular, Tim Martin, we work

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hard for CAI-NJ's membership, even though we are neither named nor recognized as a CAI-NJ committee.

The legislative update programs conducted by the LAC and my monthly column in *Community Trends*® are intended to apprise you of what the LAC is working on each month and to seek the feedback of the CAI-NJ membership on crucial issues. Certainly, the membership of CAI-NJ is unable to glean from these isolated programs and writings what goes on at LAC meetings. But if CAI-NJ needs evidence that there is a committed and experienced committee behind the advances that have been made on the legislative front in New Jersey, it needs only to become familiarized with our monthly meetings, and the activities between the meetings.

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CAI-NJ Board Liaisons Jean Bestafka and Loren Lightman, and staff members, Executive Director Larry Thomas and Laura O'Connor, attend our monthly meetings. I trust they agree that the LAC has been a source of pride to CAI-NJ and has elevated the Chapter's reputation on both a State and national level. I am certain that, by the end of this year, the LAC's efforts and energy will again leave a prominent imprint on CAI-NJ. Every member of LAC deserves to be recognized for this result.

At the CAI-NJ Retreat held on December 8, 2016, the LAC decided upon a list of five priorities for the coming year. We keep this list on the agenda of each monthly meeting to keep us on track, to show us how far we've come...or not. While our priorities have been similar to those in previous years, we enter this year with ample forward movement.

1. Municipal Services Act Reform. 2016 struck us with the reality that the Municipal Services Act was a quarter of a century old and in need of serious reform. A4123/S2522 was introduced to require certain local authorities to inspect, maintain, and repair fire hydrants in planned real estate developments. The entities subject to the bill are municipal authorities.

2. Mortgage Foreclosure Reform. The focus of the LAC is on S1832/A3823 which introduced an expedited foreclosure procedure for vacant and abandoned properties in uncontested foreclosure actions. In part, this bill also provides that, when a lender is entitled to proceed through the foreclosure process in a summary manner, but has not done so, the board of a planned real estate development may file a motion to compel expedited judgment and sale, or in the alternative, payment of association fees. Alternatively, the court may approve an application for an order appointing a fiscal agent to administer the property.

3. Election Reform. Through the past two years, the LAC has worked on a number of proposals and introduced bills to deal with issues confronted by community associations in conducting elections and ensuring participation by association members and residents. Largely due to the efforts of LAC members J. David Ramsey, Esq., and Michael Pesce, PCAM, S1805/A3163 was introduced to address the concerns in the manner in which elections have historically been conducted at the Radburn community in the Borough of Fair Lawn in Bergen County.

4. Assessing of Insurance Deductibles. A3683 is a bill intended to prevent a condominium association from assessing an insurance deductible to individual Unit Owners or groups of Unit Owners. The LAC continues to evaluate this bill and will be proposing amendments.

5. UCIOA. LAC member, David Ramsey, along with Ronald L. Perl, Esq, has worked with the New Jersey Law Revision Commission (the "LRC") over the past two years to arrive at the issuance by the LRC of its final report relating to the Uniform Common Interest Ownership Act ("UCIOA"). Those in the community association industry are likely to have heard of or participated on efforts to advance UCIOA over the past decades. The final report was issued by the LRC on October 21, 2016 and concentrates on the first two articles of UCIOA, which are intended to form a framework for the different kinds of common interest communities. With the progress which has been made over the past years, UCIOA has become one of the major priorities of LAC in this coming year.

As in the past, I look forward to your comments and suggestions on how the LAC may better serve CAI-NJ and the communities in which you either reside or for which you work. Feel free to email me with your thoughts at cli@greenbaumlaw.com. ■