

# Community Trends®



## LEGISLATIVE UPDATE

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The theme of this month's issue of *Community Trends*®—emergency preparedness and risk management—gave me some pause. It seems to me that neither area of concern can be legislated, which is the mission of the Legislative Action Committee. By simple example, we all know that property maintenance codes require the installation of battery-operated smoke and carbon monoxide detectors in certain types of dwelling. How often have you heard of an owner selling his or her home scrambling to install working devices (or at least fresh batteries) right before the municipal official arrives to conduct the certificate of occupancy inspection?

Similarly, risk management requires those responsible for various aspects of community association operations to constantly consider the effect of the uncertainty we face as we try to achieve the goals of our associations. Our priorities are always the enhancement of the well-being of our residents, the improvement of the aesthetics and value of homes, the improvement of the financial condition of the association, and the general enjoyment of life in a planned community. These objectives are so engrained in our minds that the risks we face on a daily basis and how we are going to respond to the uncertainty that may deflect us from the goals of the day are frequently ignored. But we all know that we have to conduct ourselves to limit the probability or impact of unfortunate events.

Legislation does, however, provide the foundation for safe and high-quality communities, even though no one

would disagree that some laws often burden the coffers of our associations, or increase the costs associated with purchasing or living in a home in a condominium or planned community. Some laws impacting community associations may seem more burdensome, than beneficial.

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To better able to respond to emergent situations and to reduce the risk we are exposed to daily, here are some the bills that the LAC is watching.

- **Fire Safety.** A96 and A 97 were introduced on March 16, 2017, to amend the State construction code to increase fire safety in large residential projects. Another bill, A3334 was introduced on February 22, 2016, to require fire suppression systems in new single and two family homes. The LAC is currently monitoring these bills.
- **Standby emergency power generators.** Since Hurricane Sandy struck in 2012, several bills have been introduced which would require certain community residential facilities to have standby emergency power generator. A2157 was introduced in January

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27, 2016, and S2227 was introduced on May 23, 2016. Both bills apply to group homes. While at first blush, it may not seem that these bills would apply to community associations, the LAC decided to seek exemptions for common interest communities. While infrequent, several of CAI-NJ's member associations do include group homes and, if this bill became law, it would impose additional costs upon those associations.

A3564 was introduced on April 4, 2016, and A3750 was introduced on May 19, 2016, to authorize installation of automatic standby generators in certain residences without having to obtain zoning or planning board approval. The LAC is monitoring both of these bills. The Senate companion bill, S204, was introduced on January 12, 2016, and passed the Senate of May 9, 2016, by a 40-0 vote.

- **Occupancy by animals of displaced owners.** A2645 prohibits enforcement, for a period of twelve months, of homeowners' association bylaws prohibiting domesticated animals if the owner is a designated displaced individual under the Federal Emergency Management Act (FEMA) following an emergency declaration by President or Governor. LAC opposed this bill, introduced on February 8, 2016, due to the potential impact it would have upon our communities by mandating the harboring of animals in communities, especially those which prohibit or restrict occupancy by pets.
- **Fire Hydrants.** A bill which the LAC supports, A4123, was introduced on September 19, 2016. This bill requires certain local authorities to inspect, maintain, and repair fire hydrants in planned real estate developments. Its Senate companion bill, S2522, was

introduced on September 12, 2016.

This bill would address problems which communities face where municipalities or municipal utility authorities refuse to maintain hydrants in common interest communities. Unfortunately, the destruction of a home by fire was attributed to this failure to maintain hydrants. The bill is now being perceived as a public safety initiative.

- **Mold.** S250 is intended to create the "Mold Safe Housing Act" to address mold remediation in rental premises. S251 was introduced on the same day, January 12, 2016, requiring the New Jersey Department of Community Affairs to establish procedures for inspection and abatement of mold hazards in residential buildings and school facilities, and certification programs for mold inspectors and mold hazard abatement workers. While neither of these bills directly applies to the ownership of homes in community associations, mold is a condition which many community associations unfortunately confront. The LAC is currently monitoring both bills.
- **Hotel and Multiple Dwelling Law Inspections.** Introduced on May 18, 2017, S3211 would require hotel and multiple dwelling inspections every two years, rather than every five year as currently required under the regulations. LAC opposes this bill as it compounds the costs and burden of these inspections which are already borne by community association.

Understanding the deliberation of the LAC relative these bills, as well as the potential impact which each bill might have, should provide assurance that the safety and well-being, financial or otherwise, of the residents of our communities are at the forefront of what the LAC does. ■