

Community Trends®



LEGISLATIVE UPDATE

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

I took the liberty of extending the “What’s New” theme of this month’s *Community Trends*® to draw from members of the Legislative Action Committee thoughts which may not have been revealed this past year or, perhaps, ever. I adapted the concept of “Tell me something I don’t know” to this month’s theme and LAC members volunteered to contribute to this column to tell you something that might be new and thought-provoking.

When I asked for participants, I gave very little (read that as “no”) guidance as to topics and wasn’t really certain if this idea made any sense. LAC members were told they could write about anything they wanted in approximately 100 words. I was intrigued by the diversity of the discussion — ranging from writers’ personal activities on the LAC, their perspective of the focus and accomplishments of the LAC, to valuable guidance related to the limited liability of movers the residents of our communities hire.

The common thread of all these contributions is the value of the LAC’s efforts, the vast expertise of LAC members, as well as the commitment and sometimes the frustration of the members as they work on legislation to advance the well-being of community associations. And they also brought to light the activities of LAC members well beyond attending meetings once a month in the confines of a conference room. These are their stories.

PAUL RAETSCH

Community Association Volunteer Leader

While attending my first Legislative Update program, before even joining CAI, I thought “Wow!” I was board

president and amazed how little I knew. Thankfully, our property manager encouraged us to join CAI in order to learn more about our roles and responsibilities. We have hosted a couple of LAC Legislative Updates and I am shocked that some CAVL attendees were not aware

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that they should have been reimbursed for snow removal. Some were not even aware of the Kelly Bill (now the Municipal Services Act). “What’s New” then, is my effort to get HOA volunteers involved in CAI to take advantage of its many educational programs.

MICHAEL PESCE, PCAM

President, Associa - Community Management Corp.

The Municipal Services Act is now 27 years old and continues to be one the few such State statutes in the nation. Ironically, one of the prime movers of that legislation, and the equities behind it, was Paul Maticera, now one of the partners and our liaison with CAI’s

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lobbying firm, MBI-GluckShaw. Paul was then Mayor of North Brunswick, who understood the unfairness of the situation pre-MSA.

MATTHEW Z. EARLE, ESQ.

Kates, Nussman, Rapone, Ellis and Farhi, LLP

Being part of the LAC has shown that lawmakers and other policy makers are often unaware of the unique issues affecting community associations, and the impact of their proposed legislation on same. However, I have found that they usually are very receptive to the experience and knowledge displayed by LAC members, and that they appreciate that we represent the overall interests of the regular community association home owner.

THOMAS C. MARTIN, ESQ.

Price, Meese, Shulman & D'Arminio, P.C.

The "move-in/move-out" fee covers damage to the common elements caused by a mover. But as the homeowner or unit owner, Federal and State law puts the burden on you to know the rules governing what happens if the mover damages your structure or household goods. The mover's liability is usually limited to \$0.60/lb. for household goods unless you declare a higher value (in exchange for a higher price). Damage claim time limitations may also apply. Ask for a copy of the mover's tariff for the terms and conditions applying to your move.

CAROLINE RECORD, ESQ.

Hill Wallack LLP

Paul Matacera, our liaison with our lobbying firm MBI-GluckShaw knew and introduced members of the LAC to almost every mayor and municipal representative at this year's New Jersey Conference of Mayors held in Atlantic City this past Spring. Paul made sure that the mayors were aware that the LAC and CAI could be a vital resource in dealing with any issues which arise with community associations in their communities. We look forward to continuing to provide valuable information to the members of this organization.

J. DAVID RAMSEY, ESQ.

Becker & Polliakoff

CAI's advocacy for community associations includes not only state advocacy through the LAC, but advocacy at the federal level as well. Increasingly, we are seeing more legislation at the federal level that impacts the interests of community associations. Examples of this include ham radio legislation that would override certain restrictions preventing ham radio antennas (passed the House; pending in the Senate); FEMA legislation to require FEMA to revisit its position that community associations are "commercial" entities and therefore not entitled to the same relief as owners living outside community associations and an amendment to the Stafford Act to expressly include community associations (pending in the House); and monitoring Congress's efforts to re-create the secondary mortgage market, which can impact the ability to obtain mortgages for condominiums.

SUE HOWE, AMS, PCAM

Member, LAC

I have been a member of the New Jersey LAC committee for three years. I wasn't sure what to expect at first. What I have learned is that many do not realize how legislation can either improve or negatively impact Associations and their owners. Also they have no idea the work that the LAC does to help protect their interests.

I have traveled to Washington DC with LAC committee members and met with our local representatives to familiarize them with the Legislative Action Committee and to have an open dialogue with them in advancing laws for community associations. As a member of CA-PAC, we raise funds through contributions from homeowners, Associations and Management companies so we can meet with sponsors of legislation. The need for ongoing support is essential to continue our work.

GEORGE GREATREX, ESQ.

Shivers, Gosnay & Greatrex, LLC

"Zombie" foreclosures continue to haunt community associations across New Jersey. These vacant and abandoned

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homes in foreclosure are unsightly, unsafe, unsanitary, and worst of all, a drain on the resources of the community associations in which they are located. New Jersey's CAI-LAC has made it their highest priority to achieve a legislative solution to this nagging problem. Options include requiring the lender to expedite their foreclosure process on such properties, or requiring the foreclosing lender to pay the Association assessments during the foreclosure. If this problem exists in your community, please contact your state legislators and encourage them to enact foreclosure reform (S-1832/A-3823).

JAMES P. MAGID, CMCA, PCAM, LSM

Vice President, First Service Residential

I have been on the Legislative Action Committee (LAC) for the past ten years and I believe it is one of the most beneficial committee representing community association mem-

bers, and the professionals and business partners serving them. I enjoy digging in to "the why behind the what"; understanding why proposed legislation is initiated, and then working with the Legislative members to often make their legislation less detrimental for community associations through negotiation and meetings. It is educational to spend time with our NJ Chapter lobbyist, MBI- Gluck Shaw, and to have the opportunity meet and work with our State Legislators. And because the LAC is a national committee, I have also had the opportunity to attend Legislative Action Summits in Washington, DC, where we met with our NJ Congressman, as well as members of FEMA and FHA, to educate them about CAI, and the benefits to them in working with us in collaborative way to benefit our mutual interests, YOU.

Now you know! ■