

ASSEMBLY, No. 2397

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 6, 2014

Sponsored by:

Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)

SYNOPSIS

Makes homeowners' association in which developer's control of executive board has not been surrendered a public body under "Senator Byron M. Baer Open Public Meetings Act."

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning homeowners' associations and amending
2 P.L.1975, c.231.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L.1975, c.231 (C.10:4-8) is amended to read
8 as follows:

9 3. As used in this act:

10 a. "Public body" means a commission, authority, board,
11 council, committee or any other group of two or more persons
12 organized under the laws of this State, and collectively empowered
13 as a voting body to perform a public governmental function
14 affecting the rights, duties, obligations, privileges, benefits, or other
15 legal relations of any person, or collectively authorized to spend
16 public funds including the Legislature, but does not mean or include
17 the judicial branch of the government, any grand or petit jury, any
18 parole board or any agency or body acting in a parole capacity, the
19 State Commission of Investigation, the Apportionment Commission
20 established under Article IV, Section III, of the Constitution, or any
21 political party committee organized under Title 19 of the Revised
22 Statutes. "Public body" also means a homeowners' association in
23 which the developer's control of the executive board has not been
24 surrendered pursuant to section 5 of P.L.1993, c.30 (C.45:22A-47).

25 b. "Meeting" means and includes any gathering whether
26 corporeal or by means of communication equipment, which is
27 attended by, or open to, all of the members of a public body, held
28 with the intent, on the part of the members of the body present, to
29 discuss or act as a unit upon the specific public business of that
30 body. Meeting does not mean or include any such gathering (1)
31 attended by less than an effective majority of the members of a
32 public body, or (2) attended by or open to all the members of three
33 or more similar public bodies at a convention or similar gathering.

34 c. "Public business" means and includes all matters which
35 relate in any way, directly or indirectly, to the performance of the
36 public body's functions or the conduct of its business.

37 d. "Adequate notice" means written advance notice of at least
38 48 hours, giving the time, date, location and, to the extent known,
39 the agenda of any regular, special or rescheduled meeting, which
40 notice shall accurately state whether formal action may or may not
41 be taken and which shall be (1) prominently posted in at least one
42 public place reserved for such or similar announcements, (2)
43 mailed, telephoned, telegraphed, or hand delivered to at least two
44 newspapers which newspapers shall be designated by the public
45 body to receive such notices because they have the greatest

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 likelihood of informing the public within the area of jurisdiction of
2 the public body of such meetings, one of which shall be the official
3 newspaper, where any such has been designated by the public body
4 or if the public body has failed to so designate, where any has been
5 designated by the governing body of the political subdivision whose
6 geographic boundaries are coextensive with that of the public body
7 and (3) filed with the clerk of the municipality when the public
8 body's geographic boundaries are coextensive with that of a single
9 municipality, with the clerk of the county when the public body's
10 geographic boundaries are coextensive with that of a single county,
11 and with the Secretary of State if the public body has Statewide
12 jurisdiction. For any other public body the filing shall be with the
13 clerk or chief administrative officer of such other public body and
14 each municipal or county clerk of each municipality or county
15 encompassed within the jurisdiction of such public body. Where
16 annual notice or revisions thereof in compliance with section 13 of
17 this act set forth the location of any meeting, no further notice shall
18 be required for such meeting.

19 (cf: P.L.1981, c.176, s.2)

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21 2. This act shall take effect immediately.

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STATEMENT

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26 This bill provides that a homeowners' association in which the
27 developer's control of the executive board has not been surrendered
28 pursuant to section 5 of P.L.1993, c.30 (C.45:22A-47) is a "public
29 body" under the "Senator Byron M. Baer Open Public Meetings
30 Act," P.L.1975, c.231 (C.10:4-6 et seq.) and will be subject to all of
31 the provisions of that law.