

# ASSEMBLY, No. 400

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# STATE OF NEW JERSEY

## 217th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**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**

Introduced Pending Technical Review by Legislative Counsel.



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:

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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, telegrammed, 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.