STATEMENT TO

SENATE, No. 2861

with Senate Floor Amendments
(Proposed by Senator SINGLETON)

ADOPTED: OCTOBER 29, 2020

These amendments require the governing board of a homeowners' or property owners' association, cooperative corporation, condominium association, or planned community acting through a majority vote of its full board membership to review the association's governing documents to determine whether those documents contain any restriction, covenant, or condition, that prohibits or limits the conveyance, encumbrance, rental, occupancy, or use of real property as prohibited by section 4 or subsection g. of section 11 of the State "Law Against Discrimination," P.L.1945, c.169 (C.10:5-4 & C.10:5-12), and to amend the documents to remove the offending restriction, covenant, or condition. The removal of such a restriction, covenant, or condition would not require approval of the members of the association, notwithstanding any provision of the governing documents to the contrary.

The amendments also provide that if, after the review and amendment of the governing documents has been completed, a board receives a written request from a member of the association to remove from those documents language that the member believes to be an unlawful restriction, covenant, or condition that prohibits or limits the conveyance, encumbrance, rental, occupancy, or use of real property as prohibited by as prohibited by section 4 or subsection g. of section 11 of the State "Law Against Discrimination," P.L.1945, c.169 (C.10:5-4 & C.10:5-12), the board would have to immediately undertake a review of the document or documents, to be completed within 30 days of the member's written request. If the board determines that the member is correct, the board would be required to amend the document or documents to remove the restriction, covenant, or condition within 30 days of its determination.