

SENATE, No. 3788

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 20, 2021

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

SYNOPSIS

Establishes penalty on planned real estate development association for failure to provide association members timely access to certain meeting minutes.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning association member access to executive board
2 meeting minutes in common interest communities, and amending
3 P.L.1993, c.30.

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

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8 1. Section 2 of P.L.1993, c.30 (C.45:22A-44) is amended to
9 read as follows:

10 2. a. Subject to the master deed, declaration of covenants and
11 restrictions or other instruments of creation, the association may do
12 all that it is legally entitled to do under the laws applicable to its
13 form of organization.

14 b. The association shall exercise its powers and discharge its
15 functions in a manner that protects and furthers the health, safety
16 and general welfare of the residents of the community.

17 c. The association shall provide a fair and efficient procedure
18 for the resolution of disputes between individual unit owners and
19 the association, and between unit owners, which shall be readily
20 available as an alternative to litigation.

21 d. The association may assert tort claims concerning the
22 common elements and facilities of the development as if the claims
23 were asserted directly by the unit owners individually.

24 e. The Commissioner of Community Affairs shall have the
25 authority to impose a penalty on an association for failing to make
26 minutes of meetings available to the association members, to the
27 extent required pursuant to subsection a. of section 4 of P.L.1993,
28 c.30 (C.45:22A-46). A penalty imposed by the commissioner
29 pursuant to this subsection shall not exceed \$2,000 per meeting for
30 which the minutes were required to be taken and made available to
31 all association members, but were not made available to one or
32 more association members.

33 (cf: P.L.1993, c.30, s.2)

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35 2. This act shall take effect on the first day of the second month
36 next following enactment.

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STATEMENT

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41 This bill would provide the Commissioner of Community Affairs
42 with the authority to impose a penalty on the association of a
43 planned real estate development for failing to make executive board
44 meeting minutes available to the association members in
45 compliance with the existing requirements of the 1993 supplement

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 to “The Planned Real Estate Development Full Disclosure Act”,
2 P.L.1993, c.30 (C.45:22A-43 et seq.). A penalty imposed by the
3 commissioner pursuant to this bill would not exceed \$2,000 per
4 meeting for which the minutes were not made available to one or
5 more association members.

6 Under existing law, the association of a planned real estate
7 development is required to make minutes of the proceedings of
8 executive board meetings available to all association members prior
9 to the next open meeting. The meetings subject to this existing
10 requirement consist of all executive board meetings required to be
11 open to all association members, and voting-eligible tenants where
12 applicable. A planned real estate development is a term defined in
13 the “The Planned Real Estate Development Full Disclosure Act,”
14 P.L.1977, c.419 (C.45:22A-21 et seq.) to encompass communities
15 governed by homeowners’ associations, condominiums, and
16 cooperative communities.