

# The Independent Voice of NJ CIC Owners

by the **CIHC**, Common Interest Homeowners Coalition

Fall 2019

**PAGE 1:** update/  
message

**PAGE 2:** quotes/  
humor

**PAGE 3:** leg update

**PAGE 4:** Board  
training part 5

**PAGE 6:** How to  
complain effectively,  
pt 1.

**PAGE 7:** new conflict  
of interest

**PAGE 8:** NJ-CAI  
EXPO!

**PAGE 9-10:** lies in  
our CICs

**PAGE 11:** CIHC  
booth will come to  
YOU

**PAGE 12:** Spotlight

**PAGE 13:** support  
CIHC form

**HOW to CONTACT  
the CIHC:** Call Ellen  
Vastola (*Current  
President*) at 732-873-  
3446, 9 am til 9pm.

Editor: Ellen Vastola

CIHC Website:  
[www.c-ihc.org](http://www.c-ihc.org)

## \*\*\* NJ LEGISLATURE UPDATE! \*\*\*

It is gratifying to see our NJ Legislators writing Bills to “protect” the owners in New Jersey’s Common Interest Communities (CICs).

“WE”, NJ’s CIC owners, are being heard.

There is still more work to be done to protect owners and their largest “investment”, which is their HOME. Our Homes are our sanctuary, our haven.

The CIHC still sees the need for the “oversight” of this protection (ARU) to be moved to the Dept of CONSUMER AFFAIRS with MORE staff. We feel this department has the “power”, the Attorney General, we need. All the current statutes and the proposed legislation need STRONG ENFORCEMENT! The enforcement must be expediently impactful to the entities which violate the Law; like a speeding ticket.

AND . . . **Board members NEED “state approved” TRAINING!**

## Fall 2019: Message from the CIHC President, Ellen Vastola;

**HELLO Fall!** Cooler temps are here! Soon the leaves will be turning into a beautiful, colorful display and then falling. < sigh.> The falling leaves will need to be cleaned up along with other seasonal tasks.

And, Fall signals the closure of some common elements/amenities. Fall sometimes requires maintenance to prepare for winter. Make sure your Board is on top of these necessary tasks.



*Let’s join together as a powerful VOICE for DEMOCRACY in our CICs to make a difference!*

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## Quotes Corner!

*You needn't love your enemy, but if you refrain from telling **lies** about him, you are doing well enough.* **E. W. Howe**

*The trouble with **lying and deceiving** is that their efficiency depends entirely upon a clear notion of the **truth** that the liar and deceiver wishes to hide.* **Hannah Arendt**

*The **truth** is incontrovertible. Malice may attack it, ignorance may deride it, but in the end, there it is.* **Winston Churchill**

*"If you tell **the truth**, then you don't have to have a good memory."* **Judge Judith Sheindlin**

The "**Independent Voice of NJ CIC Owners**" is calling for **ORIGINAL** newsletter articles, ideas, cartoons, or postings (to set up local/regional meetings, gatherings, protests, etc). The newsletter Editor reserves the right to use, edit or refuse a submission. Please send **your original submissions** to the Editor and put "**CIHC newsletter idea**" in the subject line; otherwise it will be deleted sight unseen.

This newsletter is for **YOU**.

### CIHC "HOA HUMOR"



*I am a CIC Board member and We, the Board, need to maintain our **Power**. Sometimes we embellish, manipulate or ignore facts. I just want to win the next Election!*

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## What is going on in New Jersey for **CIC/CIRA** owners FALL 2019:

**Legislative UPDATE/ Bills to track!** I saw nothing new but see the list below.

### **NJ Assembly:** HOUSING - CONDOMINIUMS, COOPERATIVES AND MOBILE HOMES

- A253** Prohibits conflict of interests by governing board members or management employees of homeowners' associations. **YES!!**
- A988** Requires condominium and homeowners' associations to provide information to federal home loan insurance providers at no cost to potential buyers. **YES.**
- A1472** Revises time period at which unit owners assume control of homeowners' associations. **YES!!**
- A2099** Permits master deed of condominium to reflect proportional common and limited common elements interests of each owner as fractions. **Yes, fraction or percentage.**
- A2114** Concerns membership and management of homeowners associations. **YES.**
- A2159** Prohibits enforcement, for a period of 12 months, of homeowners' association bylaws prohibiting domesticated animals if owner is FEMA designated displaced individual following emergency declaration by President or Governor.
- A2439** Prohibits condominium associations from assessing insurance deductibles to individual unit owners or groups of unit owners. **YES.**
- A2500** Requires certain common interest community associations to publish certain information; requires that homeowners' association contracts for management and maintenance include 24-hour emergency services. **YES.**
- A3387** Requires personnel at gated communities and multi-unit complexes to allow service of process. **YES.**
- A4984** Requires owners of multiple dwellings with at least nine units to provide maintenance services 24 hours a day. **Yes.**

### **NJ Senate:**

- S1154** Requires owners of multiple dwellings with at least nine units to provide maintenance services 24 hours a day. **Yes.**
- S1219** Clarifies that conversions of housing cooperatives into condominiums are subject to notice provisions of "The Planned Real Estate Development Full Disclosure Act." **Yes.**
- S1781** Places limit on liens filed by condominium associations for unpaid assessments on timeshares.
- S2074** The "Owners' Rights and Obligations in Shared Ownership Communities Act." **YES!!!**
- S2816** Concerns membership and management of homeowners' associations. **Yes.**

To track Bills, go to: <http://www.njleg.state.nj.us/bills/bills0001.asp>

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## Part 4 of Board Member training: Dealing with Contractors/Vendors/Employees.



As “elected” Board members, we have to solicit and then award contracts to outside contractors/vendors who become “employees via a contract” to perform work for the community. Board members MUST ALWAYS remember that they have a **FIDUCIARY Duty TO the OWNERS.** The decisions the Board make are for everyone, not just for themselves collectively or individually, OR to make the contractor happy. This takes a “higher” level of thinking and performance.

**Firstly**, you need to determine WHAT service needs to be done by an outside contractor. This can be landscaping, snow removal, porter service (cleaning and maintaining/repairing common elements NOT done by others), trash removal, dog station maintenance, amenities upkeep/maintenance (pool, tennis court, etc) and repair, and other tasks.

**Second**, you then decide all the specific tasks to be done and the frequency. Also include the “level of performance” for the task. This includes the amount allocated in the annual budget.

**Third**, you prepare a “bid packet” including what is required and the timeline if needed.

**SECTION 08**  
**HOLLOW METAL DOORS AND FRAMES**

8A.1 **GENERAL**  
a. All work of this Section shall be performed in accordance with the requirements of the Contract Documents.

8A.2 **SCOPE**  
a. Provide all labor, materials, equipment, and form all operations required for complete hollow metal doors and frames and related the drawings or specified herein.

8A.3 **WORK OF OTHER SECTIONS**  
a. Furnishing of finishing hardware.  
b. Finish painting  
c. Rolling metal doors.

8A.4 **MATERIALS**  
a. Steel—Prime quality, cold-rolled, pickled, stretcher-levelled, entirely free from scale, defects. Gages refer to the U.S. Standard and Steel.  
b. Standard Steel Shelves for supporting, reinforcement work—ASTM A36.  
c. Fastening Devices

*Outline style used in many specifications; indentation styles, however, vary.*

**SPECIFICATIONS:**  
**NAS 449 CASSETTE DECK**

Speed	+/- 1%
Wow and Flutter	0.06% JIS wtd. RMS 0.10% DIN wtd. peak
Frequency Response (Dolby NR off)	35 Hz - 16 kHz +/- 3 dB
Harmonic Distortion	Varies with recording level; typically 0.3% at -10 dB
THD at 0 dB	1.0% (normal tape) 1.5% (Cr2, metal tape)
Signal-to-Noise Ratio ref. 3% THD (CCIR/ARM weighting)	56 dB Dolby off 66 dB Dolby B 76 dB Dolby C
Channel Separation	40 dB at 1 kHz 35 dB broadband
Erase	> 70 dB at 1 kHz
Input Sensitivity	40 mV / 10 k ohms
Maximum Input Level	25V
Output Level at 0 dB	500 mV
Output Impedance	1000 ohms
Dimensions (width x height x depth)	42 x 12.2 x 27 cm. (16.5 x 4.8 x 10.5 in.)

*Two-column style also used widely in specification writing.*

**Fourth**, the Bid Packet is sent out to interested contractors with a deadline for submission.

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**Fifth**, the Board, with the help of the Property Manager and the Attorney, will review the bid submissions using a “checklist” to make sure that ALL bid items are addressed. Part of the checklist should include references from other customers that will be verified by the Board **AND** asking IF they have pending litigation. Also, look for the “exit clause” for both the Association and the contractor. Make sure it is fair and does not harm the Association. The Board will also take into consideration the COST of the Bid. (Some people eliminate the most expensive and the cheapest bid to get “more value” for their money. Low bid gets you low performance. What do you think?)



**Sixth**, the Board will sign the contract that provides the BEST service to the Community.

**Lastly**, AND importantly, the Board will make sure that the service is performed in accordance to the contract by **INSPECTING** the appropriate site or work. Depending upon the duration of the service, periodic inspections may be required to keep the project on track.



**NEVER** pay a contractor all the money up front! You can make an initial payment for “materials” to start the job. Then subsequent payments as work proceeds to your satisfaction. Always **INSPECT** the project/work **BEFORE** each payment installment.

The FINAL INSPECTION is done after completion of the job **AND** **BEFORE** final payment. This LAST payment is the “**holdback**” payment and MUST be **big enough** to get the contractor to come back to finish the work to the Board’s satisfaction.

**BOARD MEMBERS** remember, the contractor(s) work **FOR** **you/the community**; **NOT** the other way around! **YOU** are the **Boss!** “trust and then inspect” “know the contract” “bring accountability”

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**ANNOUNCING a new “serial article” from a respected attorney friend. The topic is . . .**  
**HOW TO EFFECTIVELY COMPLAIN!**

## Part 1 of 3:

This perhaps seems like a strange subject, because people complain about things all the time and therefore assume they are good at it. If a store bought item is defective, you bring it back and if customer service declines to replace it or refund money, you demand to see a supervisor and escalate until you achieve satisfaction. Eventually it is likely that someone up the line will act on the economic principle that making a customer happy is better than saving a few dollars.

Complaints about many other things in life; taxes, the younger generation (for older people), older people (for the younger generation), etc. are ways to vent without expectation of any actual resolution. Both economic and general complaints are not, however, useful in dealing with certain problems such as those involving a need for government assistance. **Association matters are prime examples of ones requiring more educated complaining if a complainant wishes actual assistance. More educated complaining requires an understanding of the overall context.**

As only a relatively few of the millions of people living in associations are aware, (the reasons for which will be dealt with in a future piece), that inside the Department of Community Affairs (*which is routinely confused with the Division of Consumer Affairs-sometimes even by courts*) is an **Association Regulation Unit (ARU)** with a very small staff. This tiny unit is situated in a Bureau that must expend 95+% of its time on developer applications, builder registrations and warranty issues. In turn, the Bureau is in a Codes and Standards Division focused almost exclusively on construction issues. This bureaucratic structure appears to demonstrate the lack of importance that the DCA/State has for effective CIC protection.

The **ARU** has been and is hard-pressed to keep up with complaints and inquiries relating to the initial **three areas of its jurisdiction** (dispute resolution/ADR, financial record access and open meeting issues). The job is made extremely difficult by the lack of any education for board members **and** the presence of lawyers and property managers whose financial interest lies with supporting board inactions or wrongful actions, so they typically *take issue* with any **ARU** action supporting owner rights. To compound the difficulties of enforcing owner rights in those three areas, there only Regulations are for open meetings which are not particularly helpful for many of the practical problems that arise. This large workload for a small staff has just been expanded enormously by requiring the **ARU** to now handle all the **election complaints** related to associations: the **Radburn Law**. There you have it, the bureaucratic structure having jurisdiction over our CICs in a “nutshell”. So, you need to be effective!

More to come . . . **Parts 2 & 3 in 2020 newsletter editions! Look for it!**

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## A New “wrinkle” on Conflict of Interest!

It recently has come to my attention, that yet another form of ‘conflict of interest’ is happening in our CICs. What I heard is very different and interesting.

The situation: An Owner/**contractor** sits on the Board. They have a business **and** provide their “service” to their CIC. It was initially stated that it was/is difficult to fill all the Board seats, so this owner w/ a business steps up to “serve” the community. They run for election and get on the Board. This **Owner**/Board member enters into a contract with the CIC for their service and continues to provide this service year after year, contract after contract.

To me, this fits the typical “conflict of interest” criteria. It is *generally accepted* that IF this situation/conflict is **disclosed** AND that *contractor* Board member **recuses** themselves from specific discussions pertaining to the contract, then the conflict is resolved.

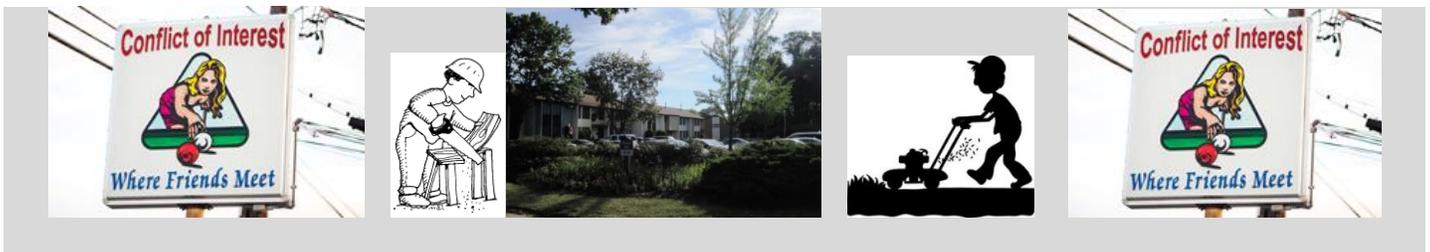
**I do not subscribe to this remedy.** I feel the conflict still exists in the Owner/Board member/**contractor**’s **RELATIONSHIP WITH** the other Board members **AND** in the **knowledge they get from attending the many Board meetings.**

This Owner/Board/**contractor** already knows the budget for the community and other issues in their role as Board member. They can then make their “bid” **FIT into the CICs budget/needs.** **Having foreknowledge of the annual budget AND Board discussions gives them unfair advantage over other outside “bidders”.** This situation also applies to “contract renewal”. **They always have the inside track and can be the low bid to get the contract!**

REMEMBER, the Board meets each year to create a budget for the next year! This Owner/Board/**contractor** is there for this. They can also “defend” their past work and/or “campaign” for the next year (to their friends on the Board)!

**NOTE:** The above situation could be done with the **BEST** of intentions. This Owner/Board/**contractor** may want to “help” the community with the budget and service **AND** by filling a seat on the Board. BUT are they really helping the community, OR are they really helping themselves (money=profit)?

I feel the **Board**, in consultation with the Owner/**Contractor**, should decide **IF** this Board member will serve the community as a contractor **OR** Board member. **REMOVE** this **insidious** conflict of interest! **Make a choice!**



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**ATTENTION! The 2019 CAI-NJ Condo Expo is coming!**

IF YOU LIVE OR WORK IN A CONDO OR HOA THEN YOU CAN'T MISS THIS!

THURSDAY  
OCT//17//2019  
THE EVENT CENTER @IPA  
110 SCHANCK ROAD  
FREEHOLD, NJ 07728

FREE FOR COMMUNITY MANAGERS,  
BOARD MEMBERS & HOMEOWNERS!

SPONSORED BY  
G&C  
ELECTRONICS

BUILD A WINNING  
TEAM  
2019 CAI-NJ  
Conference & Expo

**Check out the website and REGISTER! It is FREE for owners & Board members. October 17, 2019 – mark your calendars/planners.**

<https://www.cai-nj.org/event-3405335>

There will be seminars, many vendor booths, free stuff and some refreshments.

- I go for the seminars AND to speak with different Contactors to learn more about the operations in my CIC. And, yes, I look for the “freebies”! Love them. So glad they give out *reusable* tote bags! I have a collection –and I use them and I give some away!
- The **CIHC** (*that would be me*) will be walking the aisles! Let me know and we can meet up!

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**New problem in our CICs! *Slander & Libel* (harassment) are being used as “tools” against owners!**

I have become aware from *a number of recent phone calls*, that CIC owners are being **slandered** (verbal harassment of untruths) and **libeled** (written harassment of untruths) by their governing Boards.



I am appalled at this unethical behavior by any CIC Board. It is the Board's **Fiduciary duty** to represent the BEST interest of the entire community. Making *false* claims against a fellow owner, who may have a different opinion, is NOT in the best interest of the community. I feel it is the behavior of a “bully” to get their way, AND to exert their POWER over others! This cannot be tolerated!

It should be noted that the **TIMING** of this “illegal”, harassing behavior is “very interesting”. It seems to happen BEFORE the **ELECTION**. Yep, you guessed it – the Board is going after owners who question how the CIC is run and who maybe running for the Board. So, the Board goes after these owners with unsupported LIES before the Election to “dis-qualify” them in the eyes of the other owners and/or get them off the ballot!

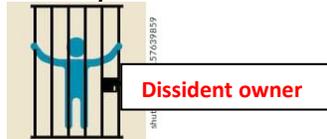
I have heard that some Boards are sending out/e-publishing potentially harmful documents, some of which may be “*confidential*”, to the owners to discredit an owner- candidate running for the Board. Note that these documents are sent to owners who have NO knowledge of the “backstory” for these documents, so they probably do not really understand them. That is the intended result.

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I have also heard about unfounded “rumors” being spread *verbally* to harm an owner-candidate’s reputation. (Character assassination) We all know that human nature is such that it is hard to remove a negative thought about someone once the idea has been planted. That too is the intended result.

*OMG – are we living in RUSSIA? What is going on here? Well, at least these NJ owners are not being shot or jailed like in Russia. They just have to live with their reputations being tarnished and then prevented from running for the Board.*



I have always felt that “the truth” will always win over lies. BUT what do we do in the meantime to counteract these “illegal” and/or unethical actions?

Some ideas:

- Respond to the community in “the same forum” as the LIE. Therefore, if a lie was published as a flyer, distribute a flyer. If it was on a blog, respond with your own blog entry. **BUT YOU MUST TELL THE TRUTH & have PROOF!** This is your 1<sup>st</sup> Amendment Right of Free *Political* Speech!
- Look up a “cease and desist” form letter on the internet and send it to the Board or person responsible. <https://www.rocketlawyer.com/form/cease-and-desist-letter.rl/#/>
- You can invoke your *NJ Condo Act* RIGHT of ADR (alternate dispute resolution) to address this lie/untruth.
- OR, you can contact an attorney (this will **cost** you) to file for harassment; slander and/or libel. <https://www.minclaw.com/new-jersey-defamation-law-state-guide/>

**\*\*\*NOTE: the CIHC does NOT endorse any of the above attorney firms. They are listed for your edification only. YOU must decide what you will do; and who YOU choose to represent you.**

I hope this trend can be nipped in the bud. It is very disturbing to hear how *low* some Board members go to KEEP THEIR POWER. That is why owners MUST be involved in the governance of their CIC. This involvement should include **OVERSIGHT** of the Board’s actions via the Board meetings: month to month and year to year AND by Election! **AND . . . Board members NEED TRAINING & State Oversight!**



**Maverick is still watching!**

**“Baaaaa! I am always watching”**

**Let’s join together as a powerful VOICE for DEMOCRACY in our CICs to make a difference!**

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The **CIHC** would like to acknowledge our **DONORS** in 2019. **Thank you** for your support!

**\*\*\*\*\* CIHC Booth will travel to YOU! \*\*\*\*\***

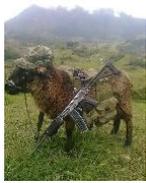
The **CIHC** would LOVE to come to *your* Community with our booth, our *message* AND our popular *takeaway boxes*.

We will come to answer questions and share what we have learned over the years. We are here to help NJ's CICs run smoothly. Owners and Board members are welcome!

We have already visited a good number of communities at Community Days or other events. But we want to reach **MORE** communities/owners! **YOU!**



Call Ellen at 732-873-3446 (after 9am) and schedule YOUR **CIHC** Visit to your Community today!



The **CIHC's REBEL** is here to help!

*"Baaaa, got your back!"*

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## The CIHC spotlights an Owner who WON!!

I just received a “one of a kind” phone call! Actually, the *second* in my many years of talking to abused CIC owners. **It is GREAT to hear about an owner getting a good result.**

This owner called to let me know that his actions against his Board for *misusing* funds and *not being transparent* with the financial records had prevailed! YEAH!

He had to “go the distance” and sue the Board President. The Board President used Association funds to pay for his defense. BUT with the records this owner was able to get, the Judge decided in his favor; that the Association funds were misappropriated and that the **Board President was found GUILTY of second degree “theft by deception”**. The Court also ordered mandatory annual external audits of the Association’s books. Good Job!



YOU can do it too! It takes determination, endurance and putting your fears aside. And the **CIHC** is here to support you!

**DISCLAIMER:** The **CIHC newsletter** is written by and for **NON-attorneys**. **We do NOT and cannot practice law or give legal advice.** We do provide ***information*** to aid NJ CIC owners when they have issues in their communities. We can and do support New Jersey’s CIC owners **and** Boards for a democratic experience and enhanced quality of life, for all, **in said communities.**

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We welcome contributions from NJ residents who share in the goals/mission of the C-IHC. We need funds for: maintenance of our website, postal mailings, flyer production & distribution, expenses for contacting legislators and others, travel, periodic meetings, speakers, etc. IF you share our Mission and Goals, please contribute. **We are a registered NJ 501(c)3 - not for profit organization.**

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Please print out this form & send your helpful Contribution to become a **CIHC Friend**:

**Common-Interest Homeowners Coalition,**  
Post Office Box 1511, Hightstown, NJ 08520.

**Contributing Categories:** (check off the appropriate blank)

- **Premium Contributor:** \$100 or more \_\_\_\_\_
- **Sustaining Contributor :** \$30 or more \_\_\_\_\_
- **Regular Contributor:** \$20 \_\_\_\_\_
- **Interested person/friend:** \$ \_\_\_\_\_

**THANK YOU!**

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Please **PRINT CLEARLY!** Enclosed is my check for \$ \_\_\_\_\_

Name \_\_\_\_\_

H-phone \_\_\_\_\_ W or C-phone \_\_\_\_\_

Email \_\_\_\_\_

Address \_\_\_\_\_

Town \_\_\_\_\_ Zip \_\_\_\_\_

Name of Assoc. \_\_\_\_\_

**THANK YOU** for your *(continued)* **SUPPORT!**

Your contact information will be held as **CONFIDENTIAL/ CIHC use ONLY.**