

The Independent Voice of NJ CIC Owners

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

SPRING 2018

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HOW to CONTACT

the CIHC: Call Ellen Vastola (*Current*

President) at 732-873-3446, 9 am til 9pm.

Editor: Ellen Vastola

*** NJ LEGISLATURE UPDATE! ***

Selected Bills of Interest . . .

A253 Prohibits conflict of interests by governing board members or management employees of homeowners' associations. *This is needed!*

The CIHC feels that this topic and Bill is long overdue. We have heard that these conflicts do exist in our communities. Many times it is innocent, but sometimes this tricky situation benefits the person w/ the conflict more than the CIC.

A1472 Revises time period at which unit owners assume control of homeowners' associations. YES – builders must relinquish control in a timely manner.

A2114 Concerns membership and management of homeowners associations. Yes, this Bill strengthens owner rights.

S2074 The "Owners' Rights and Obligations in Shared Ownership Communities Act." *The CIHC strongly supports this Bill.*

This Bill addresses many of the issues that owners experience in their CICs and the SCI Task Force Report recommendations - finally! Let's get this done already! Let New Jersey show the way for our Country on how to make this work for all owners!

Spring 2018: Message from the CIHC President, Ellen Vastola:

Hello Spring! We have waited for you for a loooong time! I hope we have a lovely, colorful Spring and ease into a warm and fun Summer. *Jersey Shore* here we come! Let's support our Shore communities w/ business AND have FUN too! AND summer is HERE! Oops, I am late.

Our CICs will need a lot of "spring clean-up" after all the heavy snow and broken trees. Spring is the time for your Boards to "walk the property" looking for issues that need to be addressed immediately. Health & safety (liability) issues are a top priority. Taking care of broken or damaged property in a timely manner costs LESS than waiting for it to become BIGGER and hence more expensive. Remember . . . "you can pay me a little now, or A LOT later" from a TV transmission ad. Of course, we want our common property to LOOK good too. Spring is the time for that. Check out the training or education of your Landscaper. Are they up to date on "green" and/or current landscaping methods? Are they using environmentally friendly "chemicals" on the plantings and lawn? And, power washing the siding – what chemicals are they using that soak into the ground and into the groundwater? All good questions. What questions do YOU have?

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Quotes Corner!

Experience hath shewn, that even under the best forms of government those entrusted with power have, in time, and by slow operations, perverted it into tyranny. **Thomas Jefferson**

Timid men prefer the calm of despotism to the tempestuous sea of liberty.
Thomas Jefferson

DON'T be Timid!

Ellen Vastola, CIHC President

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, to share experiences in person, 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”



(stand on my head?)

What do I have to DO to get MY Board to listen to me & understand my point of view?

(“taking a stand” for my rights and that of my neighbors – yes, we will do it together!)

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What is going on in New Jersey for CIC/CIRA owners Spring 2018:

Legislative UPDATE/ Bills to track! (selected Bills)

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This Bill addresses many of the issues that owners experience in their CICs and the SCI Task Force Report recommendations - finally! Let's get this done already! Let New Jersey show the way for our Country on how to make this work for all owners!

The CIHC selects a few Bills for you to think about and discuss with YOUR State Lawmakers.

Read the Bills, look at the "statement" at the end for a summary. Decide for yourself.

Remember, each Legislative Session is 2 years. At the end of that time, ALL Bills NOT acted upon "die". They would need to be introduced AGAIN at the next Legislative Session to be up for a vote.

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

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Revisiting the Radburn Law and is it being complied with in New Jersey's CICs?.

I was sooo happy when Gov. Christie signed the "Radburn Bill" into Law in July 2017! It was a long fought for statute that New Jersey CIC owners desperately needed.

I receive phone calls from all across New Jersey every week. The "horror" stories of abused owners at first horrifies me and then gets me angry.

How can this be happening in the United States where we hold and practice "democratic" values, including our local, State and National elections.

But along the way, these democratic principles were either forgotten or corrupted by people in "power" = CIC Board members.

The following is excerpted from the **Radburn Statute**:

C.45:22A-45.1

1.d. Because of the significant influence community associations have over the lives of their residents and because community associations are creatures of State law, it is unfair and runs contrary to American democratic values for these communities to be governed by trustees who are not elected in a fair and open manner;

1.f. Unit owners living in community associations should have the right to nominate candidates, run for, freely elect, and be elected to the executive boards that govern the communities; and...

C.45:22A-45.2 Executive board elections.

*6. a. An association shall hold executive board elections in accordance with the provisions of its governing documents, including validly-adopted executive board rules, that do not conflict with the provisions of this section. If such documents do not set a specific time or interval, the elections shall be held at two-year intervals. If an association has not held an election in compliance with its governing documents in two or more years, it shall hold an election within 90 days of the submission to any current executive board member of a petition signed by 25 or more percent of association members in good standing, but in no event less than the number of association members required to meet the quorum requirements set forth in the governing documents. **If an association has no executive board members and association members fail to act on petition or by majority, any association member or group thereof, at common expense and, upon written notice to all owners, may petition a court of competent jurisdiction for authority to act temporarily in the interests of the association and to organize and hold an election within 90 days of the date of the court order.** Any proxies used by an association must contain a prominent notice that use of the proxy is voluntary on the part of the granting owner, that it can be revoked at any time before the proxy holder casts a vote, and that absentee ballots are available. An association may not use proxies for an executive board member election without also making absentee ballots available.*

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b. An **association of a development with fewer than 50 units shall ensure an executive board election system that includes:** (1) the provision of election notice, (2) the provision of the ability to nominate and vote for any association member in good standing, (3) the provision of an opportunity to review any candidacy qualifications such that the owner is permitted to be a candidate for election to the board, (4) the provision of ready access to information on when and how to vote, and (5) **the counting of ballots and verification of eligibility to vote, all of which shall be conducted in a non-fraudulent manner.** Such association shall also be subject to the requirements of paragraphs (9) and (10) of subsection c. of this section.

(3) An association shall provide written notice to all association members no later than 30 days prior to the date for the mailing of the notice of the meeting set forth in paragraph (5) of this subsection that informs association members of the right to nominate themselves or other association members in good standing for candidacy to serve on the executive board.

(4) An association, subject to the exceptions under subsection f. of this section, shall not prohibit an association member in good standing from nominating himself or herself, or any other association member in good standing as a candidate for any membership position on the executive board, so long as the nomination is made prior to the mailing of ballots or proxies to the association members, which mailing shall occur no earlier than: (a) the day following the expiration of the time period within which candidates must be nominated, or (b) where no expiration date is set forth for nomination of candidates, then the business day prior to the mailing of the notice of the election, required pursuant to paragraph (5) of this subsection. The period for submitting nominations shall not be less than 14 days from the mailing of the request for nominations.

(5) An association shall provide association members written notice of an election by personal delivery, mail, or electronic means, no less than 14 nor more than 60 days prior to the meeting at which an election of executive board members is scheduled. This notice shall include a proxy ballot and an absentee ballot, unless prohibited by the bylaws, which ballots shall list in alphabetical order by last name the names of all candidates nominated pursuant to paragraph (4) of this subsection. In the case of mailing, the notice shall be effective when deposited in the mailbox with proper postage. The notice may only be sent by electronic means if either (a) the affected association member, or voting-eligible tenant where applicable, has agreed in writing to accept notice by electronic means; or (b) the governing documents permit electronic notices, provided another form of voting by absentee balloting or proxy voting is available.

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(6) An association shall use ballots, whether paper ballots or electronic ballots, that contain the names of all persons nominated as a candidate for the executive board. (See reference from LetterStream below regarding 2 envelope secret balloting)

C.45:22A-46 Bylaws; requirements; amendments.

4. The bylaws of the association, which shall initially be recorded with the master deed shall include, in addition to any other lawful provisions, the following:



*a. A requirement that **all meetings of the executive board, except conference or working sessions at which no binding votes are to be taken, shall be open to attendance by all association members, and voting-eligible tenants where applicable, and adequate notice of any such meeting shall be given to all association members, and voting-eligible tenants where applicable, in such manner as the bylaws shall prescribe;** except that the executive board may exclude or restrict attendance at those meetings, or portions of meetings, dealing with (1) any matter the disclosure of which would constitute an unwarranted invasion of individual privacy; (2) any pending or anticipated litigation or contract negotiations; (3) any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer, or (4) any matter involving the employment, promotion, discipline or dismissal of a specific officer or employee of the association. At each meeting required under this subsection to be open to all association members, and voting-eligible tenants where applicable, the participation of unit association members, and voting-eligible tenants where applicable, in the proceedings or the provision of a public comment session shall be at the discretion of the executive board, minutes of the proceedings shall be taken, and copies of those minutes shall be made available to all association members, and voting-eligible tenants where applicable, before the next open meeting.*

b. The method of calling meetings of association members, and voting-eligible tenants where applicable, the percentage of association members, and voting-eligible tenants where applicable, or voting rights required to make decisions and to constitute a quorum. The bylaws may, nevertheless, provide that an individual association member, and a voting-eligible tenant where applicable, may waive notice of meetings in writing, or may act by written agreement without meetings.

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Regarding amending the governing docs/By-Laws . . .

C.45:22A-46 Bylaws; requirements; amendments.

(5) An executive board shall not amend the bylaws of an association without a vote of the association members open to all association members, as provided in the association's bylaws, or where the bylaws provide for no method of their amendment by a vote of the association members, or only allow association members to amend the bylaws through a majority vote exceeding a two-thirds majority, then an association shall only amend the bylaws pursuant to paragraph (2) of this subsection, except an executive board may amend the bylaws under the following circumstances:

(a) to the extent necessary to render the bylaws consistent with State, federal or local law; or



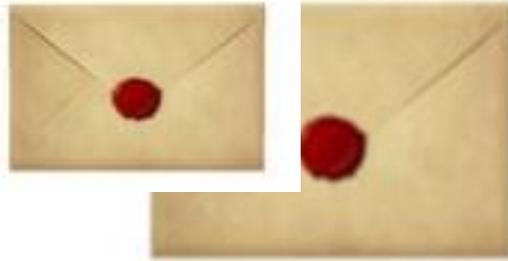
*(b) **after providing notice to all association members of the proposed amendment**, which notice shall include a ballot to reject the proposed amendment. Other than an amendment to render the bylaws consistent with State, federal, or local law, if at least 10 percent of association members vote to reject the amendment within 30 days of its mailing, the amendment shall be deemed defeated.*

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Another factor to consider is how & by whom the ballots are handled, from creation to delivery to the owner for voting, and then submission for counting . . .

The 2 envelope ballot method, from *LetterStream.com* :



Improve voter turnout with our new and improved ballot envelope! We have researched and improved our Secret Ballot Envelope in such a way to create a Best Practice solution for secret ballots and your next election. We've had a secret ballot envelope for quite some time and have worked with our customers to create a new version that accomplishes nearly every requirement of a secret ballot mailing.

A Secret Ballot Envelope is important to protect the identity of the voter. It is used in conjunction with a ballot and a #9 return envelope. The completed ballot is placed in a Secret Ballot Envelope (which is large enough to hold a folded 8.5" x 11" sheet of paper, but small enough to fit in a standard size return envelope) and sealed. Then the Secret Ballot Envelope gets placed in the #9 return envelope and gets mailed back to the management company. The management company can then open all the #9 envelopes and take the sealed ballot envelopes to the meeting for counting.

For those who need to keep track of which homeowners have returned their ballot or proxy, we have a simple option to add the homeowners mailing address and/or lot number to the return address area of the #9 envelope. This allows the HOA management companies to see who has voted, while not being able to see how they voted for the election.

There might be a few individuals who say "Ah, nobody cares how other people vote". Well, we might argue that anyone who says something like that has probably not served on a Homeowner Board or talked with their neighbors who don't vote out of fear that their vote might be held against them. We might also argue that the number of homeowners voting could improve when a secure and trustworthy process is followed.

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

The **CIHC** would like to acknowledge our **DONORS**
in 2018. **Thank you** for your support!

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Problem **solving** in your CIC: what is your **Board's** responsibility and what is your **Municipality's**?

Basic issues:

First, you **MUST** review YOUR governing documents to determine what your Community/Board can do, if anything, for each issue.

Then, research what municipal, county, State agency has jurisdiction, IF any.

- Noise – your municipality probably has a “nuisance noise level” and time restriction (in the evening through to early morning), call the Police Dept. Repetitive noise can be measured to determine IF it is harmful (Dept of Health - DOH). IF within normal waking period, talk to neighbor or Board.
- Litter/garbage – check your municipality codes for this. I have found in my Twp that “flyers” are considered “litter” and I needed to post my unit w/ a sign saying no to flyers. [I did it & it works!] Remember, flyers from within your community about community business are considered “political expression” and are protected under the 1st Amendment of Free Speech.
- Speeding – what are speed limits on YOUR streets vs on local streets? WHO posted the sign and therefore has the responsibility to enforce? Police or your Board?
- Trespassing – know the boundaries of your community. Does your Community have appropriate signage: NO Trespassing, NO Soliciting, NO littering, etc. IF it is posted - then your Community should enforce it, within local laws.
- Unwanted solicitation – see above.
- Rental issues: ie; short term renters. Your governing docs MAY have language about owners or rental agreements, including length of “lease or use”, ex. not less than 1 year. You can search AirBNB or other sites to see if units in your community are listed. Then talk to your Board for enforcement.



Maverick is still watching!

“Baaaaa! I am always watching”



AND, is joined by “new” recruit, **REBEL!**

“Baaaa, got your back!”

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CIHC attended the Cooperator Condo Expo 2018!

WOW, what a day! I had a lot of prep work to get ready for the Expo. I sent out email reminders, put together what I hope would be enough “takeaways”, wrote and printed out a “Board member” tips/info sheet. *Phew.*

The 2018 Expo had much MORE foot traffic than 2017 from my perspective. I don't know what the difference was (marketing, outreach, ?) but the attendance was great. Other vendors around me felt the same. It was worth it.

I was engaged in talking to Board members and others almost the whole time I was there. There were only a few minutes when I was NOT actively talking to someone.

The only downside was that our booth was moved from aisle 600 to aisle 200. What a surprise for me to come to set up AND not see a space for the CIHC at #634! I had to go to the front registration table to find out we had been moved to #226. But in retrospect, I felt it was a good location. Some CIHC callers who came to the Expo to see “us” became discouraged at not finding us at the advertised location; and others were annoyed that they had to look for us. BUT, they were glad when they found us! Me too.



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I gave away almost all of our “takeaways” (95%) and had good talks with owners AND some Board members. We put together a small, reusable container or snack box and include our business card and a small bag of treats. Near the end of the Expo, people were coming back for MORE! The picture below is NOT what we have (we had 3 types) but close, so you can get an idea.



NOTE: From the calls I get, I hear that Board members can be abusive and dictatorial. BUT, the Board members who spoke with me gave me a different point of view. They felt “attacked” or harassed by the owners who want everything their way. It takes 2 for a “fight” or disagreement. Both parties (Board members and owners) need to take “the high road” and remember that you live in an owner-governed community. Board decisions should be for the good of the Community; not for an individual. This thinking goes for owners too. Just because you WANT something your way, does not mean it is good for the entire Community. Put it in perspective; work with your Board. We ALL need to bring “balance” and compromise and critical thinking about the Community as a whole and not just our personal wants. We must address the “needs” of the Community and NOT the “WANTS” of individual owners or Board members. If we did this, I feel many of the disputes would just go away. Think about it.

So in conclusion, I had a good and tiring day. Part of that day was driving from New Brunswick to Secaucus. The morning drive was traffick-y, the afternoon drive was better until I got close to home, then it slowed. But, I had a safe round trip. I completed the follow-ups with emails to new contacts I made at the Expo. What a Day! The next Expo is in the Fall and I will be walking the aisles as an Owner. “Swag & seminars, here I come!

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The CIHC spotlights **_local/CIC community days !**

Spring is about over and Summer is around the corner . . . it is time for OUTDOOR EVENTS!

The CIHC wants to come to YOUR Community / CIC/ town with our "booth" and inform other owners about their rights! AND we have "takeaways" for the first 30 visitors/owners to our booth!



We also want to educate Board Members about their fiduciary duties to their neighbors/owners.

The CIHC is ready, willing and able to travel to YOU! We have the budget to pay a reasonable rental for clubhouse space, if needed.

Give us a call (732/873-3446; after 9am - 9pm) or email to: jazln17@hotmail.com. You **MUST** put "CIHC" in the subject line of your email.

Let the CIHC come educate owners & Board members.

We want our CICs to be harmonious for ALL.

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)4 - not for profit organization.**

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!

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.**