

The Independent Voice of NJ CIC Owners

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

WINTER 2019

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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

CIHC Website:
www.c-ihc.org

*** NJ LEGISLATURE UPDATE! ***

New Bills: to be found at . . .

<https://www.njleg.state.nj.us/bills/BillsBySubject.asp>

A3387 Requires personnel at gated communities and multi-unit complexes to allow service of process.

A4984 Requires owners of multiple dwellings with at least nine units to provide maintenance services 24 hours a day.

The CIHC supports these Bills. Please read for yourself and let your NJ Legislator know what you need!

Find YOUR NJ Legislator at :

<https://www.njleg.state.nj.us/members/legsearch.asp>

WINTER 2019: Message from the **CIHC** President, *Ellen Vastola*:

Welcome to another New Year for the CIHC and our New Jersey Communities! We wish you all health & happiness in 2019. AND, the CIHC is now **22 years old!** **WOW.** **We ALL owe a huge debt to the Founders of the CIHC.** They made the effort to create our organization to help CIC owners in NJ! And we will continue! Your support via donations and sharing info AND contacting your NJ Legislators in Trenton will help improve how we are governed in our Communities.



** Please note that we will now send out a **CIHC donor tax receipt letter for 2019.** Make sure your mailing address is legible and use this letter w/ your cancelled check for your 2019 taxes. **

Enjoy Winter 2019 and be safe out there!

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

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Quotes Corner!

Voter suppression anywhere hurts our democracy everywhere.

Jason Kander

Sadly, voter suppression is not a thing of the past.

Marc Veasey

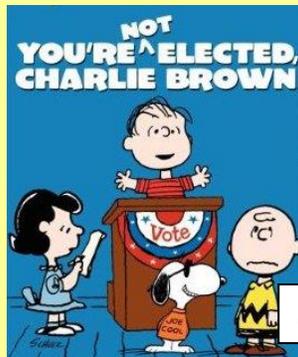
*Everybody knows there is no fineness or accuracy of **suppression**; if you hold down one thing, you hold down the adjoining.*

Saul Bellow

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”



A Questioning owner, aka: “troublemaker”.

Ahhhh, “my” CIC/HOA BOARD did not want this candidate! Ohhh, nooo! Not in good standing!

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What is going on in New Jersey for CIC/CIRA owners WINTER 2019:

Legislative UPDATE/ Bills to track! Keep an eye on these . . .

NJ Assembly:

[A2439](#)

Prohibits condominium associations from assessing insurance deductibles to individual unit owners or groups of unit owners.

[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.

[S2816](#)

Concerns membership and **management** of homeowners' associations.

NJ Senate:

[S2816](#)

Concerns membership and **management** of homeowners' associations.

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

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The 2018 CAI-NJ Cooperator Expo, October 18, 2018.

I attended the Condo Expo as a Board member/owner. The CIHC Board decided NOT to have a booth. I was disappointed since I LOVE talking to people, BUT I did enjoy walking the aisles. This gave me time to talk to vendors and to some CIHC callers who I have come to know.

First, the new venue was easy for me and within 1 hour drive time. I arrived late morning when NJ traffic was light. The parking was good and I was able to park my car away from the building since I still treat it like new and have yet to get the first “ding”. ☺

My check in was quick and then I needed to get a “ribbon” to attach to my hang-tag badge to identify that I was a volunteer (Board) leader. Then I got my “goody bag” with some information and progressed to the first of 2 rooms for the Expo.

Again, I was overwhelmed by the vastness of the room and many vendors. Ahhh, where to start? I always start at the beginning of a row on one side of the room and progress from there. It is good to think ahead about issues in your community so you can head towards those booths to ask the vendors/contractors some questions. I have gotten good info doing this that I then take back to my CIC Board. I like landscapers and pavers, among others, who increase my knowledge of those services.

Because of all the calls I receive, I decided to “question” the attorneys at the many attorney booths. I don’t think I spoke to all of them, but I did speak to a good many of them. I did NOT single out any particular law firms – it was random. I initially asked if they knew about “**RPC 1.13**”. *(Maverick was there too!)*



When they said they did not know it “off-hand”, I summarized it. “All” the law firms stated that they did, of course, comply with it!

“Really? Then why do I get calls from owners where I hear that the **Association**, or rather the **Board** Attorneys “protect” the Board’s abusive actions against their fellow owners? I just wanted to leave them (attorneys) with something to think about. We KNOW about RPC 1.13.

RPC 1.13. Organization as the Client

(a) A lawyer employed or retained to represent an organization represents the organization as distinct from its directors, officers, employees, members, shareholders or other constituents. For the purposes of RPC 4.2 and 4.3, however, the organization's lawyer shall be deemed to represent not only the organizational entity but also the members of its litigation control group. Members of the litigation control group shall be deemed to include current agents and employees responsible for, or significantly involved in, the determination of the organization's legal position in the matter whether or not in litigation, provided, however, that "significant involvement" requires involvement greater, and other than, the supplying of factual information or data respecting the matter. Former agents and employees who were members of the litigation control group shall presumptively be deemed to be represented in the matter by the organization's lawyer but may at any time disavow said representation.

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(b) If a lawyer for an organization knows that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a violation of a legal obligation to the organization, or a violation of law which reasonably might be imputed to the organization, and is likely to result in substantial injury to the organization, the lawyer shall proceed as is reasonably necessary in the best interest of the organization. In determining how to proceed, the lawyer shall give due consideration to the seriousness of the violation and its consequences, the scope and nature of the lawyer's representation, the responsibility in the organization and the apparent motivation of the person involved, the policies of the organization concerning such matters and any other relevant considerations. Any measures taken shall be designed to minimize disruption of the organization and the risk of revealing information relating to the representation to persons outside the organization.
. . .

I typically got, “hmmm. . . not sure what that particular rule is about”. Then when I defined it, (*summarizing it as Attorneys represent the good for the entire community and not just make the Board happy so they get paid*) they said yes, of course, they comply with it.

My purpose for asking this question is that I get too many calls from owners where I hear about “Board” attorneys ignoring governing documents and State Statutes, thus aiding the Boards in abusing owners. So, I thought a mini-refresher question was in order. I don’t know what they thought when I walked away, but . . . no daggers in my back - yet.

Rats, I missed the “free” lunch because I was too engrossed talking to vendors and CIHC callers. From what I saw, the food looked good.

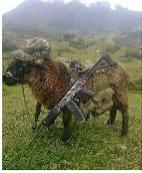
I ended the day tired and happy. I was able to collect several **Expo totes** to share with my Board President and another Board member. *Swag is good to share!* See you at the Condo Expos in 2019: Spring & Fall! **CIHC will again have a booth at the May 15, 2019 (Wednesday) NJ Cooperator Condo Expo at the Meadowlands Exposition Center, Secaucus, NJ. Come find us!**



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CIC Board Member TRAINING is not an option, it MUST be REQUIRED!



REBEL says: "Baaaa, we NEED "NJ DCA approved training" for Board members!"

With this in mind, I am copying the **NJ DCA Regulations on Open Board Meetings (N.J.A.C. 5:20-1.1; New Jersey Register, Vol. 49 No. 12, June 19, 2017)** for your edification (training).

New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 20. MEETINGS OF GOVERNING BOARDS OF ASSOCIATIONS OF CONDOMINIUMS AND OTHER PLANNED REAL

ESTATE DEVELOPMENTS > SUBCHAPTER 1. GENERAL GUIDELINES

§ 5:20-1.1 Open meetings

(a) If the by-laws of the association of a condominium or other planned real estate development provide that any of the powers and duties of the association be exercised through a governing board elected by the membership of the association, or through officers of the association responsible to and under the direction of such a governing board, **all meetings of that governing board, except conference or working sessions at which no binding votes are to be taken, shall be open to attendance of all unit owners.**

(b) The provisions of (a) above notwithstanding, the governing board may exclude or restrict attendance at those meetings, or portions of meetings, at which any of the following matters are to be discussed:

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.

(c) At each meeting required to be open to all unit owners, minutes of the proceedings shall be taken and copies of those minutes shall be made available to all unit owners before the next open meeting.

§ 5:20-1.2 Notice requirements

(a) The by-laws of any association of a condominium or other planned real estate development in which any of the powers and duties of the association are exercised through a governing board, or through officers responsible to and under the direction of a governing board, shall provide for the giving of adequate notice to unit owners of the time and place of all meetings required to be open to all unit owners.

(b) The "adequate notice" required by this section shall mean written notice, at least 48 hours in advance, giving the time, date, location and, to the extent known, the agenda of any regular, special, or rescheduled meeting, other than a conference or working session at which no binding votes are to be taken, which notice shall be:

1. Posted prominently in at least one place on the condominium property that is accessible at all times to all unit owners;
2. Mailed, telephoned, telegraphed, or hand delivered to at least two newspapers that have been designated by the governing board or by the association to receive such notices because they have the greatest likelihood of informing the greatest number of unit owners; and
3. Filed with the person responsible for administering the business office of the association.

(c) At least once each year, within seven days following the annual meeting of the association, the governing body shall post, and maintain posted throughout the year at the place or places at which notices are posted pursuant to (b)1 above, mail to the newspapers to which notices are sent pursuant to (b)2 above, and file

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with the person responsible for administering the business office of the association, a schedule of the regular meetings of the governing body to be held during the succeeding year.

1. Such schedule shall contain the location of each meeting, if known and the time and date of each meeting. In the event that such schedule is thereafter revised, the governing body, within seven days following the revision, shall post, mail and submit such revision in the manner set forth in this subsection.

2. If the location of a meeting is set forth in the schedule, additional notice of the meeting pursuant to (b) above shall not be required.

(d) In the event that a meeting of the governing body is required in order to deal with matters of such urgency and importance that delay for the purpose of providing 48 hours advance notice would be likely to result in substantial harm to the interests of the association, and provided that the meeting is limited to discussion or and acting with respect to such matters of urgency and importance, notice of the meeting shall be deemed to be adequate if it is provided as soon as possible following the calling of the meeting by posting, delivering and filing written notice of the meeting in the manner set forth in (b) above.

Interesting HUH?! This is LAW in New Jersey and yet many of our CIC's do NOT follow it! AND, then many of the CIC Boards in association with the Attorney still do not follow it. I wonder why?

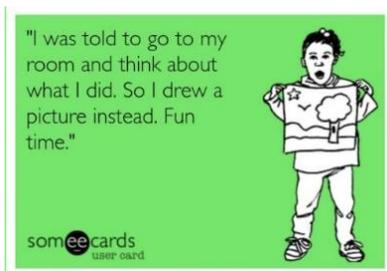
The **first thing I noticed** was: that ALL meetings of the Board are OPEN with certain exceptions (work sessions or conferences). Why does this NOT happen in many of our CICs? Why are the exceptions (work sessions) ABUSED to exclude owners? FYI – MY Board has open monthly meetings and only the Executive session is closed. We have not had to keep owners away.

Second item of note was: that under certain conditions owners may be barred from the meeting.

Third item of note was: that meeting minutes **MUST be taken** and made available BEFORE the next Board meeting. Why is it that some CIC owners can NOT see the meeting minutes before the next meeting OR that **NO minutes** are taken?

Fourth item of note was: about the schedule & posting of the Board meetings (monthly & annual). There needs to be a timely mailing AND a physical posting of the schedule on the property.

Lastly . . . I do NOT see any **CONSEQUENCES/Penalty** for any CIC Board member or Attorney or Property Manager for VIOLATING this State Statute. **WHAT are the consequences???** It is human nature to do what WE selfishly want, UNTIL there is a reason NOT TO. That is why we have LAWS. Humans are communal, social animals who need LAWS to “keep the peace”. Laws must have appropriate consequences or they mean nothing! Ahhhh, is this why the various Laws governing our CICs are **ignored** by abusive Boards and their “paid for hired help”? **NO Consequences!**



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

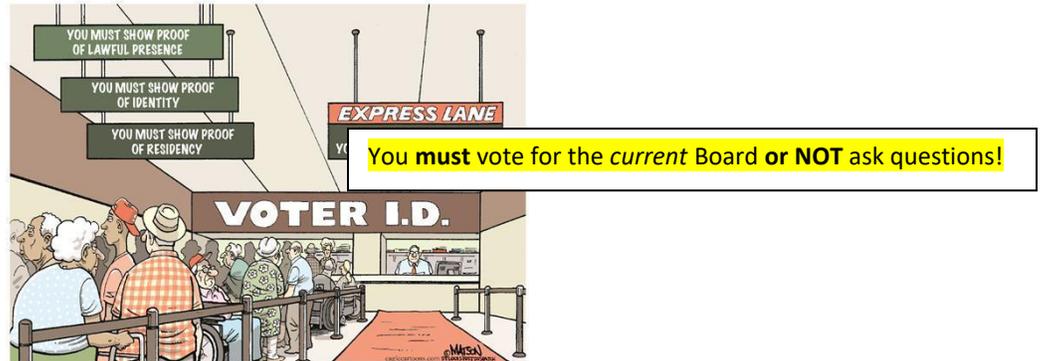
The **CIHC** would like to acknowledge our **DONORS** in 2018 -19. **Thank you** for your support!

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Voter Suppression is being practiced in New Jersey's **Common Interest Communities!**

Yes, you read it correctly. **VOTER SUPPRESSION!**



This thought just occurred to me when talking with a CIC caller who said this was happening in her CIC. I have been hearing about this kind of Board action for years – owners NOT allowed to vote in the Board election because they were not in “good standing” as members of the community. Many had no idea until right before the election, while others knew about their status and needed to address it = pay up. **REMEMBER** – you can **CHALLENGE** the Board if they say you cannot vote! USE your right to ADR. BE PREPARED! Have your letter for ADR with you! You are NOT in “bad-standing” until AFTER the ADR hearing decision has determined you are!

Now, from what I am hearing on the News after the “2018 mid-terms”, voter suppression is happening in many States. Then I made the connection to Voter Suppression to our CICs. (interesting huh?) It comes in different forms, but preventing specific people from voting is illegal and unethical. WE cannot allow Voter Suppression to happen in our CICs!

In NJ's CICs, I mainly hear about owner's being classified as delinquent, owing money (fees or fines). They are considered *NOT in good standing* = not allowed to vote. And then I just heard about a CIC where the Board gave the owner's 1 day to vote! The Board sent out the ballots and then arranged to have the ballots picked up 24 hours later! You were a **LUCKY** owner to even receive a ballot as NOT all owners got a ballot! Hmm, selective delivery of ballots & info and then collection. How about that for a NEW kind of voter suppression! The controlling Board, who does **NOT** want change, controls the timing, distribution and collection and counting of the ballots. Hmmm . . .

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I *naively* thought the *Radburn Law* would address the abuses in our community's elections. BUT, we now have to think about **more** than who is a "member" and Election Day procedures. We have to address who is a "member in **GOOD-STANDING**". And - who determines this? **The Board**, who could be unseated!

Years ago, I had a conversation with a respected, now retired, *Rutgers Law School Professor & CIHC friend*. We were discussing Elections and membership. He had me think about the following scenario: *in our CIC's it is common "practice" to NOT allow owners to vote IF they owe the Association/ Community money = not in good standing*. He stated that when we as *American citizens* go to the polls for Local/State/National Elections, it does not matter if we have not paid our taxes/fines. **We can still VOTE!** I was speechless. *<I know – hard to believe.>* But it got me thinking. It seems that our CICs *Governing Docs*, many of which are boiler-plated from a foundation document years ago, state this "**voter suppressive practice**" outright as a consequence of delinquency. Yes, it is used to get owners to pay their fees. **BUT it takes away their right to "be heard"**. This has been perpetuated ever since. It now seems to me that the Board is taking "control" of the Election BEFORE the ballots/votes are even mailed and tallied. The Board reviews the list of owners and then can "choose" who are the dissenters OR who wants change, and then they find a way to make them "**NOT in good standing**". Not very fair or *American* is it? **NOTE:** Our CIC's have been defined as "quasi-governmental" by the New Jersey Courts. Therefore, we should follow the *governmental* model!



We need to **excise** this practice of **Voter Suppression** from our CIC Election practices IMMEDIATELY! This could be done via an Amendment to the **2017 Radburn Law**. **OUTLAW Voter Suppression** via "owner in *good standing*". **OUTLAW all Voter Suppression!** It is **UN-American!** Let's examine ALL the procedural steps of our Elections and make sure that every owner can exercise their legal right of Voting! As you know, the best way to effect change in our CICs (any democracy) is to "*change the Board*". WE MUST do this the "right/ethical" way so "*WE, the people*", are represented and heard.

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The CIHC spotlights the NJ DCA BHP!



IF you are not aware of the **NJ Dept. of COMMUNITY Affairs, Bureau of Homeowner Protection** – you should be! We, in New Jersey, are lucky to have this Department & staff!

<https://www.nj.gov/dca/divisions/codes/offices/homeownerprotection.html>

This Department is composed *primarily* of dedicated and knowledgeable people who truly want to help NJ's CIC owners. SOME, not all, of the BHP's staff are attorneys. I, of course, have my personal favorite contacts there. ☺

I had intensive contact with this Bureau back in 2003-4 when I had issues in MY CIC. I was treated with professionalism, patience, knowledge and respect. Yes, you need patience to deal with *passionate* me. I am persistent and can be intense. But the BHP helped me a lot, as they continue to help callers to this day. And then the CIHC helped me a lot too, and I am still here! (*I hate abusive Boards = bullies!*)

These days, people still call the **DCA-BHP** and sometimes they are referred to the CIHC! I feel this works for many people. Note: lately, I have been getting calls from our website so I refer some of them to the **NJ DCA BHP**! ☺ The **DCA-BHP** can only help owners with the existing Laws in NJ, as written. The CIHC can and does do a lot of listening, and sometimes can help with ideas or other support that the **DCA BHP** is not mandated to give.

Always REMEMBER, that the **DCA BHP** is busy taking phone calls from many of the over 1.2 Million CIC owners in New Jersey. AND they also perform follow up investigations on complaints, research and composing official response letters. Remember, this is one busy, UNDER-STAFFED Department. I feel they need more staff and more Attorneys. I have always said that I would pay an additional \$1.00-5.00 in State taxes to fund This Department. WOW, with that budget think what they could do! **AND I have stated that I believe that this Dept & staff should be moved to CONSUMER AFFAIRS.** YES – the problems in our CICs are rooted in **MONEY** and Power! AND - We need strong **ENFORCEMENT!**

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. CIHC website: www.c-ihc.org

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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.**

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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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.**