

The Independent Voice of NJ CIC Owners

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

WINTER 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.

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!



WINTER 2018: Message from the **CIHC** President, *Ellen Vastola*;

Hi everyone, hope you are safe and warm as New Jersey is going through several "cold spells" and numerous snowfalls. For our CICs this means that our infrastructure must be in good condition to provide the necessary utilities to all owners and that "safety" must be a top priority. Look out for "slip, trip and fall" hazards – and then fix them ASAP. This will keep your insurance premiums from increasing due to claims. More storms coming . . .
OMG – *Spring* is officially here! But - we have **snow** from a "nor-easter", so the CIHC WINTER newsletter is right on time! (lol) Enjoy! Now I have to start the Spring newsletter!

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Quotes Corner!

In this day and age of OUR democratic principles being eroded, the following quotes from **George Orwell** come to mind (thank you Sen. Jeff Flake who quoted Orwell):

“If **liberty** means anything at all, it means the **right** to tell people what they do not want to hear.”

“The further a society drifts from the truth, the more it will hate those who speak it.”

[WE must not let this happen in *our* CICs. Keep speaking out. – editor.]

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”



Board member



Owner



Board member

“WHAT? I can’t ask any questions of my CIC Board? I elected them and they “govern” my community. They are accountable to ME (& other owners). I thought I lived in America!”

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What is going on in New Jersey for CIC/CIRA owners WINTER 2017:

Legislative UPDATE/ Bills to track! Our NJ Lawmakers have written some CIC owner helpful Bills. Contact them & your neighbors to get them passed!

NJ Assembly:

- A253** Prohibits conflict of interests by governing board members or management employees of homeowners' associations. *CIHC supports this!*
- A988** Requires condominium and homeowners' associations to provide information to federal home loan insurance providers at no cost to potential buyers. *Yes and has penalty for non-compliance!*
- 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.*
- A2114** Concerns membership and management of homeowners associations. *Yes, but still under DCA; need penalties.*
- 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. *Yes.*
- A2439** Prohibits condominium associations from assessing insurance deductibles to individual unit owners or groups of unit owners. *CIHC supports this.*
- 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.*

NJ Senate:

- S1154** Requires owners of multiple dwellings with at least nine units to provide maintenance services 24 hours a day. *Qualified Yes. What about smaller CICs?*
- 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. *Yes.*
- S2074** The "Owners' Rights and Obligations in Shared Ownership Communities Act." *The CIHC strongly supports this Bill.*

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

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QUESTION? Can a Board, via the Assn. Attorney, impose a late fee ON an existing late fee?

The CIHC reached out to our attorney “Friends” (*we are lucky to have them!*) to get their legal opinion of this “new” Board action. Here is what they said . . .

Attny 1: . . . *You cannot charge late fees on a late fee assessed. The late fee is charged on an assessed payment being late. The late fee assessed has no due date associated with it (therefore, editor) . . . it's a violation of public policy and is considered a “penalty” on a “penalty”.*

We do a lot of collection work and as was said the late fee is considered a penalty and to assess a late fee on a late fee would be punitive and a violation of liquidating damages.

Attny 2: *Late fees on late fees I believe case law under court rules restricts even judgments to interest on principal. In general I believe it is against public policy - even if an Assoc. put that in its Bylaws.*

Attny 3: *In my opinion a late fee may not be charged on a late fee. I would argue the Condominium Act does not permit it. Late fees may be charged on unpaid overdue assessments under N.J.S.A.46:8B-13, but do not become assessments themselves.*

So, there you have it . . . from 3 NJ Attorneys who are knowledgeable in CIC law and owners. A CIC Board assessing a late fee on a late fee is not legally valid. There are points of law to contest this.

What can you do? According to the NJ Condo Act, when the Board assesses a fine, they **MUST** offer ADR! Therefore, you can request, and be given, ADR to resolve the initial fine and the subsequent late fee(s).

**It seems we need to keep educating ourselves,
our CIC Boards and their Attorneys!**

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The **CIHC** would like to acknowledge our **DONORS**
in 2017. **Thank you** for your support!

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Revisiting the Radburn LAW!

From: <https://www.northjersey.com/story/news/new-jersey/2017/07/13/christie-signs-radburn-bill-democratize-elections-vetoes-others/477354001/>

Gov. Chris Christie signed a bill Thursday (July 2017) designed to ensure more open elections in Fair Lawn's *Radburn* neighborhood . . .

A years-long dispute has been raging in *Radburn* over who can run to serve on the nine-member board of trustees, which levies annual assessments, sets policies and controls architectural alterations. Until recently, most candidates for the board were vetted and potentially kept off the ballot by a small group of former and current trustees, a process that many residents viewed as secretive and undemocratic.

The new law, sponsored by **Sen. Bob Gordon, D-Fair Lawn**, allows any unit owner in *Radburn* to run to serve on the board. The legislation applies to all common-interest communities in New Jersey, such as condo associations and co-ops, but in practice affects only a few.

"The governor, along with every single member of the Assembly and the Senate, believes that homeowners should know how their dues are being spent and decisions should not be made behind closed doors," said Philip Plotch, a *Radburn* resident and vocal proponent for the legislation. *"Radburn is a wonderful place and these changes are going to make it much better."*

Not a single lawmaker voted against the measure, S-2492, as it made its way through the Legislature. ("yeah & well done", the editor.)



The Radburn Law also addresses other issues . . . more to come . . .

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The CIHC is now firmly (?) in the 21st Century! We realize that the owners in our Common Interest Communities (CICs) are of ALL DIFFERENT AGES! We need to consider each age group's needs and communication/tech levels.

New Jersey has many "age restricted" communities for retirees, typically along the Jersey Shore. We also have communities of *first-time* owners who usually are at the beginning of their careers. And then there are CIC buyers in "the middle" who have downsized or prefer all the amenities that CICs offer. So buying into a CIC is a smart investment and also develops the *owner mentality* of "pride of ownership" that they *may* take with them IF they move to larger or different homes.

The CIHC has become very aware that we need to reach a very age diverse audience. The "Millennials" are now the largest cohort of the general population and they are tech savvy – so the CIHC needs to "speak their language". With the help of one of our Board (*MT, thanks*) who is "tech savvy", we created a quick and easy way for you to access our website for our accumulated information and knowledge.

FYI: You will need a QR reader installed on your device. Visit the *Google Play store* or *Apple iTunes* to download a QR Reader for free. Scan our code with your phone or other device and you will immediately access our website, where you can stay informed on issues effecting CIC homeowners and reference archived issues of the newsletter.



We will formally "introduce" our "QR" (*quick response*) code at the **Cooperator Expo, May 2nd**. Our first use is adding it to the back of our business cards. More uses to come. . . .

PLEASE let us know of more *smart* ways to use our code AND any other means of communication that could help get "*our word*" out. **NOTE:** we will work on upgrading our website, as needed, and creating a *Facebook* page this Summer; wait for it

Thanks for your support, and see you at the Cooperator Expo! . . .

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2018 NJ COOPERATOR CONDO EXPO!

The CIHC will again have a booth (#634) at the *Yale Robbins* hosted “NJ Cooperator Condo Expo”. **Save the date and see you there!**

NOTE: A Yale Robbins rep stated that they are focusing on “Board members”. See below from their home page . . . (note: box & yellow from Editor)

New Jersey's Biggest & Best Condo, HOA & Apt Expo!

A must attend for all board members, property managers, condo & HOA decision makers and apartment building owners.

Learn about the latest services from more than 300 exhibitors. Attend educational seminars, network with your peers and get free advice from industry experts(**).

The CIHC takes exception to that. Board members come from the pool of CIC owners! Everyone owning a unit in a CIC *should* register to attend to be informed and educated. So, register to attend & inform your CIC Board members.

<https://nj-expo.com/Register.aspx>

SAVE THE DATE - - - - -

Wednesday, May 2, 2018 from 10:00AM to 4:00PM

[Meadowlands Exposition Center 355 Plaza Drive, Secaucus, NJ](#)

With this in mind, the CIHC will “modify” our booth & thinking (information and talking points) to be more attractive to Board members. We want to help them be BETTER Board members to better serve their community. Maybe sneak in some “training”? This is another approach to fix the problems in NJ’s CICs.

(**) AND, the **CIHC** will help staff the “question/answer” booth (1 hr. tbd) again this year. Come by to see US & ask some questions or share an update!

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The CIHC spotlights our *Attorney Friends**!!

How can I express my/the CIHC's gratitude to the knowledgeable and helpful friends who are also Attorneys! We are so very lucky to know and "work" with them to help the CIC owners of New Jersey.

I, personally, have learned so much and continue to learn every time we meet or communicate.

The *Pratt Grant* gives the CIHC more opportunities to absorb their legal knowledge and in turn share it with you. As you know, the CIHC Board members are **NOT** attorneys (this may soon change), but want to be of service. We have been in your shoes!

Our attorney friends make themselves available, as best they can, to us. They have their own work/legal practice to make a living, and yet they find the time to help US!

THANK YOU for your support, time & knowledge to help NJ's CIC owners!

We are forever in your debt!

(*) We have 4 attorneys that we call upon to review our information and ask to assist some abused owners. I hope to increase that number in the future. NOTE: we keep their identities confidential UNTIL we are given permission to share their contact info. Please do the same.

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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ANNOUNCEMENT!

**IF YOU CAN NOT ATTEND THE "COOPERATOR"
EXPO on May 2nd. . .**

THE **CIHC WILL BRING OUR BOOTH TO YOU!**

We have materials & takeaways (a small gift w/ our business card, for the FIRST 20-25 people) that we can bring to YOUR community!

- If you have a Clubhouse/meeting room – we can set up there. Just contact us to coordinate a day/time, make the reservation and we will come!
- If you do **NOT** have a Clubhouse/meeting room, look to your local library or other public space. The CIHC could, within reason, pay the rental fee to make it happen.
- We can come during the week OR on the weekends. Please consider NJ Traffic for us to come from central NJ/ New Brunswick area.



Let us know if there are any pressing issues and we will try to bring information to help you. We may also try to get guest speakers!

Contact the CIHC to arrange for us to come to YOUR Community! 732/873-3446

We can use an Indoor venue and when the weather is warmer, we can set up outside!

Reserve your day/time NOW!

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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!

NEW! _____ CHECK HERE if you **WANT** your donation to be publicly acknowledged in future newsletters by your first initial and last name.

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

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H-phone _____ W or C-phone _____

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Name of Assoc. _____

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

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