

Legislative Update

Courtesy CAI-NU.



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As each year draws to a close, we tend to look back over the year to review our accomplishments. At the same time, we look forward to the challenges and inevitable frustrations we will confront in the coming year. This is true for the Legislative Action Committee just as it is for all of us in our personal and professional years. This year, the LAC made significant strides towards several of our legislative initiatives and we now look to continue on that path in 2016 with the adoption of S2545, as well as the introduction and passage of several bills on topics of significant importance to our community associations.

S2545 will require lenders to expedite their foreclosures of vacant or abandoned properties. As most of us have seen, lenders are in no rush to foreclose upon these properties and will usually allow them to sit and deteriorate for years without anyone paying maintenance fees to the community association. The LAC was successful earlier this year in getting the bill amended to provide remedies to associations when lenders fail to adhere to the law. We are continuing our collaboration with the sponsors to fine-tune the bill. Under this bill with the LAC amendments, lenders would be required to avail themselves of an expedited foreclosure process designed to complete the process within 90 days. If they fail to do so, they could be obligated to pay the unit's maintenance fees to the association or consent to a rent receivership for the benefit of the association.

The LAC has also drafted nine (9) comprehensive bills designed to bring clarity and support to our industry on a broad range

of issues. After months of working with our friends in the Legislature as well as with our advisors at MBI-GluckShaw, the first of these bills, establishing uniform requirements for how elections are to be run, is expected to be introduced shortly either as a stand-alone bill or an amendment to existing legislation. Since governing documents are sometimes inconsistent or outdated, the bill to be introduced clarifies aspects of the election process such as quorums, the counting of votes, use of proxies, anonymous ballots, disqualification of owners from voting due to maintenance fee delinquencies, and the supervision of elections.

In addition to these bills, the LAC is continuing its efforts to see meaningful legislation adopted regarding the licensing or certification of property managers, and reform to the Municipal Services Act. Of course, the LAC will continue advocating against those bills which would be adverse to our interests, of which there were many in 2015.

CAI National Advocacy Summit

In October, the LAC sponsored a contingent of members to attend the CAI Advocacy Summit in Washington, D.C. to hone their advocacy skills and to engage directly with Senators, Congressmen, legislators and other governmental and political players. This year, the LAC sponsored LAC members Mike Pesce, Jennifer Loheac, Glen Masullo, and James Magid to attend the Summit, who took time out of their busy schedules to attend the well-received event.

The Summit was convened so that CAI representatives from across the nation would

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have an opportunity to engage in strategic conversation regarding federal and state legislative priorities; exchange information about technology resources for grassroots efforts, position statements, talking points and model legislation; and meet with members of Congress to provide them with information about important community association issues.

In addition to the programs organized by CAI, Representatives of the LAC also had the opportunity to meet with both Senator Corey Booker's and Senator Robert Menendez' staff, as well as with Congressman Rodney Freylinghuysen and Bill Pascrell and the staffs of Congressmen Leonard Lance and Steve Israel, to discuss the many issues facing our industry. A key priority issue discussed was CAI's opposition to H.R. 1301, entitled the Amateur Radio Parity Act, which would require associations to allow ham radio communications and installation of antennas in the property without regard to architectural review procedures. To remove an association's right to determine architectural guidelines with respect to such equipment on its own common property is a direct attack on the right of associations to govern the look and operation of their own communities.

Other issues discussed were CAI's support of Representative Steve Israel's legislation just recently introduced which would require FEMA to provide assistance to common interest communities damaged by a major disaster; and CAI's support of H.R. 3700, entitled the Housing Opportunity through Modernization Act, which seeks

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to make changes to the FHA condominium certification project regulations including a longer certification period and common sense approaches to reducing the burden and expenses to associations during recertification

The LAC looks forward to continuing its relationship with these representatives to address matters such as the Ham radio, FEMA and FHA issues, among others. We also encourage all CAI members to visit www.caionline.org/Advocacy/TakeAction to contact their representatives today on these important federal issues.

Jules Frankel

I close this column and this year with a tribute to Jules Frankel, a past president of CAI-NJ, and a long-time member of the LAC. Jules was a shareholder of Wilkin & Guttenplan PC and was someone we knew we could always count on to come through with a smile and a kind word. A fellow LAC member said it best: "Jules was such a gentleman and a gentle man."

Those of us who knew Jules know that one of his favorite expressions was "It's a beautiful thing." Jules always managed to recognize and bring beauty, respect and sensitivity to all that surrounded him. We will miss him deeply. ■



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