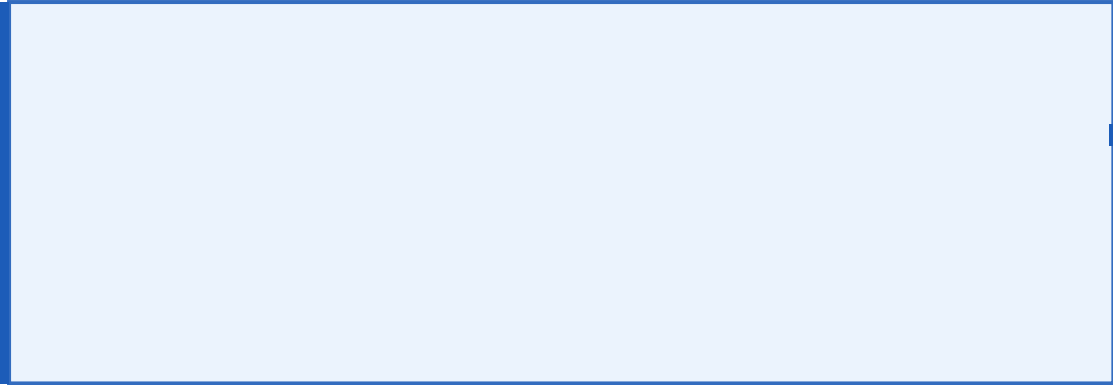




Section 5. - Sample Provision Excerpt (Public Preview)

The duties of the nominating committee shall be to (i) collect all nominations made by the membership for the open positions of Officers and/or Trustees of the Association in the years when they are to be elected, (ii) gain the consent of the nominees to be put forward as a candidate and (iii) present the consenting nominees to the Board of Trustees at...

ISSUE #1



MARKUP #1 ->

MARKUP #1 · MISSING STATUTORY DISPUTE RESOLUTION

BOARD & COUNSEL REVIEW

Sec. 5. (p. 3): Governing documents omit a mandatory Alternative Dispute Resolution (ADR) procedure for housing-related disputes as required by N.J.S.A. 46:8B-14(k) and N.J.S.A. 45:22A-44(c).

Statutory / Legal Reference: N.J.S.A. 45:22A-21 et seq. (PREDFDA); N.J.S.A. 45:22A-44(c); Bell Tower Condo. Ass'n v. Haffert, 423 N.J. Super. 507 (App. Div. 2012)

Statutory Comparison: Under N.J.S.A. 46:8B-14(k) (Condominium Act) and N.J.S.A. 45:22A-44(c) (PREDFDA), every association must provide a fair and efficient procedure for the resolution of housing-related disputes between individual unit owners and the association (or between unit owners) as a readily available alternative to litigation, and offering impartial ADR is a condition precedent to imposing fines.

CURRENT WORDING IN DOCUMENT:

The duties of the nominating committee shall be to (i) collect all nominations made by the membership for the open positions of Officers and/or Trustees of the Association in the years when they are to be elected, (ii) gain the consent of the nominees to be put forward as a candidate and (iii) present the consenting nominees to the Board of Trustees at...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to N.J.S.A. 46:8B-14(k) and N.J.S.A. 45:22A-44(c), the Association establishes a fair and efficient Alternative Dispute Resolution (ADR) procedure before a neutral evaluator or committee independent of the Executive Board for all housing-related...