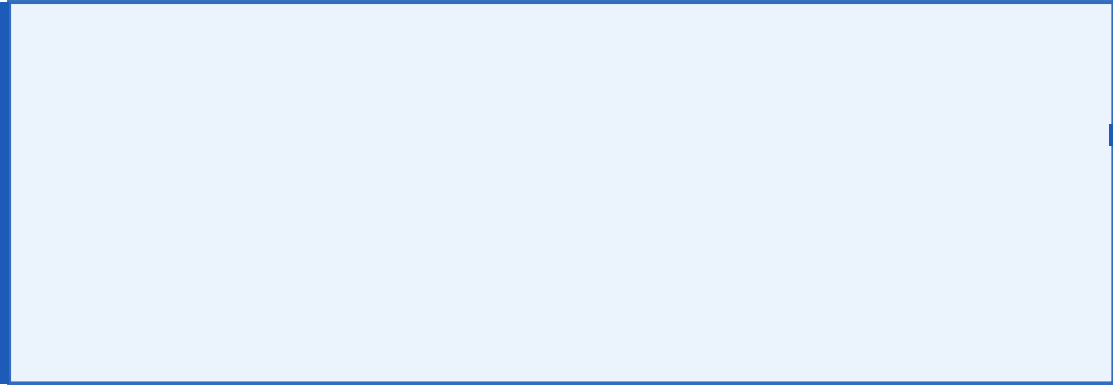


Section 4 - Sample Provision Excerpt (Public Preview)

Board of Directors

A. Responsibility of BOD: The BOD collectively shall be responsible for the management of the affairs of the OBVTA. Given that responsibility, the BOD will adopt Resolutions during meetings of the BOD pertaining to the management of the affairs of the OBVTA. A resolution can be, but does not have to be, labeled as such in the minutes of...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · MISSING STATUTORY DISPUTE RESOLUTION

BOARD & COUNSEL REVIEW

Sec. 4 (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:

Board of Directors A. Responsibility of BOD: The BOD collectively shall be responsible for the management of the affairs of the OBVTA. Given that responsibility, the BOD will adopt Resolutions during meetings of the BOD pertaining to the management of the affairs of the OBVTA. A resolution can be, but does not have to be, labeled as such in the minutes of...

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...