

Section 1 - Sample Provision Excerpt (Public Preview)

Establishment of membership

a. In order to be a member of the Pines Lake Association, (the "Association") a member must own or lease and claim eligibility through a specific parcel of real property within the confines of the Pines Lake community as defined in the Amendment of Certificate of Incorporation of Pines Lake Country Club and Community Association,...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · MISSING STATUTORY DISPUTE RESOLUTION

BOARD & COUNSEL REVIEW

Sec. 1 (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:

Establishment of membership a. In order to be a member of the Pines Lake Association, (the "Association") a member must own or lease and claim eligibility through a specific parcel of real property within the confines of the Pines Lake community as defined in the Amendment of Certificate of Incorporation of Pines Lake Country Club and Community Association,....

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...