

Section 4. - Sample Provision Excerpt (Public Preview)

In the event that dues and assessments have been paid by the seller at the time of the termination of his/her membership by sale of his/her lot or residential unit, any such buyer shall acquire the benefit of such paid-up dues and shall be entitled to the rights and privileges that shall flow therefrom, provided the buyer has executed a contract with TLA.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 4. (p. 3): Potential Issue for Review: Uploaded documents do not include 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) - look for this language in other governing documents, standalone board policies/resolutions, Rules & Regulations, or amendments that were not included in this review (and confirm any applicable statutory threshold).

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:

In the event that dues and assessments have been paid by the seller at the time of the termination of his/her membership by sale of his/her lot or residential unit, any such buyer shall acquire the benefit of such paid-up dues and shall be entitled to the rights and privileges that shall flow therefrom, provided the buyer has executed a contract with TLA.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: Pursuant to N.J.S.A. 46:8B-14(k) and N.J.S.A.