

Community Trends®

June 2024



Promoting Community Living to New Residents

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- **How to Entice Participation in Community Events**
- **Winning Alternative Dispute Resolution**
- **Do One Thing Better: Keep an Eye Out for Education Opportunities on Structural Integrity!**

NEW JERSEY CHAPTER
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THE CAI-NJ COMMUNITY TRENDS® MAGAZINE

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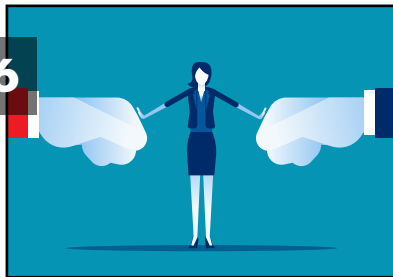
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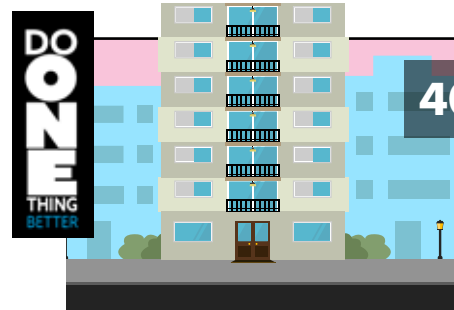
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Happy June, fellow CAI-NJ Members! Welcome to another edition of *Community Trends*®!

June happens to be my birthday month...a month that brings the official end of spring and start of the summer season, which is a big deal here in New Jersey! Whether it's trips "down the Shore", taking the kids to the boardwalk, county and state fairs, or weekends enjoying barbecues with family and friends, the transition from Spring to Summer is an annual re-birth focused on creating new memories and experiences.

What a fantastic segway into this month's issue of *Community Trends*®, which aims to provide important and useful guidance on transitioning into the new experience of community association living. Associations provide a fantastic environment for residents to raise a family, enjoy active adult living, and participate in community events, but come with some conditions that residents moving from single-family homes may not fully understand. Community associations function to provide a uniform aesthetic and community construct that protects property values and creates harmony for all owners.

"Over the last 20+ years working in community association management, I have enjoyed the evolution of brand-new residents learning the ropes..."

It requires that every resident follow the governing documents, rules and regulations, and engage is the concept of "community". New residents of planned-unit communities can benefit from resources like the articles contained in this month's issue of *Community Trends*® to help guide them through the experience of ownership in an association.

Over the last 20+ years working in community association management, I have enjoyed the evolution of brand-new residents learning the ropes, becoming involved in their community, and then taking on leadership roles within their associations. The sense of purpose and spirit of volunteerism that homeowner leaders bring to their communities is inspiring and is at the core of successful association governance. I encourage all new residents to get involved in their communities, keep an open mind, learn all you can, and support your association through volunteerism. CAI-NJ is a resource to help educate and provide resources to homeowner leaders looking to improve their associations. Whether it is training through our Board Leadership Development Workshops, Legislative Updates

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LOOKING AHEAD

ANGELA KAVANAUGH | CAI-NJ CHAPTER EXECUTIVE DIRECTOR

Happy Summer CAI-NJ members! It's also Conference season and we recently returned from the Annual CAI National Conference & Expo, hosted in Las Vegas, Nevada, where we enjoyed a full week of education and networking with the leaders of CAI chapters. I'm delighted to share that New Jersey was represented by over 50 members that traveled across the country to join us for the week. We had the pleasure to host a fun event at the Brewdog Brewery, bringing everyone together for an opportunity to connect.

A highlight of the week was the Awards Ceremony. The Distinguished Service Award was given to Mitch Frumkin, PE, RS as he was recognized for his service to CAI spanning more than three decades. In addition to his contribution to establishing the standards for reserve studies and serving on the task force for Building Inspections, he also served as CAI President, CAI-NJ President and President of Community Association Research. Please join us in recognizing Mitch as a leader in the industry and congratulating him on this well-deserved award!

The New Jersey chapter was selected to receive the Membership Engagement Award for the campaign, *Get Social with CAI-NJ*, for an extra-large chapter. I am so proud and appreciative of our members that contributed to the campaign's success.

Summer Events will bring us outdoors to enjoy this awesome season.

The F.A.S.T. Committee hosts two fundraising events every year. Since its inception in 2015 they have raised \$91,856.52, with 100% of the proceeds donated to Make-A-Wish New Jersey. Please join them as they work to meet their goal to raise over \$100,000 in total contributions.

- **CAI-NJ F.A.S.T. Olympics**, on July 10th, the first F.A.S.T. event of the year, with thirty-two teams competing in an adult field day to earn bragging rights for the fastest time, hosted at Thompson Park, Monroe Township.

- **CAI-NJ F.A.S.T. Kickball Tournament**, on September 26th. Join us for a fun day where you will be teamed up with members from mixed companies. It's an excellent opportunity to meet new members while raising money for a worthy cause, hosted at Mercer County Park, Princeton Junction.

CAI-NJ Leadership Summit, on July 16th Greenbriar Woodlands in Toms River. This will be an interactive discussion with a panel of industry leaders that will share their expert knowledge on issues affecting your community. Community association board members and managers are invited to attend.

"The New Jersey chapter was selected to receive the Membership Engagement Award for the campaign, Get Social with CAI-NJ, for an extra-large chapter."

CAI-NJ Ultimate Night Out, on August 15th, at the Jersey Shore BlueClaws Stadium in Lakewood. Community association board members and managers are invited to join our Ultimate Partners on the Party Deck, as they host an evening of baseball, buffet, and cocktails while networking with out Ultimate Partners.

CAI-NJ Annual Beach Party, September 12th. Reconnect with old friends and make new connections by joining over 650 New Jersey chapter members for the chapter's largest networking event of the year at Martell's Tiki Bar in Point Pleasant Beach.

CAI-NJ Annual Conference and Expo. We will be hosting the New Jersey chapter's Annual Conference and Expo at a new venue this year to allow for additional exhibitors and education. This will be the largest tradeshow

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2024 Events & Education



JUNE

- 11** **What to Expect from the Unexpected**
Virtual
- 12** **Community Conversations Live**
Virtual
- 18** **Dennis R. Casale Memorial Golf Outing**
Forsgate Country Club, Monroe Twp.
- 25** **New Member Open House**
CAI-NJ Headquarters, Freehold

JULY

- 10** **F.A.S.T. Olympics**
Thompson Park, Monroe Twp.
- 16** **Community Association Leadership Summit**
Greenbriar Woodlands

AUGUST

- 7** **Community Conversations Live**
Virtual
- 15** **Ultimate Event - Jersey Shore BlueClaws**
ShoreTown Ballpark, Lakewood

SEPTEMBER

- 12** **Beach Party**
Martell's Tiki Bar, Pt. Pleasant
- 25** **Wednesday Webinar - Complying with Radburn Practically & Realistically**
Virtual
- 26** **F.A.S.T. Kickball Tournament**
Mercer County Park, Princeton Junction

OCTOBER

- 1** **CA-PAC - 9 & Nosh**
Concordia Golf Club, Monroe Twp.
- 16** **Conference Kick-Off**
Sheraton, Edison
- 17** **Annual Conference & Expo**
New Jersey Convention & Exposition Center, Edison

NOVEMBER

- 6** **Community Conversations Live**
Virtual



Register for these and other events at www.cainj.org

All events are subject to change.

LEGISLATIVE UPDATE



MATTHEW Z. EARLE, ESQ.
KATES, NUSSMAN, ELLIS, FARHI & EARLE, LLP
LEGISLATIVE ACTION COMMITTEE CHAIR

In this update, I wanted to ensure that CAI-NJ's property management community is aware of two issues that will impact it directly. First, on April 23, 2024, the Federal Trade Commission issued a rule that bans all new "non-compete" agreements between an employer and an employee as of the rule's effective date which is September 4, 2024. The rule defines a non-compete agreement as a term or condition of employment that prohibits a worker from: (1) seeking employment within the United States with a different employer upon the conclusion of the current employment; or (2) from operating a competing business upon the conclusion of the current employment.

The rule further provides that as of September 4, 2024, any existing non-competes are invalid, except for those between the employer and a "senior executive." To be classified as a senior executive, the employee must earn at least \$151,164 and be in a "policy-making position." A "policy-making position" is defined as a president, CEO, or other officer of the employer that has authority to make company policy.

Essentially, the rule declares that it is illegal, unfair competition to enter into or attempt to enter a non-compete, to enforce or attempt to enforce a non-compete, or to represent that the employee is subject to a non-compete.

In addition, as of September 4, 2024, you must notify any employee who was previously subject to the non-compete clause that the employer is no longer subject to same

in writing sent via hand delivery, mail, email, or text message. The language for the required notice is set forth in the rule.

The only exception to the rule is for non-competes entered into in connection with the sale of a business.

Accordingly, while the rule is sure to be subject to a number of court challenges, employers who rely on non-compete agreements should take care to closely monitor same.

Essentially, the rule declares that it is illegal, unfair competition to enter into or attempt to enter a non-compete, to enforce or attempt to enforce a non-compete..."

Also, you should take care to comply with N.J.A.C. 13:8-1.3. This rule, among other things, mandates that all persons engaged in the management of residential real property, including rentals, condos, and co-ops, must display the official New Jersey Division of Civil Rights discrimination in housing poster in places easily visible to all residents. In addition, a copy of the poster must be provided to all residents annually, and upon the request of a resident. ■

Stay up-to-date on legislative issues at www.cainj.org.



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YOUR NJ-LAC & CA-PAC WORKING HARD PROTECTING THE INTERESTS OF COMMUNITY ASSOCIATIONS



Walk the halls of our capitol in Trenton and you see a lot of doors... doors to legislator's offices... doors to committee rooms... doors to the Assembly and Senate chambers. It takes a lot to get through those doors. You're not just invited in. You need a key. With a key you're taken seriously. With a key, you get things done.

THAT'S WHY CAI-NJ CARRIES THREE KEYS:

- **Your Legislative Action Committee (NJ-LAC):** Your key eyes, ears, legs and voice in the legislative process.
- **Your Political Action Committee (CA-PAC):** Your key contributions to support elected officials who aim to strengthen your community.
- **Your Professional Lobbyists:** Your key, full-time pros retained by the LAC who know government's ins and outs, advise us on who to see and when, and how to connect.

WHAT CAN YOU DO?:

- **Take Action – Your voice is key!** After meeting with elected officials and clarifying our position on pending legislation, we will alert you to the most crucial actions you can take. By calling or writing your officials, you ensure that your voice, and our agenda, is heard.
- **Give –** Your donations are key! Supporting the PAC with your donations shows legislators that you're serious, and that our cause counts.
- **Promote –** Your personal influence is key! Talk about CAI-NJ's legislative engagement in your community and business. Let fellow residents know that we're fighting for them and their communities!

The keys only work with your support.



CA-PAC
Community Association
Political Action Committee

Make your gift to the CA-PAC today!

CHAPTER TRENDS

Eiseman Construction Named GAF 3-Star President's Club Award Winner for Top-Tier Roofing Services

Eiseman Construction is pleased to announce that it again has been recognized as a GAF 3-Star President's Club Award Winner, the highest recognition contractors can receive within the manufacturer's Master Elite Program. The award is bestowed on the top 2 to 3 percent of contractors nationwide.

Contractors earn the President's Club designation through consistent, reliable service and high consumer ratings. GAF, North America's largest roofing manufacturer, presents this



award at a conference that features knowledge-sharing sessions, expert training, and several evenings of celebratory events. ■

For information and guidelines on submitting items for Chapter Trends, please contact brooke@cainj.org.

SAVE THE DATE

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**CAI-NJ
BEACH
Party**

THURSDAY, SEPTEMBER 14TH | 4:00PM TO 8:00PM
MARTELL'S TIKI BAR, PT. PLEASANT

MUST BE 21+ TO ATTEND. STAY TUNED FOR DETAILS! WWW.CAINJ.ORG

MASTER DEEDS, DECLARATIONS, AND BYLAWS: OH MY!

A Guide to Community Association Governance in New Jersey

By John S. Prisco, Esq., EBP
Becker



Living in a community association offers an array of benefits – well-maintained common areas, a sense of community, and shared amenities. However, a smooth-running community association relies on a strong foundation built upon a clear and documented framework called the “governing documents.” This framework, however, can be complex and downright overwhelming at times. The governing documents, which are generally voluminous and difficult to understand, encompass a range of individual documents, each playing a specific role in governing the community.

The three core documents — the master deed, declaration of covenants and restrictions, and bylaws — provide the essential structure. Additionally, rules and regulations established by the board of directors or trustees, translate the broader principles of the declaration,

master deed, and bylaws into more specific, actionable guidelines for everyday living. A community association wouldn’t be complete in New Jersey without a Public Offering Statement – a hefty marketing document that developers are required to register with the New Jersey Department of Community Affairs.

Understanding what these documents are and the distinctions between them is crucial for residents, tenants, and association managers. Residents and their tenants can ensure they are in compliance with the governing framework, avoiding the imposition of fines, and association managers can effectively enforce the rules and navigate any issues that may arise, confident in their understanding of the governing framework. By adhering to a well-defined structure and maintaining a public record of these critical documents, community associations in New

CONTINUES ON PAGE 16

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MASTER DEEDS...

from page 14.

Jersey can foster a harmonious and well-maintained living environment for all residents. The following is an overview of each of these documents and their key aspects:

Master Deed/Declaration of Covenants and Restrictions

The master deed is the foundational document that establishes the legal structure of a community association. (A declaration of covenants and restrictions, often referred to simply as the "declaration," is akin to a master deed and is typically found in homeowner association communities, whereas master deeds are typical for condominium associations.) It is filed with the county clerk's office where the community is located and outlines the physical boundaries of the property, including common areas, limited common elements or areas, and individual units/lots. The master deed also delineates, among other items, the ownership rights and responsibilities of unit owners or lot owners within the community, including the maintenance, repair, and replacement responsibilities of the association and unit owners. Through the recording of the master deed, a link is established for each piece of real estate within the community and the master deed, placing all future owners on notice of the restrictions of the property.

Purpose: Establishes the community as a condominium or planned development and defines the property rights and obligations of the association and unit owners. Provides notice

CONTINUES ON PAGE 18



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MASTER DEEDS...

from page 16.

through its recording to all future owners of the property restrictions.

Required Contents:

- If a condominium, a statement submitting the land to the New Jersey Condominium Act and must include the work "condominium."
- Detailed land survey, property description, description of common elements, limited common elements, and unit owner property.
- The proportional undivided interests in the common elements.
- Voting rights of unit owners.
- The method of amending or supplementing the master deed.
- The proportion or percentages and manner of sharing common expenses.
- The bylaws of the association.

Recording Requirements: The master deed/declaration must be recorded with the county clerk where the community is located, including all amendments.

The Bylaws

Bylaws are the internal rules and regulations that govern the day-to-day operations of the community association. They establish the structure and procedures for the association's board of directors or trustees, including rules for meetings, elections, and the decision-making processes. Bylaws also address issues such as assessments, budgeting, and the enforcement of rules and regulations. Unlike the master deed or declaration, which focus on property use and restrictions, the bylaws primarily govern the internal affairs of the association.

Purpose: Govern the administration and operation of the association, including board and membership meetings, voting procedures, elections, and duties of the board.

Required Contents:

- The form of the association.
- The titles of officers and governing board of the asso-

CONTINUES ON PAGE 20

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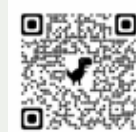
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MASTER DEEDS...

from page 18.

ciation, including powers, duties, and manner of selection.

- Meeting, quorum, and voting requirements.
- The manner of collecting from association members their respective share of common expenses.
- The method the bylaws may be amended.

Recording Requirements: Bylaws must be filed along with the Master Deed. Amendments to bylaws must be filed with the county clerk.

Rules and Regulations

The “Rules and Regulations” are additional guidelines and restrictions that may be established by the association’s board of directors or trustees to address specific issues or concerns within the community. These rules are typically more detailed than those outlined in the master deed or declaration and may cover topics such as pet policies, parking regulations, noise restrictions, and recreational facility usage. Rules and regulations are designed to promote the health, safety, and welfare of the community and are enforced by the association’s board of directors. The authority for the rules and regulations stems from the powers granted to the board of directors or trustees by the master deed or declaration and the bylaws of the association.

Purpose: Set forth rules, restrictions, and procedures for residents to follow regarding the use of units, common areas, amenities, and the community

CONTINUES ON PAGE 22

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MASTER DEEDS...

from page 20.

in general. Promote the health, safety, and welfare of residents and protect property values within the community.

Required Contents: Must comply with the master deed/declaration and bylaws.

Recording Requirements: Not required to be recorded. Subsequent changes by the association do not need to be recorded but must be properly noticed and maintained as part of the official records.

Public Offering Statement

The public offering statement is a marketing document provided to the initial prospective buyers of units or lots by the developer of a community association. It is required by law in New Jersey and serves as a disclosure document that provides important information about the association, the surrounding community, the association's governing documents, financial status, and any potential risks or liabilities, including whether the property was environmentally remediated. The public offering statement helps buyers make informed deci-

sions about purchasing property within the community and ensures transparency in the real estate transaction process.

Purpose: Provides full disclosure of the project details, finances, governance, rules, and risks to potential buyers. Allows buyers to review and understand what they are purchasing and the associated obligations. Protects buyers by mandating transparency from the developer/declarant.

Required Contents:

- Description of the property, units, common areas, and amenities to be offered.
- Copies of the master deed, declaration, and bylaws.
- Description of management services including a copy of the contract.
- Financial information — budgets, fees, assessments, reserves.
- Terms of any encumbrances, easements, liens, etc.
- Legal rights and cancellation periods for buyers.

Recording Requirements: This document is not recorded with the county clerk where the property is located but

CONTINUES ON PAGE 45



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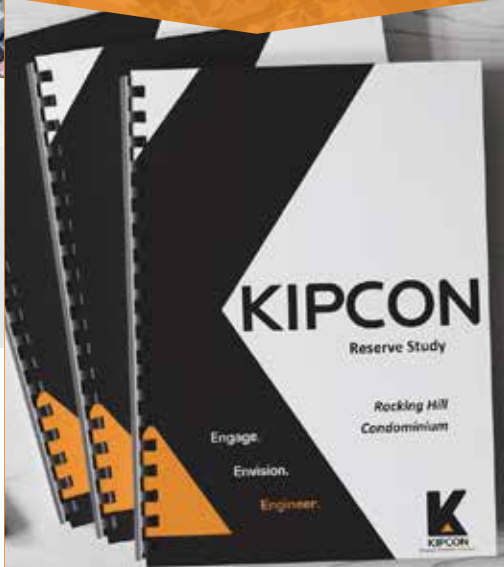


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How to **ENTICE PARTICIPATION** in Community Associations

By Erin Skevakis,
Lifestyle Director, Four Seasons at Harbor Bay
Associa® Community Management Corporation of New Jersey, AAMC



As COVID-19 recedes into the rearview mirror, it's time to re-engage residents in community activities. This can be challenging at times, especially in active communities where residents work and participate in outside events. Here are several effective strategies to boost attendance at social and instructional events:

Utilizing Technology

- **E-blasts:** The primary method for keeping residents informed. Send out "Save-The-Date" flyers a couple of months in advance to put the event on residents' radar. Follow up with engaging emails as the event approaches. Catchy subject lines and email bodies are a great way to engage the residents and to encourage sign-ups. It makes them want to open the email and read what else is inside.

- **Virtual Kiosk:** Possible installation of one located in the clubhouse lobby. This slideshow platform can keep residents informed about upcoming events and allows access to the community calendar. It is recommended to ensure that it is always up to date.
- **Community Website:** A dedicated section on the homepage providing links to event flyers and the calendar. This allows residents to easily find information about upcoming events.
- **Sign Up Book:** Having a carousel with slots for event sign-ups may be helpful for residents. You may have one, scheduled in-person sign-up a day at the clubhouse. After that, the sign-up book can be left in the carousel for a specified period, allowing residents to sign up at their convenience. Many residents appreciate the opportunity to pick up the book and see the flyers in person.

CONTINUES ON PAGE 30

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Contact Brooke Stoppiglio-Ne vins:
 Phone: (609) 588-0030
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ENTICE PARTICIPATION...

from page 28.

Innovative Event Planning

- **Fresh Ideas:** Regularly introduce new themes, menus, or entertainment to keep events exciting. Residents appreciate variety and are more likely to attend events that offer something different.
- **Collaborative Promotion:** Encourage teamwork among residents to promote each other's events. For example, one club or committee can collaborate or help promote each other's events.

Strategic Event Scheduling

- **Calendar Management:** It is important to avoid scheduling too many events close together, especially high-ticket ones. This ensures residents on fixed incomes can participate without feeling financially strained. This is why it is important to manage the calendar and work as a team with the committees and clubs.

Inclusive Events

- **Family Involvement:** Host events that allow residents to include their families. This not only boosts attendance but also strengthens community bonds. When you get the community involved in the planning process, it makes them want to witness the outcome of parties and events.

CONTINUES ON PAGE 32



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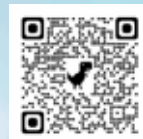
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ENTICE PARTICIPATION...

from page 30.

Resident Engagement

- **Personal Connections:** Get to know residents' interests and plan events accordingly. For instance, organizing a lecture by a local baseball author for sports enthusiasts can lead to great turnout and appreciation.
- **Surveys:** Periodically send out surveys to gather feedback on what residents want. This makes them feel heard and increases their investment in attending events.

Continuous Improvement

- **Event Evaluation:** Look for new and exciting ways to engage residents. Into the summer months you can plan outdoor events and classes to take advantage of the season and the increased foot traffic at the clubhouse pool.

By implementing these strategies, community associations can successfully re-engage residents in social and instructional activities. Leveraging technology, planning innovative events, and fostering personal connections are key to boosting participation. Managing the event calendar strategical-



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"Into the summer months you can plan outdoor events and classes to take advantage of the season..."

ly and encouraging family involvement further strengthen community bonds. Continuously seeking feedback and exploring fresh ideas will keep the community dynamic and vibrant. As we move into the summer season, these efforts will ensure a busy and exciting schedule of outdoor events and classes, bringing renewed energy and enthusiasm to the community. ■



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Winning Alternative Dispute Resolution

By David Merritt, Esq.
McGovern Legal Services, LLC



“Associations must provide and participate in ADR – and pay for it via the common assessments...”

Alternative Dispute Resolution (ADR) can be an excellent resource for community association disputes. ADR offers options for resolving conflicts without resorting to the court system. The ideal scenario involves quick, cost-effective resolutions where both parties feel heard and validated. However, it's essential to recognize and navigate the potential challenges that can arise in providing ADR. Successfully navigating those challenges means resolving the dispute while also minimizing unnecessary expense to the association and membership. To get the best results, associations must start by selecting the form and venue for ADR that is best tailored to each dispute.

ADR falls into three forms:

• Mediation

Mediation is the most popular form of ADR because it's the most accessible form of ADR. Mediators do not “decide” the dispute – they principally act as a go-between

to minimize ego and emotions and help the parties reach an agreement. Mediation only resolves the dispute if the parties reach an agreement. While mediators may provide insight and recommendations, communications with the mediator are generally inadmissible and irrelevant to any subsequent litigation. All this means that mediation is the lowest pressure form of ADR, making it the default choice for most disputes.

• Binding Arbitration

Binding arbitration is the highest-pressure form of ADR. Each party presents their evidence and arguments to an arbitrator or panel of arbitrators. The arbitrator renders a decision. The arbitrator's decision is final – and with very limited exceptions, our Courts will not overturn or even consider a challenge to the decision. If the arbitrator awards relief to either party, the winning party can use the Courts to enforce and collect the award. Binding arbitration is a

great option if both parties are willing to cede authority to the arbitrator and prioritize a quick decision. It is the least popular form of ADR, but provided both parties cooperate with the arbitrator, it is the most efficient way to end a dispute.

• **Non-Binding Arbitration**

In non-binding arbitration, the arbitrator’s decision has no legal effect unless, after reviewing the decision, the parties agree to accept the outcome. However, the arbitrator’s opinion may have a significant social and political impact. An adverse decision, combined with the time and expense of ADR, will often drain a party’s willingness to spend more money on the issue and effectively end the dispute. Trustees, in particular, may find it difficult to justify further expenditure of association funds on a dispute in the face of a persuasive decision against the association, and they may face backlash from their neighbors if they don’t accept the arbitrator’s decision.

Be careful to confirm your expectations with the mediator or arbitrator in advance - mediators may unexpectedly convert a mediation into a non-binding arbitration by issuing written findings or settlement recommendations at the end of an unsuccessful mediation. While this can resolve the dispute, it can also be abused if an adverse opinion is circulated to the membership. Associations should be clear, in advance, about whether or not the mediator is going to issue findings or an opinion.

In addition to the different forms of ADR, there are numerous venues available:

CONTINUES ON PAGE 38

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ADR...

from page 37.

• **CAI Mediation**

CAI-NJ offers a flat fee mediation service, currently a \$400 fee to member associations for up to two hours of mediation. New associations can register for an annual membership for \$305 per year. CAI mediators are typically industry attorneys, senior property managers, or experienced former trustees with no prior connection to the community. This is typically the most cost-effective way to satisfy an association's obligation to provide ADR.

• **ADR Committees**

Many governing documents call for an ADR Committee formed from volunteers in the community. A committee of impartial volunteers knowledgeable



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about the community is great in premise. However ADR Committees are typically only sustainable in large senior communities where volunteers have enough spare time to train and conduct ADR and where disputes are frequent enough to keep the volunteers involved. Forming and properly training an ADR committee can easily take a month and involve significant expense, and scheduling a hearing with combative parties can then take a year or more if either of the parties intentionally delays or undermines the process. ADR Committees are not suited for communities that only need to provide ADR once or twice a year.

- **Property Management Programs**

Your property manager may provide ADR services or may staff an ADR panel from residents of their other communities. If those programs are available to your community and the parties are willing to participate, then take advantage of the in-house resources covered by your management agreement.

- **Industry Attorneys**

A number of attorneys in our industry will serve as medi-

ators or arbitrators for either a flat fee or an hourly rate. An experienced attorney provides the added benefit of understanding how a lawsuit is likely to play out if ADR is unsuccessful, and they will not be steamrolled by the parties' attorneys. Attorneys may also be available to address emergent matters on short notice and extend the ADR beyond the normal two-hour session. Most importantly, attorneys can provide binding arbitration.

- **Retired Judges**

For matters likely to decline into litigation, a retired judge may be necessary. Judges will command a higher fee than attorneys but provide more authoritative experience. More importantly, there is no question that our courts will respect the adequacy of an ADR conducted by a retired judge if the unit owner is inclined to accuse the association of sabotaging the ADR process.

- **AAA Arbitration**

Some bylaws require AAA arbitration, but currently, the American Arbitration Association is NOT accepting community association disputes.

CONTINUES ON PAGE 48

COMMUNITY ASSOCIATION
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Keep an Eye Out for Education Opportunities on Structural Integrity!

By Michael Mezzo, CPA,
WilkinGuttenplan

One of the most talked about topics impacting the industry in 2024 has been the Structural Integrity Law (S2760), passed in January 2024. As with all new legislation, gaining a thorough understanding of the “ins and outs” of the law will be essential to successfully implementing the new law for each specific community. More than ever, boards and managers will need to rely on the guidance of their trusted professionals. If your community has not already discussed the impacts of this legislation, then you should make it a priority in the coming months! Although the law was approved in January 2024, communities will be given a one-year grace period to take the necessary actions needed to be in compliance with the new law. As such, the clock is already ticking!

Many professional organizations (law firms, engineering firms, CPA firms, etc.) have hosted webinars and/or written articles to inform the industry of the impacts of the newly approved legislation. Be sure to ask your professionals for any such resources, and regularly check their websites and social media accounts for any new information that may be released. In addition, CAI’s Legislative Action Committee (“LAC”) also serves as a great resource for information on the new law. LAC is planning to issue an update later this year, which will likely contain information on the implementation of the new law. In addition, LAC will also lead the September 2024 issue of *Community Trends*[®], so be on the lookout for additional articles on the matter in September’s issue as well! These updates will likely be very helpful as many communities will have had time to digest and implement certain aspects of the law, which will allow for some updated guidance on best practices.

The key to a successful implementation of the new legislation will be education! Many resources have already been made available, with many more to come! Be sure to regularly check the sources noted above for new information to ensure your community is informed! ■

“The key to a successful implementation of the new legislation will be education!”

WHAT TO EXPECT FROM THE UNEXPECTED

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CREDITS



June 11, 2024



11:00am - 1:00pm



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Servpro Team
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Eric Eggert, CIC, CIRMS
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MANAGEMENT TRENDS

Welcome Home!

By Chuck Graziano, PCAM,
Wilkin Management Group, Inc., AAMC

If you're new to community association living, thinking about moving into a community association, or even if you've been part of one for a while...Welcome Home. Know that like everything new in life, there's lots to learn and to be aware of, but you are not alone!

According to the Foundation for Community Association Research, last year (2023), 84 percent of homes sold in the US were in communities! If that doesn't sound astounding enough, 30 percent of all Americans call home in one of 365,000 community associations (7,150 associations providing homes to 1,485,000 people in New Jersey).

There are obvious attractions to community association living: Amenities such as pools, tennis courts, clubhouses, etc., being able to give up your lawnmower and snow shovel, and perhaps the social aspect of community living. Along with these benefits comes a structure that sometimes eludes prospective buyers, and this structure is what makes a community the kind of place you want to call home! Consider the following:

Rules and Restrictions: While most communities try to keep the restrictions placed on owners limited and reasonable, the fundamental structure was already set up in your Master Deed, Declarations, or Proprietary Lease before construction began. Oftentimes, rules will be adopted to clarify these initial governing documents. If you're on a board, are you able to identify how you make new owners aware of the rules? If you're a new owner (or considering the possibility), remember that old expression, ignorance of the law is no excuse! Review the rules and know what's expected and how you're protected.

Community Engagement: Communities need volunteers. Nationally, 100,400,000 hours of volunteer time per year goes into making your home the kind of place you look forward to coming back to each day. Get involved and join a committee and consider taking part as a board member. These are ways where owners can make a real difference in the operations and culture of the community.



Ludmila Chernetskai/Stock/Getty Images Plus

"...this structure is what makes a community the kind of place you want to call home!"

Fiscal Responsibility: Maintenance fees are a part of community living. A full package of insurance to protect your association (and the building you live in) is a significant expense. Maintenance of the grounds, clearance of snow, management of the pool...well, you get the picture. A solid budget to support all services and a good maintenance program will cost you a bit each month but the quality of the program will not only keep your community purring along but will protect (and enhance) the value of (possibly) your biggest investment. Stay abreast of the status of your community's finances, and participate where you can to keep the community fiscally solid.

Do your due diligence before selecting your community if you haven't yet done so. If you have, continue to be aware of what's going on and volunteer just a small amount of your time to ensure the community continues to be what attracted you to it in the first place. With the trend being what it is, in all likelihood, there's a community association in your future! ■

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MASTER DEEDS...

from page 22.

is submitted and must be registered with the New Jersey Department of Community Affairs, including any proposed changes or amendments to the Public Offering Statement.

Not only is understanding the purpose and substance of the governing documents important but how these documents interact with each other is critical. Though each document furthers the operation and management of the community, they do not stand on equal footing. In terms of the hierarchy of the governing documents, first, above all else, federal and state laws and statutes control, followed by the recorded map plat, master deed/declaration, bylaws, and finally, the rules and regulations. For instance, if

there is a conflict between the rules and regulations and the master deed, the master deed's provision will control. Conversely, if there is a conflict between a state statute and the master deed, the master deed must give way to the state statute.

Living in a community association offers a multitude of benefits, conveniences, and luxuries, but it also comes with responsibilities outlined in the gov-

erning documents. By understanding the distinctions between the master deed/declaration, bylaws, and rules and regulations, residents and association managers can work together to ensure a smooth-running and harmonious community. Ultimately, a well-informed community and a well-managed framework of governing documents create a foundation for a thriving community association. ■



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For questions, contact Robin Surgent, Director, Membership Development at Robin@cainj.org or (609) 588-0030.

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CAI-NJ encourages interested persons to submit articles for consideration by the Editorial Committee. Publication in *Community Trends®* is a wonderful opportunity to write about an issue relevant to community associations, and the Editorial Committee will carefully review all submissions. When an article is published, the opinion of the author and accuracy of the facts presented in the article are not specifically endorsed by either CAI-NJ or the Editorial Committee. Neither CAI-NJ nor *Community Trends®* guarantees a placement of any submitted article, and any article can be rejected for any reason at any time by the Editorial Committee or CAI-NJ. All articles should be written in the third person.

The submission of an article by an author implies that the article is the original work of the submitting author, and the submitted article has also not been published in any other publication or on-line previously. Authors found to be in violation of these policies can be subject to discipline by the CAI-NJ Board of Directors, which may levy penalties including the following:

- A. Temporary or permanent ineligibility from authoring articles for *Community Trends®*;
- B. Temporary or permanent ineligibility for membership on CAI-NJ Committees and Work Groups;
- C. Referral to CAI National for review and possible further sanctions; and/or,
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Community Trends®,
Drew Podolski, Esq.,
Editorial Chair

For past editions from 2017-2021
visit www.cainj.org.

ADR...

from page 39.

Your bylaws may dictate both the form and venue for ADR – for example, they may require non-binding arbitration by an ADR Committee before a lawsuit is filed, or they may mandate binding AAA arbitration. If a unit owner insists on an ADR Committee, then you may have to demonstrate that there are no willing volunteers for the committee. If the bylaws call for AAA Arbitration, then you will need to negotiate an acceptable alternative before you even start the ADR process. Speak to your general counsel about amending the bylaws before a dispute arises to ensure your association has the discretion to pick the best form and venue for your next ADR. ■

CAI-NJ ADR Mediation Program

CAI-NJ is proud to offer our Alternative Dispute Resolution (ADR) – Mediation Program to our members as an exclusive benefit. Community Associations are required by state law to offer homeowners a "fair and efficient" solution, outside of litigation. This simple program is designed as quick and affordable alternative to the traditional justice system.



Now, more than ever, community associations need a quicker, more affordable way to solve their disputes.

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What is ADR?

The CAI-NJ ADR-Mediation Program is designed as an alternative to the traditional justice system. It includes negotiation and mediation with a third party. This service is offered to parties who live or work in community associations. Community associations are required by state law to offer homeowners a "fair and efficient" alternative to litigation.

How does ADR work?

ADR involves a mediation conference where the disputing parties meet with a mediator on a voluntary basis to talk about the problem and attempt to reach an agreement. The mediator is selected by CAI-NJ and assists the parties in arriving at a solution but does not impose a decision. The mediator helps the parties look at all aspects of the issues and explore what may be acceptable to both parties as a resolution.

What are the benefits of ADR through CAI-NJ?

The CAI-NJ ADR Program will most likely be less expensive than the normal judicial process because it is a one-time fee rather than court costs and undetermined legal fees. Also, mediation is a confidential process unlike court cases that are adjudicated in public session. Many mediated disputes only require one session to resolve, and those sessions can be scheduled quickly. A filed court case may take months or years to resolve.



Email ADR@cainj.org or call (609) 588-0030 for questions and to utilize this valuable service today!

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CAI-NJ Career Headquarters

A members-only job posting site for hiring managers and a job search portal for opportunity seekers.

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Email Brooke@cainj.org or call 609.588.0030





NEW JERSEY CHAPTER PCAMS

PCAM (Professional Community Association Manager) is a designation awarded to managers who have five years of direct community association management experience, successfully completed all six M-200 level courses, and successfully passed the CMCA examination administered by CAMICB. and complete the PCAM Case Study Course to be awarded the designation. This list is provided by CAI National and is valid as of December 31, 2020. The New Jersey chapter is proud to acknowledge our manager members who have earned the PCAM designation!

Brian Aubrey
Jane E. Balmer
Janice Barber
Leonard Barber
Robert E. Barlow, Jr.
Raymond T. Barnes
Matthew S. Begley
Tracy Blair
Richard Blenden
Walter G. Broome
Nicole Camarota
Mary Caporaso
Glenda Carroll
Timothy Clewell
Diane Cody
Elizabeth Comando
Thomas Curry
Louis J. Curtis
Gregg Danieli
Barbara Drummond
Patricia E. DuBuque
Susan Fitzpatrick

Michael Flippin
Natalie Fries
Chuck Graziano
Stephanie Harmon
Nancy S. Hastings
Robert Hastings
Matthew E. Heon
Chip Hoever
Sue Howe
Beth G. Kelly
Lori A. Kenyon
Suzanne Lach
William R. Mackey
Jim P. Magid
Nicole Martone
Glen A. Masullo
Richard J. Mattalian
Julie McCutcheon
Gail McDermid
Kristina Munson
Anthony Nardone
Deborah Nicholson

Christopher M. Nicosia
Erin O'Reilly
Michael Pesce
Cynthia Pirrera
Vincent Rapolla
John C. Roberts
Jacqueline Rogers
Dawn Marie Ruggiero
David W. Salter
Edward San George
Paula Santangelo
Paul Santoriello
Lawrence N. Sauer
April C. Schauer
Michael H. Sutterlin
Jackie J. Thermidor
Lawrence Patrick Thomas
Teresa J. Viggiano
Elaine Warga-Murray
Brian Weaver
Shawna Zuhl

PRESIDENT'S CORNER...

from page 5.

providing important insight into legislation and regulations affecting our industry, or networking events with management companies, business partners, and other homeowner leaders, CAI-NJ is your go-to resource to learn, network, and grow as a leader.

Since June is my birthday month, I was asked by a few people to provide some tidbits about me that you may not know. Here are the Top 6 Things you likely do not know about me to end this month's President's Corner:

- 1. I am a professional singer with over 30 years of classical voice training.** I have performed all over the world, including at Carnegie Hall, Lincoln Center, NJPAC, Notre Dame (Paris), was on a Grammy-Award winning recording, and have performed with Judy Collins and Renée Fleming amongst many other talented artists. I have performed in over 30 languages and currently sing with multiple churches and synagogues across New Jersey.
- 2. I am an avid DIYer and love building and repairing things.** I renovated nearly every room in my prior home, including my kitchen, baths, custom woodwork, and wood flooring installation, etc. I am currently working on a pergola on my deck and building a shed in my backyard.

3. I love riding and working on vehicles of all kinds. I ride motorcycles, own a boat, and work on engines, brakes, electronics, exhaust systems, etc. I am also starting to pursue a pilot's license, albeit slowly.

4. I was an EMT for nearly a decade and served as Lieutenant of my town's first aid squad. I also trained as a paramedic and am certified by the US Department of Homeland Security in Incident Response to Terrorist Bombings as well as the National Incident Command System (ICS).

5. I am a massive Tom Hanks fan. I have seen every movie he has made and particularly love his "based on true story" dramas, such as Sully, Captain Phillips, and Greyhound. I am particularly drawn to the care he gives in portraying the characters authentically and honoring the truth of the storyline.

6. I am married to my beautiful wife, Nicole for going on 16 years and we have two beautiful children, Benjamin Ethan (9), and Dylan Lucienne (4). My daughter's name honors my mother and mother-in-law; both passed away before either child was born (Lucienne is my mother-in-law's name; Dylan is a transposition of Li(y)nda; my mother's name).

That's it from me for this month's issue. Enjoy the beautiful weather that comes with NJ summers and until next time, thank you for being a valued member of CAI-NJ! ■

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LOOKING AHEAD...

from page 6.

in our industry where attendees will have the opportunity to connect with industry leaders to become more informed on issues affecting those living and working in common interest communities. Please mark your calendar for Thursday, October 17th at the New Jersey Convention & Exposition Center, in Edison.

For further information and to register for all our upcoming programs, please visit: <https://cainj.org/network-events/> for networking events and visit, <https://cainj.org/education-events/>, for educational programs.

Additionally, we have launched our new membership database. This new database offers complete online registration, where you can sign up your team for programs and events as well as any guests that you are sponsoring. You can also view and pay any outstanding balances with the chapter and update your information and view members only content, including *Community Trends®*. If you haven't had the chance to sign into your account, you can do so by visiting www.cainj.org. Then click "member login" at the top. If you have not logged into the system yet, please click "Forgot password" and you will receive an email to create your password.

Summer is best enjoyed outdoors, spending time with your family, friends, and your CAI-NJ family. I hope to see you at our upcoming events, so that you may take advantage of all that CAI-NJ has to offer. If you would like to build new relationships within our industry, please reach out to me so that I may assist you in making that happen. ■

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