

# ASSEMBLY, No. 5494

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 17, 2021

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**SYNOPSIS**

Establishes penalty on planned real estate development association for failure to provide association members timely access to certain meeting minutes.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning association member access to executive board  
2 meeting minutes in common interest communities, and amending  
3 P.L.1993, c.30.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. Section 2 of P.L.1993, c.30 (C.45:22A-44) is amended to read  
9 as follows:

10 2. a. Subject to the master deed, declaration of covenants and  
11 restrictions or other instruments of creation, the association may do  
12 all that it is legally entitled to do under the laws applicable to its  
13 form of organization.

14 b. The association shall exercise its powers and discharge its  
15 functions in a manner that protects and furthers the health, safety  
16 and general welfare of the residents of the community.

17 c. The association shall provide a fair and efficient procedure for  
18 the resolution of disputes between individual unit owners and the  
19 association, and between unit owners, which shall be readily  
20 available as an alternative to litigation.

21 d. The association may assert tort claims concerning the  
22 common elements and facilities of the development as if the claims  
23 were asserted directly by the unit owners individually.

24 e. The Commissioner of Community Affairs shall have the  
25 authority to impose a penalty on an association for failing to make  
26 minutes of meetings available to the association members, to the  
27 extent required pursuant to subsection a. of section 4 of P.L.1993,  
28 c.30 (C.45:22A-46). A penalty imposed by the commissioner  
29 pursuant to this subsection shall not exceed \$2,000 per meeting for  
30 which the minutes were required to be taken and made available to  
31 all association members, but were not made available to one or  
32 more association members.

33 (cf: P.L.1993, c.30, s.2)

34  
35 2. This act shall take effect on the first day of the second month  
36 next following enactment.

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#### STATEMENT

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41 This bill would provide the Commissioner of Community Affairs  
42 with the authority to impose a penalty on the association of a  
43 planned real estate development for failing to make executive board  
44 meeting minutes available to the association members in  
45 compliance with the existing requirements of the 1993 supplement

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 to “The Planned Real Estate Development Full Disclosure Act”,  
2 P.L.1993, c.30 (C.45:22A-43 et seq.). A penalty imposed by the  
3 commissioner pursuant to this bill would not exceed \$2,000 per  
4 meeting for which the minutes were not made available to one or  
5 more association members.

6 Under existing law, the association of a planned real estate  
7 development is required to make minutes of the proceedings of  
8 executive board meetings available to all association members prior  
9 to the next open meeting. The meetings subject to this existing  
10 requirement consist of all executive board meetings required to be  
11 open to all association members, and voting-eligible tenants where  
12 applicable. A planned real estate development is a term defined in  
13 the “The Planned Real Estate Development Full Disclosure Act,”  
14 P.L.1977, c.419 (C.45:22A-21 et seq.) to encompass communities  
15 governed by homeowners’ associations, condominiums, and  
16 cooperative communities.