

## **NJ A469 (2015) and Planned Community Dev Act Excerpts**

### (C.45:22A-43)

c. . . . Any governing documents of an association not in compliance with this section, as amended by P.L. , c. (C. ) (pending before the Legislature as this bill), shall be deemed amended to be in compliance.

e. The Legislature declares that the provisions of P.L.1993, c.30 (C.45:22A-43 et seq.) and P.L. , c. (C. ) (pending before the Legislature as this bill) shall be construed as the enabling act for the formation and operation of associations created to manage the common elements and facilities of planned real estate developments,

### (C.45:22A-45)

3. a. (2) Any power granted to or restriction placed on a condominium association or developer pursuant to the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.), shall be inferred as equally applicable to a homeowners' association . . . .

c. . . . The members of the executive or governing board elected by the members of the association shall be liable as fiduciaries to the owners for their acts or omissions.

### (45:22A-46)

e. Notwithstanding the provisions of any law to the contrary, a homeowners' association shall be deemed to have amended its governing documents, including its bylaws, upon the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill) to provide that:

(2) Any member of an association shall be permitted to request a hearing before the State agency charged with the oversight of planned real estate developments . . . .

4. [added]

a. . . . Elections shall be held at least every year, and shall be conducted with strict adherence to democratic principles and fairness.

b. An association shall conduct elections under the auspices of a committee of unit owners, provided that none of the members of

such committee shall be current board members or candidates for the board. . . . No unit owner shall be disqualified from running for office except for reason of nonpayment of assessments.

c. . . . All candidates shall be afforded the opportunity to observe the entire process of counting and tabulation of the ballots, . . . Voting materials and procedures shall at all times be subject to inspection and review by the agency administering "The Planned Real Estate Development Full Disclosure Act,"

(C.45:22A-48)

b. The Commissioner of Community Affairs shall promulgate any rules and regulations that may be necessary to effectuate the provisions of [this bill].

Statement (p. 9)

This bill clarifies the intent of the Legislature that P.L.1993, c.30 (C.45:22A-43 et seq.) be viewed as an enabling act for homeowners' associations of non-condominium types of planned real estate developments . . . .

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## **Planned Community Development Act**

### **45:22A-22. Public policy**

The Legislature in recognition of the increased popularity of various forms of real estate development in which owners share common facilities, units, parcels, lots, areas, or interests, and taking notice of the underlying complexities of these new and proliferating forms, deems it necessary in the interest of the public health, safety, and welfare, and in the effort to provide decent, safe and affordable housing, and to foster public understanding and trust, that dispositions in these developments be regulated by the State pursuant to the provisions of this act.

L.1977, c. 419, s. 2.

### **45:22A-24. Administration of act**

4. This act shall be administered by the Division of Housing and Development in the State Department of Community Affairs, hereinafter referred to as the "agency."

L.1977,c.419,s.4; amended 1993,c.258,s.9.

### **45:22A-32. Powers of agency**

a. The agency may:

(6) Make necessary public or private investigations within or outside of this State to determine whether any person has violated or is about to violate this act or any rule or order hereunder, or to aid in the enforcement of this act or in the prescribing of rules and forms hereunder;

**45:22A-35. Rules and regulations; injunctions or temporary restraining orders; intervention in suits by agency**

- a. The agency shall adopt, amend, or repeal such rules and regulations as are reasonably necessary for the enforcement of the provisions of this act in accordance with the provisions of the Administrative Procedure Act, P.L.1968,
- b. If it appears that a person has engaged, or is about to engage, in an act or practice constituting a violation of a provision of this act, or a rule or order hereunder, the agency, with or without prior administrative proceedings, may bring an action in the Superior Court to enjoin the acts or practices and to enforce compliance with this act or any rule or order hereunder.