

46:8B-13

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 46:8B-13

(Condominiums-
board meetings--
required to be
open to all
members)

LAWS OF: 1991

CHAPTER: 48

Bill No: S1815

Sponsor(s): Bennett

Date Introduced: Pre-filed

Committee: Assembly: Housing

Senate: County & Municipal Government

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: January 8, 1991

Senate: March 29, 1990

Date of Approval: March 6, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

P.L.1991, CHAPTER 48, approved March 6, 1991
1990 Senate No. 1815 (First Reprint)

1 AN ACT concerning the administration and management of
2 condominiums, amending P.L.1969, c.257.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. Section 13 of P.L.1969, c.257 (C.46:8B-13) is amended to
7 read as follows:

8 13. The administration and management of the condominium
9 and condominium property and the actions of the association shall
10 be governed by by-laws which shall initially be recorded with the
11 master deed and shall provide, in addition to any other lawful
12 provisions, for the following:

13 (a) The form of administration, indicating the titles of the
14 officers and governing board of the association, if any, and
15 specifying the powers, duties and manner of selection, removal
16 and compensation, if any, of officers and board members. If the
17 by-laws provide that any of the powers and duties of the
18 association as set forth in sections 14 and 15 of P.L.1969, c.257
19 (C.46:8B-14 and 46:8B-15) be exercised through a governing
20 board elected by the membership of the association, or through
21 officers of the association responsible to and under the direction
22 of such a governing board, all meetings of that governing board,
23 except conference or working sessions at which no binding votes
24 are to be taken, shall be open to attendance by all unit owners,
25 and adequate notice of any such meeting shall be given to all unit
26 owners in such manner as the by-laws shall prescribe; except that
27 the governing board may exclude or restrict attendance at those
28 meetings, or portions of meetings, dealing with (1) any matter the
29 disclosure of which would constitute an unwarranted invasion of
30 individual privacy; (2) any pending or anticipated litigation or
31 contract negotiations; (3) any matters falling within the
32 attorney-client privilege, to the extent that confidentiality is
33 required in order for the attorney to exercise his ethical duties as
34 a lawyer, or (4) any matter involving the employment, promotion,
35 discipline or dismissal of a specific officer or employee of the
36 association. At each meeting required under this subsection to be
37 open to all unit owners, minutes of the proceedings shall be
38 taken, and copies of those minutes shall be made available to all
39 unit owners before the next open meeting.

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.

Matter enclosed in superscript numerals has been adopted as follows:
Assembly AHO committee amendments adopted December 3, 1990.

1 (b) The method of calling meetings of unit owners, the
2 percentage of unit owners or voting rights required to make
3 decisions and to constitute a quorum, but such by-laws may
4 nevertheless provide that unit owners may waive notice of
5 meetings or may act by written agreement without meetings.

6 (c) The manner of collecting from unit owners their respective
7 shares of common expenses and the method of distribution to the
8 unit owners of their respective shares of common surplus or such
9 other application of common surplus as may be duly authorized by
10 the by-laws.

11 (d) The method by which the by-laws may be amended,
12 provided that no amendment shall be effective until recorded in
13 the same office as the then existing by-laws. The by-laws may
14 also provide a method for the adoption, amendment and
15 enforcement of reasonable administrative rules and regulations
16 relating to the operation, use, maintenance and enjoyment of the
17 units and of the common elements including limited common
18 elements.

19 (cf: P.L.1969, c.257, s.13)

20 12. The Commissioner of Community Affairs shall cause to be
21 prepared and distributed, for the use and guidance of
22 condominium associations and administrators, explanatory
23 materials and guidelines to assist them in achieving proper and
24 timely compliance with the requirements of this act. Such
25 guidelines may include the text of model by-law provisions
26 suggested or recommended for adoption. Failure or refusal of a
27 condominium association to make proper amendment or
28 supplementation of its by-laws prior to the effective date of
29 section 1 of this act shall not, however, affect its obligation of
30 compliance therewith on and after that effective date.¹

31 ¹[2.] 3.¹ This act shall take effect ¹[on the 60th day next
32 following its] six months after¹ enactment ¹, except that section
33 2 shall take effect immediately¹.

34
35
36 HOUSING AND CONSTRUCTION

37
38 Requires condominium governing board meetings be open to all
39 unit owners and held upon adequate notice.

SENATE, No. 1815

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator BENNETT

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14 officers and governing board of the association, if any, and
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17 by-laws provide that any of the powers and duties of the
18 association as set forth in sections 14 and 15 of P.L.1969, c.257
19 (C.46:8B-14 and 46:8B-15) be exercised through a governing
20 board elected by the membership of the association, or through
21 officers of the association responsible to and under the direction
22 of such a governing board, all meetings of that governing board,
23 except conference or working sessions at which no binding votes
24 are to be taken, shall be open to attendance by all unit owners,
25 and adequate notice of any such meeting shall be given to all unit
26 owners in such manner as the by-laws shall prescribe; except that
27 the governing board may exclude or restrict attendance at those
28 meetings, or portions of meetings, dealing with (1) any matter the
29 disclosure of which would constitute an unwarranted invasion of
30 individual privacy; (2) any pending or anticipated litigation or
31 contract negotiations; (3) any matters falling within the
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33 required in order for the attorney to exercise his ethical duties as
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1 (b) The method of calling meetings of unit owners, the
2 percentage of unit owners or voting rights required to make
3 decisions and to constitute a quorum, but such by-laws may
4 nevertheless provide that unit owners may waive notice of
5 meetings or may act by written agreement without meetings.

6 (c) The manner of collecting from unit owners their respective
7 shares of common expenses and the method of distribution to the
8 unit owners of their respective shares of common surplus or such
9 other application of common surplus as may be duly authorized by
10 the by-laws.

11 (d) The method by which the by-laws may be amended,
12 provided that no amendment shall be effective until recorded in
13 the same office as the then existing by-laws. The by-laws may
14 also provide a method for the adoption, amendment and
15 enforcement of reasonable administrative rules and regulations
16 relating to the operation, use, maintenance and enjoyment of the
17 units and of the common elements including limited common
18 elements.

19 (cf: P.L.1969, c.257, s.13)

20 2. This act shall take effect on the 60th day next following its
21 enactment.

22
23
24 HOUSING AND CONSTRUCTION

25
26 Requires condominium governing board meetings be open to all
27 unit owners and held upon adequate notice.

SENATE, No. 1815
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator BENNETT

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2 condominiums, amending P.L.1969, c.257.

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11 master deed and shall provide, in addition to any other lawful
12 provisions, for the following:

13 (a) The form of administration, indicating the titles of the
14 officers and governing board of the association, if any, and
15 specifying the powers, duties and manner of selection, removal
16 and compensation, if any, of officers and board members. If the
17 by-laws provide that any of the powers and duties of the
18 association as set forth in sections 14 and 15 of P.L.1969, c.257
19 (C.46:8B-14 and 46:8B-15) be exercised through a governing
20 board elected by the membership of the association, or through
21 officers of the association responsible to and under the direction
22 of such a governing board, all meetings of that governing board,
23 except conference or working sessions at which no binding votes
24 are to be taken, shall be open to attendance by all unit owners,
25 and adequate notice of any such meeting shall be given to all unit
26 owners in such manner as the by-laws shall prescribe; except that
27 the governing board may exclude or restrict attendance at those
28 meetings, or portions of meetings, dealing with (1) any matter the
29 disclosure of which would constitute an unwarranted invasion of
30 individual privacy; (2) any pending or anticipated litigation or
31 contract negotiations; (3) any matters falling within the
32 attorney-client privilege, to the extent that confidentiality is
33 required in order for the attorney to exercise his ethical duties as
34 a lawyer, or (4) any matter involving the employment, promotion,
35 discipline or dismissal of a specific officer or employee of the
36 association. At each meeting required under this subsection to be
37 open to all unit owners, minutes of the proceedings shall be
38 taken, and copies of those minutes shall be made available to all

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 unit owners before the next open meeting.

2 (b) The method of calling meetings of unit owners, the
3 percentage of unit owners or voting rights required to make
4 decisions and to constitute a quorum, but such by-laws may
5 nevertheless provide that unit owners may waive notice of
6 meetings or may act by written agreement without meetings.

7 (c) The manner of collecting from unit owners their respective
8 shares of common expenses and the method of distribution to the
9 unit owners of their respective shares of common surplus or such
10 other application of common surplus as may be duly authorized by
11 the by-laws.

12 (d) The method by which the by-laws may be amended,
13 provided that no amendment shall be effective until recorded in
14 the same office as the then existing by-laws. The by-laws may
15 also provide a method for the adoption, amendment and
16 enforcement of reasonable administrative rules and regulations
17 relating to the operation, use, maintenance and enjoyment of the
18 units and of the common elements including limited common
19 elements.

20 (cf: P.L.1969, c.257, s.13)

21 2. This act shall take effect on the 60th day next following its
22 enactment.

23
24
25 STATEMENT

26
27 This bill would require that all meetings of the governing board
28 of a condominium association, except working sessions at which
29 no binding votes are taken, be open to all unit owners in the
30 condominium, and that the by-laws of the association provide
31 procedures for giving all unit owners adequate notice of such
32 meetings.

33 Exempted from the requirement are those meetings, or parts of
34 meetings, where matters to be discussed involve individual
35 personnel decisions, pending or anticipated litigation, the
36 invocation of attorney-client confidentiality, or disclosures that
37 would constitute an unwarranted invasion of individual privacy.

38 The bill also requires that minutes be kept of the open
39 meetings, and that copies of the minutes be made available to all
40 unit owners prior to the next meeting.

41 The effective date of this measure would be delayed to the
42 60th day next following its enactment, in order to give existing
43 condominiums, and those in the process of formation, time to
44 adjust their by-laws, or proposed by-laws, to comply with these
45 requirements.

46 Finally, the measure exempts non-voting work sessions from
47 the open-meeting requirement, and adds requirements as to the
48 keeping of minutes.

HOUSING AND CONSTRUCTION

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- 2
- 3
- 4

Requires condominium governing board meetings be open to all unit owners and held upon adequate notice.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

SENATE, No. 1815

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 1990

The Assembly Housing Committee reports Senate Bill No. 1815 favorably, with amendments.

This bill would require that all meetings of the governing board of a condominium association, except working sessions at which no binding votes are taken, be open to all unit owners in the condominium, and that the by-laws of the association provide procedures for giving all unit owners adequate notice of such meetings.

Exempted from the requirement are those meetings, or parts of meetings, where matters to be discussed involve individual personnel decisions, pending or anticipated litigation, the invocation of attorney-client confidentiality, or disclosures that would constitute an unwarranted invasion of individual privacy.

The bill also requires that minutes be kept of the open meetings, and that copies of the minutes be made available to all unit owners prior to the next meeting.

The effective date of this measure would be delayed to until six months from its enactment, in order to give existing condominiums, and those in the process of formation, time to adjust their by-laws, or proposed by-laws, to comply with these requirements. The bill requires that the Department of Community Affairs provide condominium associations with guidelines for amending or supplementing their by-laws so as to comply properly with these new requirements. The requirements would apply, however, even if an association failed to make the appropriate by-law adjustments.

The committee adopted amendments which: (1) require the Commissioner of Community Affairs to have guidelines prepared and distributed to assist condominium associations in adjusting their by-laws to comply with the new requirements, and (2) make it clear that the requirements will apply even if an association fails to make the appropriate by-law adjustments.

ASSEMBLY AHO COMMITTEE

AMENDMENTS

to

SENATE, No. 1815

(Sponsored by Senator Bennett)

ADOPTED
DEC 3 1990

INSERT NEW SECTION 2 TO READ:

¹2. The Commissioner of Community Affairs shall cause to be prepared and distributed, for the use and guidance of condominium associations and administrators, explanatory materials and guidelines to assist them in achieving proper and timely compliance with the requirements of this act. Such guidelines may include the text of model by-law provisions suggested or recommended for adoption. Failure or refusal of a condominium association to make proper amendment or supplementation of its by-laws prior to the effective date of section 1 of this act shall not, however, affect its obligation of compliance therewith on and after that effective date.¹

REPLACE SECTION 2 TO READ:

¹[2.] ³¹ This act shall take effect ¹[on the 60th day next following its] six months after¹ enactment ¹, except that section 2 shall take effect immediately¹.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1815

STATE OF NEW JERSEY

DATED: FEBRUARY 5, 1990

The Senate County and Municipal Government Committee favorably reports Senate Bill No. 1815.

Senate bill No. 1815 would require that all meetings of the governing board of a condominium association, except working sessions at which no binding votes are taken, be open to all unit owners in the condominium, and that the by-laws of the association provide procedures for giving all unit owners adequate notice of such meetings.

Exempted from the requirement are those meetings, or parts of meetings, where matters to be discussed involve individual personnel decisions, pending or anticipated litigation, the invocation of attorney-client confidentiality, or disclosures that would constitute an unwarranted invasion of individual privacy.

The bill also requires that minutes be kept of the open meetings, and that copies of the minutes be made available to all unit owners prior to the next meeting.

The effective date of this measure would be delayed to the 60th day next following its enactment, in order to give existing condominiums, and those in the process of formation, time to adjust their by-laws, or proposed by-laws, to comply with these requirements.

Finally, the measure exempts non-voting work sessions from the open-meeting requirement, and adds requirements as to the keeping of minutes.

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

[FIRST REPRINT]
SENATE, No. 1815

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senators BENNETT and COWAN

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27 condominium association to make proper amendment or
28 supplementation of its by-laws prior to the effective date of
29 section 1 of this act shall not, however, affect its obligation of
30 compliance therewith on and after that effective date.¹

31 ¹[2.] 3.¹ This act shall take effect ¹[on the 60th day next
32 following its] six months after¹ enactment ¹, except that section
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