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Fraud Evidence
Fraud Evidence
Created: 01/12/2022, 01:19:01, 2022

DOCS 2022-0127[2000]

Regarding:
Fraud Evidence
RE: Non-Abuse Regime / DOD / TRT / RWC JD_DOD / FAKE ADVERTISING / CORPORATE APPEARS / DIVERSION OF CODING AND ATTENDANCE

Agency

COMMUNITY APPEARS / DIVERSION OF CODING AND ATTENDANCE

Administrative Code Citation

Administrative Code Citation
Adopted Resolutions: N/A/ N/A/ N/A/ N/A/ N/A/ N/A/ N/A/

Adopted Rules Name: N/A/ N/A/ N/A/ N/A/ N/A/ N/A/ N/A/

Adopted Regulations: N/A/ N/A/ N/A/ N/A/ N/A/

Text

Physical Data Entry/Development Full Attachment Sub Regulations
Processed: Jan 12, 2022 01:19:01 EST
Version1: January 6, 2020, by: Secretary Wade's Home, Commonwealth Department of Defense
Start: April 5, 2020 at 08:00, **with non-standard changes** on requests additional public notice and comment (see N.J.S.A. 1:30 et seq.)
Authority: N.J.S.A. 45:1E-1.1
Effective Date: May 18, 2020
Expiration Date: April 4, 2020
Relations: Primary Law and Agency Responsible

Commonly Asked Questions/Fact Sheets: Employee Relations, Public Employee, Pull Management, Carter v. State, Probation, Straight Employee, Employee Rights, Employee Rights, Employee Rights

Tenant sorting duty and who is a tenant; duty to provide a copy of a lease, sub-lease, etc. and mediation thereof; tenants.

SECTION 1. (1) Subject to section 2, every person who is a tenant of a dwelling unit in a residential complex shall be subject to the provisions of this Act.

(2) Subject to section 2, every person who is a tenant of a dwelling unit in a residential complex shall be subject to the provisions of this Act.

MARGINAL NOTE: Sub-tenants, etc. Department has discretion Tenants, creditors, etc. of the Crown. R.S., c. C-16 (4th Sup.) 72; consequential amendments.

SECTION 2. (1) Subject to section 3, the provisions of this Act do not apply to a person who is a tenant of a dwelling unit in a residential complex where that person occupies the dwelling unit because he has the same relation to the owner of the residential complex or a predecessor in interest of the owner of the residential complex as a person who is a member of the family of the owner.

SECTION 3. (1) Subject to section 4, the Department is empowered, from time to time and on such terms as it deems fit, to exempt any person or class of persons from the operation of the Act.

(2) Exemptions may be made under subsection (1) by the Department on its own initiative or on the application of any person.

(3) Exemptions may be made under subsection (1) by the Department without notice to any person.

(4) Exemptions made under subsection (1) shall be published in the Canada Gazette.

SECTION 4. (1) Subject to section 5, the Department has the following powers to make regulations:

(a) exempt any residential complex or any class of residential complex from the operation of the Act;

(b) exempt any tenant or class of tenants from the operation of the Act;

(c) exempt any dwelling unit or class of dwelling units from the operation of the Act;

(d) exempt any lease or class of leases from the operation of the Act;

(e) exempt any sub-lease or class of sub-leases from the operation of the Act;

(f) exempt any other person, dwelling unit, residential complex, lease or sub-lease from the operation of the Act;

(g) prescribe the form of a lease, sub-lease, etc. and the contents thereof;

(h) prescribe the form of a notice of a dispute and the contents thereof;

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3. This subsection shall not prevent the association from filling a vacancy in the executive board created by resignation, death, or failure to [page=1081] maintain reasonable qualification to be an executive board member, including maintaining good standing, or following a vote in favor of removal open to all association members in accordance with the terms of the bylaws. Any executive board position that has been filled by an appointee in such instances shall be subject to election within a year following such appointment.

(d) Association members may initiate removal of a board member ***who was elected by the unit owners*** by submitting to the board a petition signed by 51 percent of association members for removal of that board member.

1. A special election of the association membership shall be held within 60 days of receipt of the petition.

2. When the annual meeting of the association membership is scheduled to occur within 60 days of the submission of the petition, then the election shall be held at the annual meeting.

(e) Notice of the special election meeting shall be provided to all association members and voting eligible tenants at least 14 days prior to the date of the meeting.

1. The meeting shall be scheduled at a reasonable date and time of day to allow most association members to attend.

2. The ballot shall be drafted in accordance with N.J.A.C. 5:26-8.9(l)1iv.

3. At least 14 days prior to the meeting, the ballot shall be mailed, hand delivered, or if bylaws permit, and the owner consents, electronically delivered to all association members together with the notice of the meeting.

4. If the bylaws permit, the notice of the meeting shall include an absentee ballot with instructions for returning the ballot. If the bylaws provide for a proxy ballot, an absentee ballot shall also be included.

i. The instructions shall allow return of the proxy or absentee ballot by facsimile or electronic means and shall not require receipt of the ballot more than one business day prior to the meeting.

5:26-8.12 Open meetings

(a) The bylaws of the association shall include a requirement that meetings of the executive board where a binding vote of the executive board is to be taken shall be open to attendance by all association members and voting-eligible tenants, as applicable.

1. A binding vote is a vote made with a quorum of the executive board members present.

2. The board shall provide a brief explanation of the basis for and cost entailed in the matter that is the subject of any binding vote and include the explanation in the minutes for the meeting.

3. Associations may adopt a policy for comments by association members and voting eligible tenants during meetings. Such policy shall be applied uniformly.

(b) The association shall hold an annual meeting. Within seven days following the annual association meeting, the association shall post, and maintain posted throughout the year, an open meeting schedule of the executive board.

1. Such open meeting schedule shall be posted at the place or places at which notices are posted pursuant to (c) below and filed with the board member designated for administering association business.

2. The open meeting schedule shall contain the time, date, and locations of such meetings.

3. Any changes to the posted open meeting schedule shall be made at least seven days prior to the scheduled date and posted and maintained in the same manner as the original schedule.

(c) In addition to the posted open meeting schedule, adequate notice of at least seven days prior to any such meeting shall be given to all association members and voting eligible tenants, as applicable.

1. Such notice shall be provided as follows:

i. The notice shall be prominently posted in at least one place on the property that is accessible to all owners at all times;

ii. The notice shall be posted on the association's website and included in any association newsletter; or

iii. The notice shall be personally provided to each member or designee by mail, hand-delivery, or electronic means.

2. The notice shall be filed with the board member designated as responsible for administering association business. It shall be maintained by the executive board for a period of two years.

3. The notice shall include the following details:

i. The time, date, and location of the meeting;

ii. Agenda items ***to the extent known***, which shall include items for discussion, items for action, and reoccurring items, such as passage of a budget.

4. An individual association member or designee may provide written notice to the board waiving any personal delivery of meeting notices. Such member or designee may rescind such waiver at any time by written notification to the board. Notwithstanding the meeting notice waiver, the member or designee shall be entitled to open meeting minutes as provided in (f) below.

(d) Every elected board member shall be provided equal opportunity to participate in any meeting of board members.

(e) The executive board may exclude attendance of all association members and voting eligible tenants at meetings, or portions of a meeting.

1. The exclusion under (e) above shall only be for discussion of any matters listed in this paragraph:

i. Those in which disclosure would constitute an unwarranted invasion of individual privacy;

ii. Pending or anticipated litigation or contract negotiations;

iii. Those involving employment, promotion, discipline, or dismissal of a specific employee or officer of the association; and/or

iv. Those falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer.

2. A vote taken at a closed meeting shall not be binding. If the matter requires a binding vote, it shall be taken at a subsequent open meeting in a manner that does not disclose any confidences.

3. If the closed meeting is to be part of an open meeting, the closed portion shall be convened either before the open portion or at the end of the open meeting portion of the agenda.

(f) Minutes for the open sessions of meetings shall be taken for each meeting.

1. The minutes shall be legible.

2. The minutes shall include the board members present and their titles.

3. The minutes shall include clear identification of any matters addressed.

4. The minutes shall include clear identification of any matters voted on at the meeting, a record of the votes, and a brief explanation of the basis for and cost entailed in the matter which is the subject of the vote.

5. The minutes shall be made available to association members in a timely manner before the next meeting and may be identified as "draft" or "unapproved."

6. If a meeting is recorded electronically, a written record shall be taken of the matters addressed and the matters voted on. Association members shall have access to the electronic recording, as well as the written record, including the right to make a copy of electronic or written records.

(g) When a meeting of the executive board is required to deal with matters of such urgency and importance that delay for the purpose of providing seven days advance notice would be likely to result in substantial harm to the interests of the association and provided that the meeting is limited to discussion of, and acting with respect to, such matters of urgency and importance, notice of the emergency meeting shall be deemed to be adequate if it is provided as soon as possible following the calling of the meeting by posting in accordance with (c) above.

1. The executive board shall maintain, on the record, the facts establishing the emergency and any prior knowledge of the condition.

2. Minutes for emergency meetings shall be taken and made available to members of the association in accordance with (f) above.

(h) When the board has determined to cancel a scheduled open meeting, it shall post notice of the cancellation at the meeting site by the time the meeting is scheduled to begin. The Board shall promptly post the notice of cancellation at the location on the property where notices are posted and, if applicable, its website.

1. The notice shall state when the meeting will be held and the reason for the cancellation.

[page=1082] 2. If the start time is delayed, notice of the new time shall be posted at the meeting site to provide notice of the delay to those attending.

5:26-8.13 Amendments to the bylaws

(a) The bylaws shall detail the method in which the bylaws may be amended.

(b) No amendments to the bylaws shall be effective until they are recorded in the same county Clerk's Office as the existing bylaws.

1. The amendments to the bylaws shall be recorded in the same county Clerk's Office as the existing bylaws in a timely manner.

2. In order to enforce the bylaws and any amendments thereto, any association that has not previously recorded its bylaws, shall record the bylaws and any amendments in the Clerk's Office of the county in which the property is located.

3. The association shall maintain a record of the filing, which shall be available to any owner, or designee, upon request.

(c) If the bylaws do not provide an amendment method by a vote of association members that is open to all association members, or if they provide for an amendment by more than a two-thirds majority, the association members may amend the bylaws by a vote of the majority of the total authorized votes in the association.

(d) The majority shall be determined based on association membership in good standing at the time of the vote.

(e) If the bylaws do not provide a method through which association members may call a meeting of association members to conduct a bylaws amendment vote or a vote concerning the provisions of N.J.A.C. 5:26-8.10, 8.11, and 8.12, the method shall be as follows:

1. A petition shall be signed and submitted to the executive board by not less than 15 percent of the association members to request a special meeting;

2. A special meeting of the association membership shall be held within 60 days of receipt of the request; and

3. If the annual meeting of association membership is scheduled to occur within 60 days of the request, the amendment vote shall be held at that meeting.

(f) Notice of the meeting to amend the bylaws, as set forth in this subsection, shall be provided to all association members and voting eligible tenants at least 14 days prior to the date of the meeting.

1. Such notice shall prominently state that it is for a proposed amendment to the bylaws and include a copy of the proposed language.

2. The amendment shall be drafted in clear language and in a manner that is consistent with the association's bylaws and applicable laws.

3. The amendment shall be mailed, hand delivered, or if bylaws permit, electronically delivered together with the notice of the meeting at least 14 days prior to the meeting.

4. If the bylaws permit, the notice of the meeting shall include an absentee ballot with instructions for returning the ballot. If the bylaws provide for a proxy ballot, an absentee ballot shall also be included. The instructions shall allow return of the proxy or absentee ballot by facsimile or electronic means provided that such return protects the anonymity of the voter. The association shall not require receipt of the ballot more than one business day prior to the meeting.

(g) If an insufficient number of ballots or proxies are received at the special meeting to determine whether the proposed amendment has been approved or rejected, then the meeting shall be adjourned for 30 days or longer as approved by the association membership.

1. The bylaws of the association shall provide for the percentage of association members required to determine the period of adjournment.

2. The period between the original special meeting and the next special meeting for the amendments to the bylaws shall not be longer than 11 months from the date the notice of the meeting was sent.

3. If the proxies or ballots received prior to the extension date are valid under the bylaws, then they remain valid for the upcoming special meeting.

(h) An amendment proposed by the association board shall be considered defeated if, when the association board provided notice to all association members of the proposed amendment, a ballot to reject the amendment was included and at least 10 percent of the association members in good standing voted to reject the amendment within 30 days of the mailing.

1. The board's proposed amendment shall include a notice that the amendment will fail only if at least 10 percent of the association members in good standing vote to reject the amendment.

(i) When an amendment is approved, a copy shall be provided to all association members and the association shall record it in the county recording office where the bylaws were originally recorded, or in the county recording office where the property is situated where the bylaws have not been previously recorded.

(j) An executive board shall not amend the bylaws without a vote open to all association members or as detailed above except to the extent necessary to render the bylaws consistent with State, Federal, or local law.

5:26-8.14 Complaints and penalties

(a) Any unit owner may file a complaint with the Department concerning any matter subject to the rules at N.J.A.C. 5:26-8.8 through 8.13.

1. Such complaint shall be in writing and shall be on a form approved by the Department for this purpose. It may be submitted electronically through the Bureau's website, mailed to the address below, or submitted by fax. Physical copies of the required complaint form may be downloaded at (website to be added upon adoption) or requested through the Department at:

Association Regulation Unit
101 South Broad Street
Post Office Box 805
Trenton, New Jersey 08625
Telephone: 609-984-7574
Fax: 609-292-2839

2. The complaint shall include a clear, factual statement of the issue and shall include any applicable documentation to support such statement. The Department shall not conduct a review until the complaint is complete.

3. The complaint must be submitted at least ten business days prior to any scheduled upcoming election in order for the Department to issue any relief as to that election. Upon receipt of the complaint, the Department shall complete a review of the complaint and make a determination of the appropriate action as set forth in (e) below.

(b) The Department shall review and evaluate the complaint to ensure compliance with this subchapter. The Department may be in contact with the association and unit owners for clarification of any matter disclosed in the complaint.

1. Upon receipt of the complaint, the Department shall make a determination as to whether relief may be enacted for the immediate upcoming election or will apply to prospective elections. The Department shall so inform the complainant.

2. Upon completion of the review, the Department shall provide a report to the complainant as to the actions taken in regard to the complaint.

(c) Nothing in this section shall prevent the Department from instituting an investigation on its own initiative.

(d) Unit owners who believe that the association is acting contrary to this chapter or any applicable law, may petition a court of competent jurisdiction for relief at any time without filing a complaint with the Department.

1. When a complaint is filed in a court of competent jurisdiction, the Department shall be provided with a filed copy and then the Department shall hold its action in abeyance pending the court decision.

(e) The Department may levy and collect fines and may issue penalties as set forth in N.J.A.C. 5:26-11.

1. For associations that are controlled by unit owners, the Department may issue cease and desist orders, may issue a monetary penalty, may transmit the case to the Office of Administrative Law, or may file an action in the Superior Court.

2. In addition to the penalties listed above, for associations that are controlled by the developer, the Department may issue a revocation of registration.

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