



PRESIDENT'S CORNER

Steven Mlenak, Esq.
2025 CAI-NJ PRESIDENT
GREENBAUM, ROWE, SMITH & DAVIS, LLP

Community Associations Institute New Jersey Chapter (CAI-NJ) by-laws provide that the elected Vice President of the Board automatically ascends in lockstep to the positions of President-Elect, and then President, over a three-year period. For the last three years, therefore, I have been dreadfully counting down the minutes to when I had to begin writing these articles each month. Well, as Bruce Buffer would say, "IT'S TIME!"

These articles notwithstanding, I could not be more grateful for the trust that the members of CAI-NJ and its Board of Directors have placed in me. As I mentioned to our over 200 volunteers (more on this later) at CAI's recent Annual Retreat, CAI-NJ has given me so much more than I could possibly ever give to it. It is an organization that reminds us that you can have business competition without business ruthlessness. Our members are encouraged to share ideas and thoughts without fear of ridicule or ostracization. CAI-NJ has proven the hypothesis that "a rising tide lifts all ships."

While I will try to tailor my future articles to a specific theme addressing the common interest community (CIC) industry, I must ask for your indulgence in allowing the theme of this article to simply be *gratitude*.

I must start with a thank you and congratulations to my friend Chris Nicosia, CMCA, AMS, PCAM for his tireless efforts as CAI-NJ's 2024 President. During Chris's leadership, CAI-NJ made significant advances in terms of its legislative initiatives; membership, retention and sponsorship growth; increased attendance at its marquee educational and networking events; and the modernization of its annual awards voting. I want to draw significant attention, however, to the great work that both Chris and incoming President-Elect Ryan Fleming, CIRMS, EBP undertook over the course of many months to procure and partner with a well-known and respected marketing company. This initiative is intended to help make CAI-NJ a household name in our industry and to expand our geographical reach to all parts of New Jersey, beginning with Northern New Jersey. In doing so, the goal is not simply for the marketing company to assist in search engine optimization or advertising campaigns, but to work directly with the board and our amazing staff to develop long-term marketing strategies. I look forward to working with Ryan and the board to begin implementation of these strategies in 2025.

"...I must ask for your indulgence in allowing the theme of this article to simply be gratitude."

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Second, to our amazing team led by the incomparable Angela Kavanaugh, thank you! Angela, Robin, Jackie, Brooke, Helen, and Jocelyn, are all committed to CAI-NJ in more ways than most of us know. Our staff members are truly the reason for our nationally recognized success. While the most dangerous phrase in business may be, "we've always done it this way," I propose that the safest phrase in business may be, "don't fix what isn't broken." With Angela and her team at the helm, my biggest challenge this year will be to not get in their way!

Finally, a thank you must go out to our over 200 committee volunteers! At CAI's National Conference that is held each spring, entire seminars are dedicated to brainstorming ideas for how Chapters can get its members to volunteer on committees. They look at us as if we are crazy when we tell them that not only do we have over 200 committed members volunteering each year, but we actually have to enforce strict limitations on how many members of an organization can volunteer! So, we thank each and every one of you that step up to the plate for our industry.

At the CAI Retreat, I was also excited to announce that the Board of Directors' task force to develop the New Jersey Online HOA Board Essentials is in the homestretch of developing the content to what will become a first-of-its-kind educational resource among CAI Chapters. What began as an initiative aimed at responding to proposed legislation that would require all elected and appointed board members to undertake at least three hours of board leadership development training, quickly evolved into something that the board recognized would be a meaningful value-add to our existing members regardless of whether such legislation was adopted. The board has committed the resources necessary and has identified the right online educational platform provider to partner with to provide the program by mid-2025. Stay tuned for more information.

So, in closing, over the course of the next year, please do not be shy. Come up to me at events and say hello. Let me know what you believe are issues that CAI-NJ should be addressing. Share your ideas and goals. Let's work together to "rise the tide." I greatly look forward to this year and all it has to bring. Just not these articles. ■

END NOTE:

1 Outgoing CAI-NJ President Chris Nicosia would prefer I use a Disney® quotation instead whenever possible, so we can instead quote Rafiki: "It is time!"



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Casey Noon,
Editorial Chair

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This month, we look at high-rise communities and the unique issues that a-“rise” in those communities. Yeah...sorry about that.

While the laws and regulations are no different in high-rise communities than in any other condominium association, with a few exceptions, there are a host of issues that are either unique to high-rise communities or at least more prevalent within them. This month's issue will examine many of these issues including Casey Sky Noon's article on *Embracing Central Plant CO2 Heat Pumps: A Sustainable Solution for Community Association Buildings*, Marian Miawad, Esq. & Glenford W. Warmington, Esq.'s article on *High-Rise, High-Delinquencies? – Collection Strategies for New Jersey High-Rise Condominiums*, Michael Mezzo, CPA, MBA's article on *Don't Miss Out! Hidden Savings on Energy Efficiency Upgrades*, Damon Kress, Esq. & Andrew Newman, CMCA, AMS, PCAM's article on *Maintenance Resolutions in Aging Communities*, and Vincent Rapolla, AMS, PCAM's article on the upcoming *High-Rise Site Tour*.

As a common-interest-community (CIC) attorney, I come across situations that while applicable to all communities, are usually implicated more often in high-rise communities. Take for example the Service Worker Retention Law (“SWRL”). The SWRL applies to a “multi-family residential building with more than 50 units”, which is likely only applicable to high-rise communities as non-high-rise communities with more than 50 units are typically spread out among multiple buildings.

The purpose of SWRL is to grant protections to certain service employees when there is (1) a change in the contract service provider; or (2) a change in

ownership at an enumerated covered location. The service employees covered under SWRL include any individual who (1) is employed for at least 60 days; (2) works at least 16 hours a week at the covered location, whether it is on a part-time or full-time basis; (3) is not a managerial or professional employee; and (4) performs work such as care or maintenance of a building or property, among other things. This kind of work can include landscaping, security services or snow removal services among other work that can be performed at the community.

Because of SWRL, high-rise communities have an extra layer of compliance when deciding to terminate a vendor or service contractor that falls under SWRL

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protections. Under the law, at least 15 days prior to the termination date of the contract, an association must (1) request a list of the names, dates of hire and job classification for each employee from the terminated contractor; (2) provide this list to the new vendor; and (3) post a written notice for all of the effected employees alerting them of the termination of the current contract, contact information of the new vendor and their rights under SWRL. If there is a union involved with the terminated contractor, boards must also ensure that the union is sent notice in writing of the termination and provided with the contact information for the new vendor.

In this edition, you'll learn about similar type issues and situations most likely to be associated with high-rise communities.

In closing, I hope to see everyone at this year's CAI-NJ Awards Celebration on Wednesday, February 19th at the Hyatt Regency New Brunswick. This year's theme is "Tides of Celebration – An Underwater Oasis." Last year, the CAI-NJ Board of Directors instituted new voting procedures for the Awards with the goal of increasing the prestige of the Awards and establishing a fair, competitive process providing each member having an opportunity to participate in the winner selection. I greatly look forward to the event this year and hope to see you there. ■

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2025 CAI-NJ PRESIDENT

GREENBAUM, ROWE, SMITH & DAVIS, LLP

As we age, the “years get shorter, but the days get longer.” Parents know this all too well. Just yesterday I remember bringing our daughter Mia home from the hospital. Now it seems that I’m being asked to chauffeur her around to Sephora, Ulta, and Bath and Body Works weekly! (And yes, I did have to look up how to spell “chauffeur”). Well, just as it feels that Mia was born yesterday, so too does it feel that I just wrote last month’s article yesterday and now this one is due! Fear not, loyal readers. I’m here for you.

This month, I want to take a minute to expand upon the importance of board member education, the current resources available to board members that are members of CAI, and the steps that CAI-NJ is currently taking to bring board member education to a whole new level this summer.

Volunteer board members play a pivotal role in overseeing the management and operation of a community association. While these individuals are often residents with a shared interest in their community’s well-being, their responsibilities extend far beyond casual involvement. It is essential that volunteer board members be trained on a range of important topics to ensure the effective, legal, and ethical governance of the community. Training in areas such as applicable laws, proper meeting protocols, the fiduciary duty, ethics and conflicts, and the relationship between the board and property management, not only protects the association but also upholds the interests of the residents they serve.

One of the most critical reasons for board member education is to ensure they are knowledgeable about the laws governing common interest communities. Associations are subject to a complex web of local, state, and federal regulations that can significantly impact how associations operate. These laws cover a wide variety of topics, including:

- New Jersey-Specific Laws: Including the Condominium Act, the Radburn Act, and the Non-Profit Corporations Act.
- Contract and Procurement Laws: Board members must understand how to properly negotiate contracts, including those with service providers, and ensure the association follows best practices in terms of procurement of vendors and project oversight.

“Volunteer board members play a pivotal role in overseeing the management and operation of a community association.”

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- **Insurance Requirements:** Ensuring that the association has the correct types and amounts of insurance to protect against potential liabilities, and most importantly for board members, that they understand what their Directors and Officers Insurance covers, and what it does not.
- **Fair Housing Laws:** Ensuring the association is compliant with federal and state fair housing regulations to prevent discrimination against residents.

The role of a volunteer board member in a community association is far more complex than many realize. Board members are responsible for making critical decisions that affect the financial, legal, and social aspects of the community. Without proper training, board members risk making decisions that could expose the community to legal liability, financial loss, or conflict. By providing training in these areas, associations can ensure that their boards are well-equipped to govern effectively, ethically, and in compliance with the law – ultimately promoting the success and well-being of the entire community.

Right now, there is no legal requirement in New Jersey that board members undertake a specific level of training to hold their position. There is however legislation pending in the General Assembly that, if adopted, would require every volunteer board member to undertake at least three hours of board member training provided by an organization such as CAI. This training would be required to be completed

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ties facing the industry due to factors out of our control, it's important to make sure that your contracts include clear language that will help both parties be protected in the event of unforeseen cost increases.

4. KNOW YOUR MATERIALS

Understanding where your materials are sourced and manufactured can help you gain more insight into potential price fluctuations. Talk to your contractors to learn more about what raw materials are used to make

within 180 days of each board member's first term following enactment of this legislation.

Regardless of whether this bill passes, CAI's core mission of education is one that our Chapter in New Jersey takes seriously. On March 19th and 20th, CAI-NJ will host its very popular Board Leadership Development Workshop, a two-day workshop that is geared towards new and experienced board members alike. And best of all, it is FREE for all CAI Members. In addition to this workshop, CAI-NJ hosts educational seminars, workshops, and webinars throughout the year, nearly always for free. I encourage you to check out the list of upcoming events on page ____ of this issue.

Despite the success of our two-day workshop, the CAI-NJ Board of Directors and the members of our New Jersey Legislative Action Committee (NJ-LAC) understand that a requirement that all board members undertake two full days of in-person training would not be practical and would seriously threaten many associations' ability to recruit committed candidates to serve on a board. Therefore, CAI-NJ is currently far along in the preparation of a free online-based educational program for board members to take. The program would include baseline training on all the relevant laws and regulations a board member should know, as well as best practices to ensure the sound governance of an association. We are excited for this program and expect it will be something that other chapters around the country will want to emulate. The program is expected to launch in Summer 2025.

With that, I am off to Sephora. ■

the building products they purchase and how those materials and finished products get from Point A to Point B around the world. Knowing more about these supply chains can help you stay updated on market trends so you can anticipate and be prepared to manage potential disruptions.

As we look ahead to a potentially turbulent 2025, the projections and strategies shared in this article hopefully can help you stay educated about where costs may be headed and how community associations can work with your partners in the construction industry to successfully navigate these uncertain times. ■