

CHAPTER 20

**MEETINGS OF GOVERNING BOARDS OF
ASSOCIATIONS OF CONDOMINIUMS
AND OTHER PLANNED REAL
ESTATE DEVELOPMENTS**

Authority

N.J.S.A. 45:22A-48 and 46:8B-13.

Source and Effective Date

R.2007 d.303, effective August 30, 2007.
See: 38 N.J.R. 4531(a), 39 N.J.R. 4113(a).

Chapter Expiration Date

Chapter 20, Meetings of Governing Boards of Associations of Condominiums and Other Planned Real Estate Developments, expires on August 30, 2012.

Chapter Historical Note

Chapter 20, Safety Glazing Materials, was adopted pursuant to authority of P.L. 1971 c.369 and was filed and became effective March 29, 1972, as R.1972 d.63. See: 4 N.J.R. 42(b).

The rules in Chapter 20, Safety Glazing Materials, were superseded by N.J.A.C. 5:23, Uniform Construction Code, and Chapter 20 was repealed by R.1978 d.360, effective October 6, 1978. See: 10 N.J.R. 377(a), 10 N.J.R. 470(a).

Chapter 20, Meetings of the Governing Board of a Condominium Association, was adopted as R.1991 d.455, effective September 3, 1991. See: 23 N.J.R. 1901(a), 23 N.J.R. 2633(a).

Pursuant to Executive Order No. 66(1978), Chapter 20, Meetings of the Governing Board of a Condominium Association, expired on September 3, 1996.

Chapter 20, Meetings of the Governing Board of a Condominium Association, was adopted as new rules by R.1996 d.510, effective November 4, 1996. See: 28 N.J.R. 3856(a), 28 N.J.R. 4781(b).

Chapter 20, Meetings of the Governing Board of a Condominium Association, was readopted as R.2002 d.152, effective April 19, 2002. See: 33 N.J.R. 2933(a), 33 N.J.R. 3883(a), 34 N.J.R. 1831(a).

Chapter 20, Meetings of the Governing Board of a Condominium Association, was readopted as R.2007 d.303, effective August 30, 2007. As a part of R.2007 d.303, Chapter 20, Meetings of the Governing Board of a Condominium Association, was renamed Meetings of Governing Boards of Associations of Condominiums and Other Planned Real Estate Developments, effective October 1, 2007. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL GUIDELINES

5:20-1.1 Open meetings

(a) If the by-laws of the association of a condominium or other planned real estate development provide that any of the

powers and duties of the association be exercised through a governing board elected by the membership of the association, or through officers of the association responsible to and under the direction of such a governing board, all meetings of that governing board, except conference or working sessions at which no binding votes are to be taken, shall be open to attendance of all unit owners.

(b) The provisions of (a) above notwithstanding, the governing board may exclude or restrict attendance at those meetings, or portions of meetings, at which any of the following matters are to be discussed.

1. Any matter the disclosure of which would constitute an unwarranted invasion of individual privacy;
2. Any pending or anticipated litigation or contract negotiations;
3. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer; or
4. Any matter involving the employment, promotion, discipline or dismissal of a specific officer or employee of the association.

(c) At each meeting required to be open to all unit owners, minutes of the proceedings shall be taken and copies of those minutes shall be made available to all unit owners before the next open meeting.

Amended by R.2007 d.303, effective October 1, 2007.
See: 38 N.J.R. 4531(a), 39 N.J.R. 4113(a).

In (a), substituted "the association of a condominium or other planned real estate development" for "a condominium association".

5:20-1.2 Notice requirements

(a) The by-laws of any association of a condominium or other planned real estate development in which any of the powers and duties of the association are exercised through a governing board, or through officers responsible to and under the direction of a governing board, shall provide for the giving of adequate notice to unit owners of the time and place of all meetings required to be open to all unit owners.

(b) The "adequate notice" required by this section shall mean written notice, at least 48 hours in advance, giving the time, date, location and, to the extent known, the agenda of any regular, special, or rescheduled meeting, other than a conference or working session at which no binding votes are to be taken, which notice shall be:

1. Posted prominently in at least one place on the condominium property that is accessible at all times to all unit owners;
2. Mailed, telephoned, telegrammed, or hand delivered to at least two newspapers that have been designated by the governing board or by the association to receive such

notices because they have the greatest likelihood of informing the greatest number of unit owners; and

3. Filed with the person responsible for administering the business office of the association.

(c) At least once each year, within seven days following the annual meeting of the association, the governing body shall post, and maintain posted throughout the year at the place or places at which notices are posted pursuant to (b)1 above, mail to the newspapers to which notices are sent pursuant to (b)2 above, and file with the person responsible for administering the business office of the association, a schedule of the regular meetings of the governing body to be held during the succeeding year.

1. Such schedule shall contain the location of each meeting, if known and the time and date of each meeting. In the event that such schedule is thereafter revised, the governing body, within seven days following the revision, shall post, mail and submit such revision in the manner set forth in this subsection.

2. If the location of a meeting is set forth in the schedule, additional notice of the meeting pursuant to (b) above shall not be required.

(d) In the event that a meeting of the governing body is required in order to deal with matters of such urgency and importance that delay for the purpose of providing 48 hours 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 or and acting with respect to such matters of urgency and importance, notice of the meeting shall be deemed to be adequate if it is provided as soon as possible following the calling of the meeting by posting, delivering and filing written notice of the meeting in the manner set forth in (b) above.

Amended by R.2007 d.303, effective October 1, 2007.

See: 38 N.J.R. 4531(a), 39 N.J.R. 4113(a).

In (a), substituted "association of a condominium or other planned real estate development" for "condominium association".