

MINUTES OF COMMISSION MEETING
October 19, 2006

Present at the New Jersey Law Revision Commission held at 153 Halsey Street, 7th Floor, Newark, New Jersey, were Commissioners Vito A. Gagliardi, Jr. and Sylvia Pressler. Grace Bertone of McElroy, Deutsch & Mulvaney attended on behalf of Commissioner Rayman Solomon and Professor Bernard Bell of Rutgers School of Law, Newark attended on behalf of Commissioner Stuart Deutsch.

Minutes

The Minutes of the September 21, 2006, meeting were accepted as submitted.

Title 39

Laura Tharney explained that she had not completed the review of motor vehicle provisions in the laws of the fifty states, and would present that information at the next meeting.

Poor Law

Commissioner Pressler said that she had a number of comments on the report, most of them cosmetic. She asked Staff to email her a copy; she will mark her changes on it.

Judy Ungar told the Commission that the comments in Frederick Allen's letter on behalf of the New Jersey Association of County Welfare Attorneys, and those in E. Joseph Kunzmann's letter on behalf of the County Welfare Directors' Association, have already been incorporated in the present draft. Ms. Ungar proposed three dates to Frieda Phillips and Eileen Costello of Human Services, when Mr. Cannel and she are available to meet with them and other interested State officials, and with Mr. Allen. She is awaiting confirmation of a date. Staff is preparing a table of dispositions tracking each current and proposed provision of Title 44.

Chairman Gagliardi said that the next time the Poor Law is on the agenda, the draft should incorporate Commissioner Pressler's changes and the comments from the State officials.

Common Interest Ownership Act

Removal of a unit owner

Subsection (a)(1) Professor Bell suggested inserting the word "delinquent" before "maintenance." Commissioner Pressler suggested changing the time period from 20 to 30 days as 20 days may be insufficient if someone has to wait for a paycheck in order to provide the funds. Professor Bell said that in the last line the phrase "the unit owner is

given” should be removed, and that the word “receiving” should be inserted before “notice.” Commissioner Pressler said that “entry of” should precede the last word “judgment.”

Subsection (a)(2) Commissioner Pressler suggested moving “continued” in the first line to after the word “cease” and omitting “to be so disorderly as.” She also recommended reordering Subsections (1), (3) and (5) as (1), (2) and (3).

Subsection (a)(3) Professor Bell said that the phrase “common interest property” should replace the word “premises.” After further discussion, the phrase, common elements or other units was substituted.

Subsection (a)(4) Professor Bell said that “continued” should be moved as it was in (a)(2). John Burke suggested moving “after written notice to cease” to the beginning of the Subsection following “subject to (b)(4).” Commissioner Pressler said that at the end of the last sentence, the phrase “and have been consistently enforced” should be added. The phrase “and has been accepted in writing” will be changed to “notified in writing.”

Subsection (b) Mr. Cannel will change subsection (b)(4) to subsection (c).

Subsection (b)(1) The word “would” will replace the word “will.”

Subsection (b)(2) Commissioner Pressler suggested that the draft might include language indicating that ejection does not affect the rights of a co-owner. After discussion, the phrase “shall protect the rights of co-owners” was substituted for the existing language, “provide for protection of the rights of co-owners.”

Subsection (b)(3) Chairman Gagliardi asked that the word “opportunity” replace “methods.” Professor Bell asked if this provision applies to mixed use properties in which there is a commercial tenant who is not a resident, but occupies the premises during business hours. Mr. Cannel will substitute the wording to “person occupying the unit” for “resident of the unit” to reflect that commercial tenants are intended to be included.

Regulation of behavior in, or occupancy of, units

Subsection (a) Commissioner Pressler said that she thought that the Commission meant to be as restrictive as possible, which would mean inserting “only such” after “regulate” in the first sentence, and replacing “which” with “as.”

The word “impair” should replace “adversely affect.”

The Commission decided that a copy of regulations on behavior in or occupancy of units should be provided to a person before he acquires a unit. After discussion, it was

decided that the regulations should be provided at the time the contract to buy the unit is signed.

Mr. Cannel will have a new draft for the next meeting.

Miscellaneous

The next meeting is scheduled for November 16, 2006.