



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 802
TRENTON, NJ 08625-0802

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

March 2, 2018

Marion N. Paganello
President, Radburn Association
11 Berkeley Place
Fair Lawn, New Jersey 07410

RE: P.L. 2017, c. 106 compliance

Dear Ms. Paganello:

I am writing in response to a complaint submitted to the Department of Community Affairs, Bureau of Homeowner Protection concerning the By-laws for The Radburn Association.

In May 2017, the Board voted to amend the By-laws of The Radburn Association. Any amendments to by-laws and all board actions must be in compliance with P.L. 2017, c.106. To be effective, in compliance with P.L. 2017, c.106, by-laws must be filed with the county clerk. The amended By-laws have not been so filed and, therefore, are not valid at this time. Thus, status quo as it existed prior to the May 2017 Amended By-laws shall be preserved. Accordingly, rather than two seats, which are being contested, and two seats, which are being designated and extended by members, all four seats must be scheduled for election. Finally, with regard to the issue of the 165 "prospective unit" votes, pursuant to the March 2, 2018 Conditional Order of Registration for the Crossings at Radburn, it has been agreed that votes cannot be cast by the developers, Pulte Homes and Bergen Development Group, until DCA or the courts have approved the By-laws for Radburn. Therefore, that issue has been addressed. It must also be noted that the May 2017 amended By-laws' definition of prospective units is overly broad and inconsistent with the Act as amended by P.L. 2017, c.106.

Should you have questions, please do not hesitate to contact Jim Fahy with the Bureau of Homeowner Protection at Jim.Fahy@dca.nj.gov or at (609) 984-7905.

Sincerely,

Edward M. Smith
Director
Division of Codes and Standards

