

[Third Reprint]

SENATE, No. 2760

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 2, 2022

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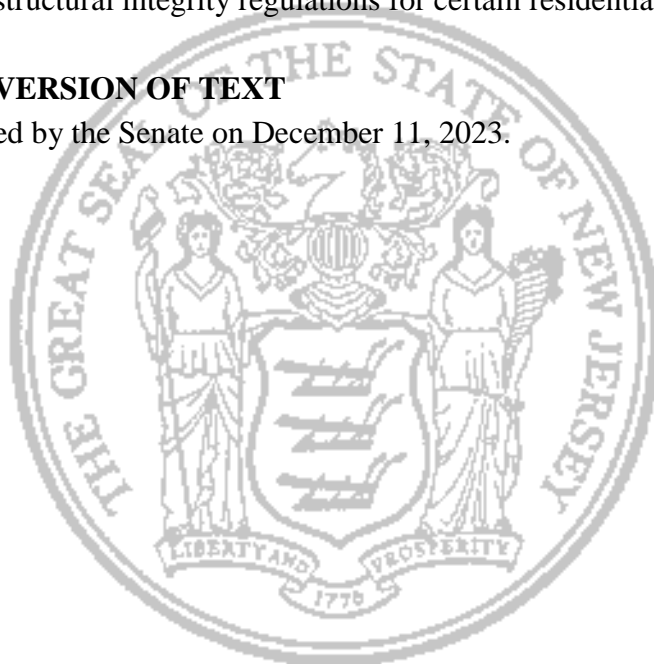
Senator Johnson

SYNOPSIS

Concerns structural integrity regulations for certain residential buildings.

CURRENT VERSION OF TEXT

As amended by the Senate on December 11, 2023.



(Sponsorship Updated As Of: 12/21/2023)

1 AN ACT concerning structural integrity regulation for certain
2 residential structures, supplementing P.L.1975, c.217
3 (C.52:27D-119 et seq.), and amending and supplementing
4 P.L.1977, c.419.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. (New section) The Legislature finds and declares that:
10 a. The importance of the structural integrity of residential
11 buildings in New Jersey has become a growing concern for many,
12 especially in the wake of the tragic collapse of a high-rise,
13 multifamily housing structure in Florida.

14 b. In light of these growing concerns, it is appropriate for the
15 Legislature to put in place appropriate procedures for inspecting,
16 evaluating and maintaining the structural integrity of certain
17 residential housing structures within this State.

18
19 2. (New section) As used in this P.L. , c. (C.)
20 (pending before the Legislature as this bill):

21 ²“Balcony” means an extension of the interior living space of the
22 building that extends outwards from the facade of a covered
23 building and is exposed to the elements.²

24 “Bureau” means the Bureau of Housing Inspection in the
25 Department of Community Affairs.

26 “Corrective maintenance” means maintenance to be undertaken
27 following the detection of deterioration of the primary load bearing
28 system with the goal of remediating the condition reported by the
29 structural inspector.

30 “Covered building” means a residential ²condominium or
31 cooperative² building that ²[is categorized as use group R-1 or use
32 group R-2, as those terms are defined in N.J.A.C.5:70-1.5, having]
33 has a primary² load bearing ²system that is comprised of a²
34 concrete, masonry, steel, ²or² hybrid structure including, ²[but not
35 limited to] without limitation² , heavy timber ²[.]² and a building
36 with podium decks ², but not including an excluded structure² .

37 “Covered building owner” means the owner of a covered
38 building, whose name appears of record with the county clerk or
39 register, or the association of a common interest community.

40 ²“Excluded structure” means:

41 (1) International Standardization Organization ISO type 1
42 construction or frame-built construction with combustible walls or

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCU committee amendments adopted September 29, 2022.

²Senate SBA committee amendments adopted June 12, 2023.

³Senate floor amendments adopted December 11, 2023.

1 roofs, but not including a podium deck on which the frame-built
 2 construction is situated;

3 (2) a building with ancillary elements that are not part of the
 4 primary load bearing system such as, but not limited to elevator
 5 shafts or concrete, masonry, steel or heavy timber that the primary
 6 load bearing system does not deliver a building's load to the
 7 foundation;

8 (3) a building that is not a condominium or cooperative, and
 9 consists primarily of rental dwellings; or

10 (4) a single-family dwelling.

11 "Podium deck" means a structural slab or deck that transfers
 12 applied loads from the structure above to the structure below.²

13 "Primary load bearing system" means the assemblage of
 14 structural components within a building² comprised of columns,
 15 beams, or bracing² that by contiguous interconnection form a path
 16 by which external and internal forces applied to the building are
 17 delivered to the² [ground] foundation. The foundation as well as
 18 any connected or attached balconies shall be included as part of the
 19 primary load bearing system evaluation².

20 "Structural inspector" means:

21 (1) a construction official, as that term is used in section 8 of
 22 P.L.1975, c.217 (C.52:27D-126), who is also an engineer licensed
 23 by the State;

24 (2) an employee of the bureau who is also an engineer licensed
 25 by the State; or

26 (3) an engineer licensed by the State ¹who has the same
 27 qualifications required of an engineer under contract with the
 28 enforcing agency¹ with whom the covered building owner ¹ [
 29 enforcing agency, or bureau]¹ contracts to perform inspections of
 30 covered buildings under sections 3 and 4 of P.L. , c. (C. and
 31 C.) (pending before the Legislature as this bill).

32
 33 3. (New section) a. When a construction application that
 34 proposes to create, amend, or modify the primary load bearing
 35 system ²[of a covered building]² is filed with the enforcing agency
 36 ², the construction permit applicant shall state whether the
 37 residential building will be a condominium or cooperative, in which
 38 case², prior to issuing a construction permit, the enforcing agency
 39 shall consult with a structural inspector ²designated by the
 40 construction permit applicant or, in the absence of this designation,²
 41 chosen by the enforcing agency ²[or covered building owner] ²,
 42 and set forth an inspection schedule to confirm that the primary
 43 load bearing system conforms to the building plans submitted by
 44 the applicant. Inspection, however, shall not be required pursuant
 45 to this subsection as a condition of construction permit issuance if
 46 the structural inspector determines that the building is not a covered

1 building. ²If the construction permit applicant does not state at the
2 time of application, or prior to the first occupancy creating a
3 condominium or cooperative, that the building shall be a
4 condominium or cooperative, then no certificate of occupancy shall
5 be issued for any individual unit in the building until the required
6 inspections of the primary load bearing system have occurred.²

7 b. Inspections conducted pursuant to the schedule set forth in
8 subsection a. of this section shall be performed under the direction
9 of a construction structural inspector. The construction structural
10 inspector may be assisted by other licensed professionals qualified
11 in various special disciplines, including but not limited to
12 geotechnical and civil engineering practices, as needed to conduct
13 the structural inspections required by this section.

14 c. In conducting inspections pursuant to subsections a. and b.
15 of this section, the construction structural inspector shall review the
16 construction plans submitted with the construction application, and
17 issue a written report determining whether the primary load bearing
18 system conforms to the building plans. If the construction
19 structural inspector determines that the primary load bearing system
20 is not in conformance with the building plans, the applicant shall
21 provide additional plans which show conformance with a
22 modification to the primary load bearing system. No certificate of
23 occupancy shall be issued pursuant to section 15 of P.L.1975, c.217
24 (C.52:27D-133), until the structural inspector issues a written report
25 which confirms that the construction of the primary load bearing
26 system of the building is in conformance with the approved
27 construction plans.

28 d. The creation of, or repair, renovation, alteration, or
29 modification to the primary load bearing system of a covered
30 building required pursuant to any inspection shall be conducted by a
31 construction structural inspector prior to the issuance of a certificate
32 of occupancy required pursuant to section 15 of P.L.1975, c.217
33 (C.52:27D-133).

34 e. Any additional cost to the enforcing agency incurred as a
35 result of inspections made under this section shall be recovered
36 through a fee associated with the construction application of a
37 covered building which shall be paid by the covered building owner
38 during the application process.

39 f. The commissioner shall adopt rules and regulations,
40 pursuant to the provisions of the "Administrative Procedure Act,"
41 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of
42 this section.

43

44 4. (New section) a. Following the issuance of a certificate of
45 occupancy, an initial structural inspection of the building
46 components forming the primary load bearing system of a covered
47 building shall be undertaken by a post-occupancy structural

1 inspector retained by the covered building owner within the earlier
2 of:

3 (1) 15 years of the date on which the covered building receives a
4 certificate of occupancy pursuant to section 15 of P.L.1975, c.217
5 (C.52:27D-133); or

6 (2) 60 days after observable damage to the primary load bearing
7 system.

8 ²b.² If a covered building has received a certificate of occupancy
9 pursuant to section 15 of P.L.1975, c.217 (C.52:27D-133) prior to
10 the effective date of P.L. , c. (C.) (pending before the
11 Legislature as this bill), then an initial structural inspection shall be
12 undertaken by a structural inspector ²within two years of based
13 on the number of years the certificate of occupancy preceded² the
14 effective date of P.L. , c. (C.) (pending before the
15 Legislature as this bill) ², as provided in this subsection. If the
16 certificate of occupancy was provided:

17 (1) one day to ³five ¹⁴years ³and 364 days³ prior to the
18 effective date of P.L. , c. (C.) (pending before the
19 Legislature as this bill), then the structural inspection shall occur
20 within ³six years following the effective date of P.L. ,
21 c. (C.) (pending before the Legislature as this bill) ³one year
22 of the date 15 years following the date of the issuance of the
23 certificate of occupancy³ ; ³or³

24 (2) ³five years and one day to ten years, ³15 or more years³
25 prior to the effective date of P.L. , c. (C.) (pending before
26 the Legislature as this bill), then the structural inspection shall
27 occur within ³four ³two years following the effective date of
28 P.L. , c. (C.) (pending before the Legislature as this bill)
29 ³; or

30 (3) ten years and one day or longer prior to the effective date of
31 P.L. , c. (C.) (pending before the Legislature as this bill),
32 then the structural inspection shall occur within two years following
33 the effective date of P.L. , c. (C.) (pending before the
34 Legislature as this bill)³.

35 c. A building that ³is proposed to be has been³ converted to
36 a condominium or cooperative form of ownership after the effective
37 date of P.L. , c. (C.) (pending before the Legislature as this
38 bill) shall, as part of the process of registering the project pursuant
39 to the "Planned Real Estate Development Full Disclosure Act,"
40 P.L.1977, c.419 (C.45:22A-21 et seq.) and the regulations
41 promulgated thereunder, be required to ³have an inspection of the
42 primary load bearing system conducted in in conformity with
43 subsections d., e., and f. of this section, and a copy of the written
44 inspection shall be included in the project's public offering
45 statement² ²follow the schedule of inspections provided in
46 paragraphs (1) and (2) of subsection b. of this section³.

1 ²**[b.] d.**² After the post-occupancy structural inspector has
2 performed an inspection pursuant to subsection a. of this section,
3 the post-occupancy structural inspector shall issue a written report
4 describing the condition of the primary load bearing system. The
5 post-occupancy structural inspection report shall:

6 (1) set forth with specificity any required maintenance or repairs
7 needed by the primary load bearing system;

8 (2) determine when the next inspection of the primary load
9 bearing system shall be performed, but in no event shall a
10 secondary inspection occur more than the earlier of: (a) 10 years
11 after the initial inspection has taken place; or (b) not more than 60
12 days after there is observable damage to the primary load bearing
13 system;

14 (3) be provided to the municipal appointing authority, the
15 construction official and the enforcing agency;

16 (4) be prepared in accordance with the protocol established by
17 the American Society of Civil Engineers, for the structural
18 condition assessment of a covered building or a similar protocol by
19 another nationally recognized structural engineering organization;
20 and

21 (5) provide any other information or guidance necessary to
22 maintain the structural integrity of a covered building.

23 ²**[c.] e.**² If the structural inspector's report created pursuant to
24 subsection ²**[b.] d.**² of this section finds that corrective
25 maintenance of the primary load bearing system is required, the
26 report shall specify with reasonable detail the required corrective
27 maintenance.

28 ²**[d.] f.**² Notwithstanding the structural inspector's initial
29 inspection and report undertaken pursuant to subsections a. through
30 ²**[c.] e.**² of this section, subsequent structural inspections and
31 reports shall be provided for as set forth by the structural
32 inspector's preceding report as follows:

33 (1) The structural inspector ³**[will]** shall³ determine a
34 reasonable period of time within which the next inspection shall
35 take place provided, however, that any subsequent inspection under
36 this paragraph shall not take place ³**[**:

37 (a) more than 10 years after a preceding inspection during the
38 first 20 years following issuance of a certificate of occupancy of a
39 covered building; or

40 (b) ³**]** more than five years after a preceding inspection ³**[if the**
41 covered building is more than 20 years old ³**]**.

42 (2) The structural inspector shall review the preceding
43 inspection report prior to undertaking subsequent inspection of the
44 covered building. After the structural inspector completes this
45 review and inspection, the structural inspector will then issue a
46 subsequent inspection report which shall:

47 (a) make note of any new or progressive deterioration;

1 (b) set forth the covered maintenance required to address any
2 new or progressive deterioration; and

3 (c) be provided to the covered building owner, who shall
4 undertake measures necessary to effectuate the covered
5 maintenance, including, but not limited to, engaging the services of
6 an architect or engineer licensed by the State and qualified in
7 structural repairs or maintenance to create plans or specifications to
8 implement the covered maintenance. The covered building owner
9 shall cause any plans or specifications created pursuant to this
10 subparagraph to be filed with the municipal appointing authority or
11 enforcing agency.

12 (3) If the post-occupancy structural inspector's inspection finds
13 that there is no need for corrective maintenance, the written report
14 shall be filed with the enforcing agency or municipal appointing
15 authority.

16 (4) Any written reports issued by the post-occupancy structural
17 inspector pursuant to this section shall be provided to the covered
18 building's owner and shall be made available to any resident of a
19 covered building upon request.

20 ²[e.] g.² Inspections conducted pursuant to this section may be
21 conducted in conjunction with other required inspections, including
22 but not limited to inspections required pursuant to the "Hotel and
23 Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.).
24

25 5. (New section) A construction or post-occupancy structural
26 inspector who performs the duties set forth in sections 3 and 4 of
27 P.L. , c. (C. and C.) (pending before the Legislature
28 as this bill) in good faith and pursuant to the protocols adopted by
29 the American Society of Civil Engineers, or similar protocols by
30 another nationally recognized structural engineering association,
31 shall not incur any civil liability for injury associated with any
32 inspection undertaken by the structural inspector.
33

34 6. Section 6 of P.L.1977, c. 419 (C.45:22A-26) is amended to
35 read:

36 6. a. Unless otherwise exempted:

37 (1) No developer may offer or dispose of any interest in a
38 planned real estate development, prior to the registration of such
39 development with the agency.

40 (2) No developer may dispose of any lot, parcel, unit, or interest
41 in a planned real estate development, unless he: delivers to the
42 purchaser a current public offering statement, on or before the
43 contract date of such disposition.

44 b. Any contract or agreement for the purchase of any parcel, lot,
45 unit, or interest in a planned real estate development may be
46 canceled without cause by the purchaser by sending or delivering
47 written notice of cancellation by midnight of the seventh calendar
48 day following the day on which the purchaser has executed such

1 contract or agreement. Every such contract or agreement shall
2 contain, in writing, the following notice in 10-point bold type or
3 larger, directly above the space provided for the signature of the
4 purchaser:

5 "NOTICE TO THE PURCHASER: you have the right to cancel
6 this contract by sending or delivering written notice of cancellation
7 to the developer by midnight of the seventh calendar day following
8 the day on which it was executed. Such cancellation is without
9 penalty, and any deposit made by you shall be promptly refunded in
10 its entirety."

11 c. Notice as required in subsection b. shall, in addition to all
12 other requirements, be conspicuously located and simply stated in
13 the public offering statement.

14 d. The developer shall make copies of the public offering
15 statement freely available to prospective purchasers prior to the
16 contract date of disposition.

17 e. The developer shall make copies of any written report or
18 document prepared pursuant to sections 3, 4, or 10 of P.L. _____,
19 c. (C. _____, C. _____, or C. _____) (pending before the Legislature as
20 this bill) available to prospective purchasers prior to the contract
21 date of disposition.

22 (cf: P.L.1977, c.419, s.6)

23

24 7. (New section) a. Any association ²[created pursuant to
25 P.L.1977, c.419 (C.45:22A-21 et seq.)] of a planned real estate
26 development² shall undertake and fund a capital reserve study
27 which shall determine or assess the adequacy of the association's
28 capital reserve funds to meet the anticipated costs of replacement or
29 repair of the capital assets of a common interest community that the
30 association is obligated to maintain. All capital reserve studies
31 shall be prepared in conformity with the latest edition of the
32 National Reserve Study Standards of the Community Associations
33 Institute or similar standards by another recognized national
34 organization. A capital reserve study conducted pursuant to this
35 section shall be performed or overseen by a reserve specialist who
36 is credentialed through the ²[Association of Professional Reserve
37 Analysts] Community Associations Institute² or an engineer or
38 architect who is licensed by the State and shall include, but be not
39 limited to, the following:

40 (1) the association's capital reserve fund balances;

41 (2) the association's anticipated income and expenses;

42 (3) an analysis of the physical status and of the common area
43 components of the buildings and other common areas that the
44 association is obligated to maintain;

45 (4) the anticipated costs associated with the building
46 maintenance, as well as the anticipated costs of repair or
47 replacement of common area building components, which are

1 necessary to maintain the structural integrity of the buildings and
 2 other common area components that the association is obligated to
 3 maintain;

4 (5) a reasonable estimate of the cost of ²;

5 (a)² future reserve studies ²**[or]**;

6 (b) reserve study² updates ²; and

7 (c) periodic structural inspections required pursuant to section 4
 8 of P.L. , c. (C.) (pending before the Legislature as this
 9 bill²;

10 (6) a reasonable estimate of the costs associated with
 11 implementing any corrective maintenance deemed necessary
 12 pursuant to section 4 of P.L. , c. (C.) (pending before the
 13 Legislature as this bill);

14 (7) a proposed 30-year funding plan, as described in section 8 of
 15 P.L. , c. (C.) (pending before the Legislature as this bill)
 16 that establishes the adequate proposed capital reserve funding over
 17 a 30-year time period; and

18 (8) any other information necessary to perform an analysis of
 19 the adequacy of the association's capital reserve funds relative to
 20 maintaining the structural integrity of buildings and common areas
 21 which the association is obligated to maintain.

22 b. Associations which have not undertaken a reserve study
 23 within five years of the effective date of P.L. , c. (C.)
 24 (pending before the Legislature as this bill) shall undertake a
 25 reserve study within one year of the effective date of P.L. ,
 26 c. (C.) (pending before the Legislature as this bill).
 27 Associations formed after the effective date of P.L. ,
 28 c. (C.) (pending before the Legislature as this bill) shall
 29 undertake a reserve study as soon as practicable after the election of
 30 a majority of an executive board pursuant to section 5 of P.L.1983,
 31 c.30 (C.45:22A-47), but in no event shall such study be undertaken
 32 more than two years following the election of a majority of the
 33 executive board under section 5 of P.L.1983, c.30 (C.45:22A-47).

34 c. A covered building owner ², as defined in section 2 of
 35 P.L. , c. (C.) (pending before the Legislature as this bill),²
 36 shall ensure that a capital reserve study conducted pursuant to this
 37 section shall be reviewed by a licensed architect, engineer, or
 38 credentialed reserve specialist, and that a capital reserve study be
 39 conducted and reviewed at least once every five years.

40 d. This section shall not apply to an association ²**[created**
 41 **pursuant to P.L.1977, c.419 (C.45:22A-21 et seq.)]** of a planned
 42 real estate development² with less than \$25,000 in total common
 43 area capital assets.

45 8. (New section) a. An association ²**[created pursuant to**
 46 **P.L.1977, c.419 (C.45:22A-21 et seq.)]** of a planned real estate
 47 development² shall obtain a reserve study including a 30-year

1 funding plan in order to ensure that the association has adequate
2 reserve funds available to repair or replace the capital assets located
3 on the common elements and facilities that the association is
4 obligated to maintain without need to create a special assessment or
5 loan obligation, except that in those cases in which a capital asset
6 reaches the end of its established useful life earlier than predicted
7 by the reserve study, nothing herein is intended to prevent the
8 imposition of a special assessment or obtaining a loan. These
9 reserve funds shall be used for the repair or replacement of
10 components that have reached the end of their established useful
11 life as set forth in the most recent reserve study undertaken pursuant
12 to section 7 of P.L. , c. (C.) (pending before the Legislature
13 as this bill).

14 b. When an expenditure of the reserve funds is required to
15 repair or replace a component pursuant to subsection a. of this
16 section, the association shall use only the amount of reserve funds
17 allocated by the reserve study to make such repair or replacement,
18 unless:

19 (1) the use of such additional funds from the reserve fund is not
20 reasonably anticipated to prevent or interfere with the ability of the
21 association to undertake additional repairs or replacements in the
22 five years subsequent to the additional expenditure; and

23 (2) the association's executive board adopts a written resolution
24 requiring that the expenditure of these additional funds shall be
25 recovered within the following ²~~three~~ five² fiscal years.

26 c. If an association existing as of the effective date of P.L. ,
27 c. (C.) (pending before the Legislature as this bill) does not
28 have an adequate reserve fund as described in subsection a. of this
29 section, and the increase in the association's budget line item for
30 reserve funding to render it adequate as set forth in the reserve
31 study would, without reference to any other budget line item
32 adjustments, require an increase of more than 10 percent of the
33 previous year's common expense assessment, the deficiency shall
34 be made adequate within the ²earlier of the² following ²~~five~~ 10²
35 fiscal years, ²~~provided that each~~ or the projected date predicted
36 by the reserve study by which absent increased funding, the balance
37 in the association's reserve account would fall below zero. In either
38 case, the² annual increase in reserve funding during the ²~~following~~
39 five fiscal years² required period of time² shall be an equal annual
40 line item increase in the reserve fund until the reserve fund is made
41 adequate, notwithstanding causing an increase of more than 10
42 percent in the annual common expense assessment.

43 d. If an association existing as of the effective date of P.L. ,
44 c. (C.) (pending before the Legislature as this bill) does not
45 have an adequate reserve fund as described in subsection a. of this
46 section, and the increase in the association's budget line item for
47 reserve funding to render it in conformity with the reserve study

1 would, without reference to any other item adjustments, require an
2 increase of less than 10 percent of the previous year's common
3 expense assessment, the deficiency shall be made adequate within
4 the following two fiscal years.

5
6 9. (New section) a. Notwithstanding the terms of a declaration,
7 master deed, bylaws, or other governing document of an
8 association, the executive board may, without the consent of the
9 owners or approval of a developer selling units in the planned real
10 estate development, adopt an assessment payable by the owners
11 over one or more fiscal years or obtain a loan on such terms as the
12 board determines are reasonable, whenever necessary to fund the
13 cost of corrective maintenance of the primary load bearing system
14 of the planned real estate development pursuant to section 4
15 of P.L. , c. (C.) (pending before the Legislature as this
16 bill). Prior to adopting an assessment or obtaining a loan under this
17 section, the executive board shall make a determination that the
18 assessment or loan are necessary to maintain structural integrity of a
19 building and shall obtain a written report from an engineer or
20 architect licensed by the State that states that the failure to
21 undertake corrective maintenance of the primary load bearing
22 system will:

23 (1) constitute an imminent or reasonably foreseeable hazard to
24 health or safety;

25 (2) constitute a violation of sections 3 and 4 of
26 P.L. , c. (C. and C.) (pending before the Legislature
27 as this bill), or

28 (3) will result in a material increase in the cost of such
29 corrective maintenance if delayed.

30 b. Nothing in this section shall prevent or interfere with the right
31 of an association to pursue a lawsuit concerning claims for
32 construction defects related to any common element of the planned
33 real estate development.

34
35 10. (New section) The developer shall prepare a document
36 which sets forth the preventative maintenance tasks to be
37 undertaken by the association over the life of the common area
38 components. This preventive maintenance document shall provide
39 the maintenance schedule and timing for preventive maintenance,
40 including, but not limited to, periodic inspections of the structural
41 components of the buildings or common areas which the association
42 is obligated to maintain. The developer shall include within the
43 budget prepared in accordance with the rules and regulations
44 adopted pursuant to section 15 of P.L.1977, c.419 (C.45:22A-35) all
45 operating expenses associated with the preventative maintenance set
46 forth in the preventative maintenance document prepared pursuant
47 to this section. The preventative maintenance document shall be
48 updated at the completion of any structural inspections performed

1 pursuant to section 3 of P.L. , c. (C.) (pending before the
2 Legislature as this bill) in order to reflect and address any required
3 corrective maintenance.

4
5 11. (New section) Within 60 days after the conveyance of 75
6 percent of the lots, parcels, units or interests, the developer shall
7 relinquish control of the association, and the unit owners shall
8 accept control, as required by section 5 of P.L.1993, c.30
9 (C.45:22A-47). At that time, the developer shall also deliver to the
10 association all property of the unit owners and of the association
11 held or controlled by the developer, including, but not limited to,
12 the following items, if applicable, as to each lot, parcel, unit or
13 interest operated by the association:

14 a. A photocopy of the recorded master deed or declaration and
15 all amendments thereto, certified by affidavit of the developer, or an
16 officer or agent of the developer, as being a complete copy of the
17 actual master deed.

18 b. A certified copy of the association's articles of incorporation,
19 or if not incorporated, then copies of the documents creating the
20 association.

21 c. A copy of the bylaws and all amendments thereto, certified by
22 affidavit of the developer, or an officer or agent of the developer, as
23 being a complete copy of the bylaws.

24 d. A preventative maintenance document or manual created by
25 the developer pursuant to section 10 of P.L. , c. (C.)
26 (pending before the Legislature as this bill) which sets forth a
27 schedule for monitoring on a periodic basis the structural integrity
28 of the buildings' primary load bearing system.

29 e. The minute books, including all minutes, and other books and
30 records of the association, if any.

31 f. Any house rules and regulations which have been
32 promulgated.

33 g. Resignations of officers and members of the governing board
34 or other form of administration who are required to resign because
35 the developer is required to relinquish control of the association.

36 h. An accounting for all association funds, including capital
37 accounts and contributions as of the date of the election of a
38 majority of the executive board members.

39 i. Association funds or control thereof.

40 j. All tangible personal property that is property of the
41 association, represented by the developer to be part of the common
42 elements or ostensibly part of the common elements, and an
43 inventory of that property.

44 k. A copy of the plans and specifications utilized in the
45 construction or remodeling of improvements and the supplying of
46 equipment to the planned real estate development, including plans
47 setting forth all field changes impacting any component of the
48 primary load bearing system and in the construction and installation

1 of all mechanical components serving the improvements and the
2 site, with a certificate in affidavit form of the developer, his agent,
3 or an architect or engineer authorized to practice in this State that
4 such plans and specifications represent, to the best of their
5 knowledge and belief, the actual plans and specifications utilized in
6 the construction and improvement of the condominium property and
7 for the construction and installation of the mechanical components
8 serving the improvements.

9 l. Insurance policies.

10 m. Copies of any certificates of occupancy which may have
11 been issued for the planned real estate development property.

12 n. Any other permits issued by governmental bodies applicable
13 to the planned real estate development property in force or issued
14 within one year prior to the date the unit owners other than the
15 developer take control of the association.

16 o. All written warranties of the contractor, subcontractors,
17 suppliers, and manufacturers, if any, that are still effective.

18 p. A roster of unit owners and their addresses and telephone
19 numbers, if known, as shown on the developer's records.

20 q. Leases of the common elements and other leases to which the
21 association is a party.

22 r. Employment contracts, management contracts, maintenance
23 contracts, contracts for the supply of equipment or materials, and
24 service contracts in which the association is one of the contracting
25 parties and maintenance contracts and service contracts in which the
26 association or the unit owners have an obligation or responsibility,
27 directly or indirectly, to pay some or all of the fee or charge of the
28 person or persons performing the service.

29 s. All other contracts to which the association is a party.

30
31 12. This act shall take effect immediately.