

NEW JERSEY

Basic Information on community association operations in this state

1. Is UCA the legal basis for community associations? <ul style="list-style-type: none"> • Filed under New Jersey administrative code (NJAC) 46:8B 	YES NO
2. Do state laws/regulations (in general) apply to Condominium Associations and Homeowner Associations, and Coop Associations equally? <ul style="list-style-type: none"> • Planned Real Estate Full Disclosure Act (Applies to HOAs) Title 5:26-1 • Horizontal Property Act (Does not apply to HOAs) Title 46:8A • Condominium Act (Does not apply to HOAs) Title 46:8B • Cooperative Recording Act Title 46:8D (applies to both) 	YES NO
3. What state agency regulates community associations? <p style="text-align: center; margin-top: 10px;"> DEPARTMENT OF COMMUNITY AFFAIRS, BUREAU OF HOMEOWNER PROTECTION http://www.state.nj.us/dca/divisions/codes/offices/homeownerprotection.html </p>	
4. Are community associations, HOAs registered as business entities or nonprofit corporations? <p style="text-align: center; margin-top: 10px;"> NON PROFIT <ul style="list-style-type: none"> • Nonprofit Corporation Act 2013, Title 15a </p>	
5. How many community associations in this state? <i>(Source: CAI Fact Book 2016 Statistics)</i>	6,800 est'd
6. Does this state have laws that regulate use of technology? <p style="margin-top: 10px;">If Yes, do these laws impact:</p> <ul style="list-style-type: none"> • Information privacy; • Data access; • Identity Theft; • Data breach? 	YES NO YES YES YES YES
Key Statutes - Association/CID specific Cyber Security, Data Access and Privacy	
NONE FOUND	
Relevant Legislative Trends	
Numerous bills introduced to expand protections for online information. None passed in 2017.	

Statutes related to Data Security/retention/protection/disposal and penalties

Focus is electronic information

- N.J. Stat. Ann. § 56:8-163–66 (2005) – applies to business and to government
- Any business or public entity that compiles or maintains computerized records ...
- Nonpublic information includes security or access codes or passwords
- There is encryption safe harbor
- There is 3rd party notice requirement
- A breach must be reported to the Division of State Police in the Department of Law and Public Safety prior to notifying customer.
- If more than 1000 persons notified must also notify all nationwide consumer reporting agencies

Identity theft statutes and penalties

- **N.J. Rev. Stat. §2C:21-17 et seq.** Defines impersonation/breach of identity as criminal offense in 4th or 3rd degree depending on loss threshold (\$500)

Related General Business/Organization Statutes (non-specific to Associations)

DESCRIBED ABOVE