

## **Village Grande at English Mill Homeowners Association Alternative Dispute Resolution Committee**

### **Purpose**

To provide opportunities for Homeowners, Residents and the Homeowners Association of Village Grande of English Mill (HOA) for mediation or arbitration in an unbiased and independent manner when requested. The dispute may be between Residents, Homeowners, Committees or the HOA with the intent to arrive at a mutually satisfactory resolution as an alternative to litigation.

### **Scope of Authority**

The NJ Condominium Act (NJCA) and the Planned Real Estate Development Full Disclosure Act (PREDFDA) requires Home Owners Associations to provide a “fair and efficient” alternative to litigation for unit owners to resolve “housing related” disputes between one another or with the HOA.

By-Laws Article XII, Section 12.05 states “The Alternative Dispute Resolution Committee shall have the duties, power and authority, by resolution of the Board of Trustees, to resolve disputes arising under and enforce the provisions of the Governing Documents including the right to

- a. Impose cease and desist orders.
- b. Levy fines pursuant to Section 12.12 to the extent permitted by law.”

The Alternative Dispute Resolution Committee is under the direct supervision of the Board of Trustees (BOT) and serves at its pleasure. The Committee has no expressed or implied power or authority other than that granted by the NJCA, PREDFDA and the Village Grande at English Mill Governing Documents.

### **Membership**

Committee membership is limited to members in good standing of the Homeowners Association. Chairpersons and members may be appointed or removed by the Board of Trustees. Per the NJCA and the PREDFDA no member of the ADR Committee may be a officer of the Association or a home owner involved in the dispute. The Community Manager may address issues submitted via a General Complaint Form. When an Alternative Dispute Resolution is requested the Community Manager will notify the ADR Committee Chairperson to initiate the process. The Chairperson shall be the primary point of contact and lead the Committee in its duties. A Committee member must recuse themselves if they have or may have the appearance of a conflict of interest.

## **Responsibilities**

In order to fulfill its purpose, the ADR shall:

1. Conduct all meetings and communications in a good faith manner with the intention to resolve the presented issue.
2. Ensure all parties are aware of their rights and responsibilities when an ADR is requested.
3. Ensure that all ADR applications are completed in their entirety and that a satisfactory outcome is included in the request. If the application is not completed in its entirety, the application may be denied.
4. Once notified by the Community Manager that an ADR request has been made, the Committee must advise the parties as to procedures, timelines and process as guided by the Village Grande at English Mill Alternative Dispute Resolution Policy.
6. Participants must be advised of the options for both mediation and arbitration along with the limitations, constraints and guidelines of each option.
7. The Committee will keep accurate and complete records of all activities.
8. Confidentiality must be maintained by all parties participating.
9. A written report and agreement will be submitted to the Community Manager and filed in the participants' permanent home record.

## **Amendment**

This Charter may be reviewed or revised as deemed necessary by the Board of Trustees but is limited to compliance with the NJCA, PREDFDA and the Governing Documents of the Village Grande of English Mill.

Approved *Joyette Harris* Date 3/26/24

Revised: March 26, 2024