



## David J. Byrne

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David Byrne is a partner in the Community Association Department. He devotes his practice to the representation of condominiums, community associations, cooperatives and homeowners associations. David provides homeowners associations, condominiums and cooperatives with a full range of legal advice and services, including:

- Drafting and negotiation of service contracts
- Rules and regulations and alternative dispute regulations (ADR)
- Collections, delinquent assessments and common charges
- Transition negotiations with developers and/or sponsors
- Construction defect litigation
- Municipal services and relations
- Fair housing compliance
- Restrictive covenant enforcement and interpretation
- Any necessary litigation-related services
- Governance
- Fiduciary duties of board members

### Practice Area

- Community Association Law
- Alternative Dispute Resolution

### Education

- Rutgers College, B.A., 1991
- Rutgers School of Law, J.D., 1994

### Admissions

- New Jersey Bar
- Pennsylvania Bar
- New York Bar

He has lectured extensively on a variety of topics, including:

- Recovery and management of assessments and/or common charges
- ADR
- Mediation
- Transition
- “Going green” and communities
- Predatory towing
- Insurance
- Contract law
- A developer’s obligations pursuant to New Jersey’s Planned Real Estate Development Full Disclosure Act
- Construction defects
- Fair housing
- Sponsorship duties per New York law
- Rent receivership

David is a member of the advisory committee of the Community Association Manager, a publication serving the needs of the country’s community association managers. He serves as a consultant in legal malpractice cases involving community association attorneys, and on behalf of management companies and associations with regard to their fiduciary duties.

David has defended several associations via jury trials against fiduciary duty suits and testified before the 2003 New Jersey State Committee on Investigations inquiring into home construction and inspection abuses. He frequently lectures for the New Jersey chapter of CAI, the Cooperator, the South Jersey Condominium Managers Association, the Institute of Real Estate Managers, the New York/New Jersey Cooperator Annual Conference, NYARM, the Pennsylvania and Delaware Valley chapter of CAI, and the Hudson Valley Chapter of CAI. He is currently vice president of the board of directors of the Big Apple Chapter of CAI. In 2008, he was named in the New Jersey Law Journal’s list of top 40 Lawyers under 40\* in New Jersey.

Prior to joining Ansell Grimm & Aaron, David was a partner at Herrick, Feinstein LLP in its Community Association Department.

\*No aspect of this advertisement has been approved by the Supreme Court of New Jersey or the American Bar Association.

## Representative Matters

- Dismissal of the complaint of several condominium owners in the United States District Court, District of New Jersey, regarding the United States Fair Housing Act, parking issues and allegations of retaliation, a decision reported at 173 F. Supp 2nd 244 (D.N.J. 2001)
- Appellate Division’s reversal of a trial court’s refusal to apply the Municipal Services Act (“Kelly Bill”) to a community association in development, a decision reported at 330 N.J. Super. 345 (App. Div. 2000)

- Landmark New Jersey Appellate Court decision upholding parking-related rules on public roads in a private community and protecting that board from a defamation suit, a decision reported as *Verna v. Links at Valleybrook Neighborhood Association, Inc.*, at 371 N.J. Super 77 (App. Div. 2004)
- Successfully argued that a condominium need not provide ADR prior to instituting an action for injunctive relief, a decision reported as *Finderne Heights Condo. Association, Inc. v. Rabinowitz*, 390 N.J. Super. 154 (App. Div. 2007)
- Served as lead counsel to Leisure Village, successfully establishing, in 2012, that New Jersey's Municipal Services Act does not bar the claims of qualified private communities made more than one year after the community's costs had been incurred, a case reported as *Leisure Village Association v. Township of Lakewood* (L-1684-11)
- Prevailed in a plenary hearing proving all the community's roads are "roads" and eligible for reimbursements and/or services, for the purposes of New Jersey Municipal Services Act
- Argued a groundbreaking appeal in Woodlake at Kings Grant Condominium v. Mesey, resulting in an appellate court opinion that recognized a court is empowered to grant a condominium's application to place a unit into rent receivership, in the context of that condominium's lien foreclosure
- Successfully appeared before New Jersey's Appellate Division, arguing in favor of a community association's right to tow vehicles, enforce restrictive covenants, and protect owners' privacy and the collection of assessments and attorneys' fees

## Publications

David has written numerous articles for the Community Associations Institute (CAI) *Community Trends*® magazine, the national publication *Community Association Law Reporter*, *New York and New Jersey Cooperator*, CAI's *Community Assets* magazine, CAI's *In Focus* magazine, and the *New Jersey Law Journal*. His articles have addressed issues including:

- Affordable housing
- Collections
- Rent receiverships
- Management and recovery of assessments and common charges
- Free speech concerns
- ADR
- Fiduciary duty
- Municipal services
- Transition
- Fair housing
- Mediation
- Governance
- Rules and regulations
- Foreclosure

