

CHAPTER 71

AN ACT concerning housing for older persons and homeowners' associations, and supplementing P.L.1993, c. 30 (C.45:22A-43 et seq.) and Title 46 of the Revised Statutes.

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

C.45:22A-46.1 Findings, declarations relative to age-restricted communities.

1. The Legislature finds and declares:
 - a. Age-restricted communities are one of the fastest growing types of developments in the nation and in the State;
 - b. Age-restrictions violate federal laws against discrimination in housing, unless certain exceptions are met for age-restricted communities as authorized by federal law;
 - c. Homeowners' associations which manage the property in age-restricted communities currently have no methods by which to ensure that the exceptions to federal anti-discrimination provisions will be maintained upon the resales of units in such communities; and
 - d. It is necessary and in the public interest for the Legislature to create a method of ensuring compliance by age-restricted communities with federal law.

C.45:22A-46.2 Resale, transfer of dwelling unit, certification of compliance with rules of age-restricted community.

2. Notwithstanding any law or governing document to the contrary, the purchaser or grantee by operation of law of a dwelling unit in an age-restricted community shall be required to certify, prior to the resale or transfer by operation of law of a dwelling unit within the community, that the dwelling unit will be occupied by a person of an age that ensures compliance with the "housing for older persons" exception from the federal "Fair Housing Amendments Act of 1988," Pub.L.100-430 (42 U.S.C. ss.3601 et seq.) for that community as set forth in section 100.301 of Title 24, Code of Federal Regulations. The certification shall be on such form as may be prescribed by the Commissioner of Community Affairs, but shall not exceed one page in length. A copy of the certification shall be provided to the purchaser for recording. For the purpose of P.L.2008, c.71 (C.45:22A-46.1 et al.), "resale" shall mean any sale of a dwelling unit within an age-restricted community, other than the initial sale of the unit made by the developer to a purchaser.

C.46:15-6.2 Certification required for recording deed.

3. No deed shall be recorded with a county recording office for a property to which an age restriction applies unless the certification required pursuant to P.L.2008, c.71 (C.45:22A-46.1 et al.) accompanies such filing and is recorded with the deed as an addendum thereto.

4. This act shall take effect immediately.

Approved September 6, 2008.