

CHAPTER 100

AN ACT concerning association assessment in planned real estate developments, and supplementing P.L.1977, c.419 (C.45:22A-21 et seq.).

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

C.45:22A-45.3 Findings, declarations relative to association assessment in planned real estate developments.

1. The Legislature finds and declares that:

a. Certain associations have interpreted that the provisions of P.L.2017, c.106 (C.45:22A-45.1 et al.), enacted on July 13, 2017, may impose new responsibilities on certain property owners to pay assessments and other charges to their associations; and

b. It is necessary and in the public interest for the Legislature to clarify that P.L.2017, c.106 (C.45:22A-45.1 et al.) did not impose new responsibilities on property owners to pay assessments and other charges.

C.45:22A-45.4 Certain assessments prohibited.

2. a. An association in a community established prior to the effective date of the “Planned Real Estate Development Full Disclosure Act,” (“PREDFDA”), P.L.1977, c.419 (C.45:22A-21 et seq.), shall not be permitted to require property owners to pay assessments and other charges where the property owner’s title record does not impose such an obligation, unless otherwise provided by law.

b. If, after July 13, 2017, an association has recorded a lien against an owner’s property for non-payment that is based solely on the misinterpretation that P.L.2017, c.106 imposed new responsibilities on property owners to pay an association’s assessments or other charges, pursuant to P.L.2020, c.100 (C.45:22A-45.3 et seq.), the lien shall be null and void. The association shall promptly discharge such lien of record and provide notice of this action to the property owner. If an association fails to discharge such null and void lien, the owner may bring an action to have the lien discharged and, if successful, shall be entitled to petition the court for an award of counsel fees.

3. This act shall take effect immediately and shall be retroactive to July 13, 2017.

Approved September 30, 2020.