

§§1,2 -
C.45:22A-45.3 &
45:22A-45.4
§3 - Note

P.L. 2020, CHAPTER 100, *approved September 30, 2020*
Senate, No. 908 (*Second Reprint*)

- 1 AN ACT concerning association assessment ¹[and election
2 participation]¹ in planned real estate developments, and
3 supplementing P.L.1977, c.419 (C.45:22A-21 et seq.).
4
- 5 BE IT ENACTED by the Senate and General Assembly of the State
6 of New Jersey:
7
- 8 1. The Legislature finds and declares that:
9 a. Certain associations have interpreted that the provisions of
10 P.L.2017, c.106 (C.45:22A-45.1 et al.), enacted on July 13, 2017,
11 may impose new responsibilities on certain property owners to pay
12 assessments and other charges to their associations; and
13 b. It is necessary and in the public interest for the Legislature to
14 clarify that P.L.2017, c.106 (C.45:22A-45.1 et al.) did not impose
15 new responsibilities on property owners to pay assessments and
16 other charges ²[¹, nor did it convert a previously voluntary
17 association into a planned real estate development¹]².
18
- 19 2. a. An association in ¹[communities] a community¹
20 established prior to the ¹[passage] effective date¹ of the “Planned
21 Real Estate ¹[Financial] Development Full¹ Disclosure Act,”
22 (“PREDFDA”), P.L.1977, c.419 (C.45:22A-21 et seq.), shall not be
23 permitted to require property owners to pay assessments and other
24 charges ²[¹, unless otherwise provided by law,¹]² where ²[¹:
25 (1)¹]² the property owner’s title record does not impose such an
26 obligation ¹[, unless otherwise provided by law]²; or
27 (2) the property owner’s title record establishes such an
28 obligation, but it was previously only imposed on property owners
29 who voluntarily elected to join or become members of the
30 association, and not on all property owners¹.
31 b. ¹In an association within a community established prior to the
32 effective date of PREDFDA, if the association seeks to require one
33 or more property owners to pay assessments and other charges
34 where the property owner’s title record is subject to the provisions
35 of paragraph (2) of subsection a. of this section, the association

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHO committee amendments adopted March 5, 2020.

²Senate amendments adopted in accordance with Governor's recommendations August 27, 2020.

1 shall first obtain an order of the court of competent jurisdiction,
2 declaring the owners as members of the association and authorizing
3 the association to assess the members of the association.】 , unless
4 otherwise provided by law.²

5 ²**【c.1】 b.**² If ¹ , after July 13, 2017, ¹ an association has recorded
6 a lien ¹against an owner's property¹ for non-payment ¹**【on or after**
7 July 13, 2017 that is based solely on the misinterpretation that
8 P.L.2017, c.106 imposed new responsibilities on property owners to
9 pay】 ²**【of】** that is based solely on the misinterpretation that
10 P.L.2017, c.106 imposed new responsibilities on property owners to
11 pay² an association's¹ assessments or other charges, ¹**【pursuant to**
12 P.L. , c. (C.) (pending before the Legislature as this bill)】
13 ²**【in contravention of subsection b. of this section**¹**】** pursuant to
14 P.L. ,c. (C.) (pending before the Legislature as this bill)²,
15 the lien shall be null and void. The association shall promptly
16 discharge such lien of record and provide notice of this action to the
17 property owner. If an association fails to discharge such null and
18 void lien, the owner may bring an action to have the lien discharged
19 and, if successful, shall be entitled to petition the court for an award
20 of counsel fees.

21
22 3. This act shall take effect immediately and shall be
23 retroactive to July 13, 2017.

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28 Clarifies association assessment payment requirements in
29 planned real estate developments.