

AN ACT concerning assessment payment and election participation in planned real estate developments, **and** <sup>1</sup>supplementing P.L.1977, c.419 (C.45:22A-21 et seq.),<sup>1</sup> [~~and amending various parts of the statutory law.~~]

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

<sup>1</sup>1. (New section) The Legislature finds and declares that:

a. [b.] Certain associations have [~~further~~] 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. [c.] It is necessary and in the public interest for the Legislature to[=:] [~~(1)~~] clarify that P.L.2017, c.106 (C.45:22A-45.1 et al.) did not impose new responsibilities on property owners to pay [~~compulsory~~] assessments and other charges.

~~[<sup>2</sup>6].~~ **2. (New section) a. An association in communities established prior to the passage of the Planned Real Estate Financial 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 an association has recorded a lien for non-payment [~~of a compulsory charge~~] on or after July 13, 2017 that is [~~not authorized~~] **based solely on the misinterpretation that P.L.2017, c.106 imposed new responsibilities on property owners to pay assessments or other charges, pursuant to P.L. , c. (C. ) (pending before the Legislature as this bill), [due to the non-payer status of the unit owner,] the lien shall be null and void.**<sup>2</sup> **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.**

<sup>1</sup>[4.]<sup>2</sup>[6.<sup>1</sup>] [~~8.<sup>2</sup>]~~ **3.** This act shall take effect immediately <sup>1</sup>and shall be retroactive to July 13, 2017<sup>1</sup>.