

# ASSEMBLY, No. 3466

## STATE OF NEW JERSEY 222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

**Sponsored by:**  
**Assemblywoman YVONNE LOPEZ**  
**District 19 (Middlesex)**

### **SYNOPSIS**

Requires association of age-restricted common interest community to permit dwelling owner to transfer property without regard to age of buyer.

### **CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning age-restriction of common interest community  
2 dwelling ownership, and amending P.L.2008, c.71.

3

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

6

7 1. Section 2 of P.L.2008, c.71 (C.45:22A-46.2) is amended to  
8 read as follows:

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

26 b. (1) Provided that a purchaser or grantee complies with the  
27 certification requirement established by subsection a. of this  
28 section, an association shall permit the owner of a dwelling unit in  
29 an age-restricted community to sell or grant the owner's unit to a  
30 person of an age that would not ensure compliance with the  
31 "housing for older persons" exception from the federal "Fair  
32 Housing Amendments Act of 1988," Pub.L.100-430 (42 U.S.C.  
33 ss.3601 et seq.) were the purchaser or grantee to reside in the unit.

34 (2) The commissioner, through the agency, shall enforce the  
35 requirements of this subsection, and in accordance with the  
36 penalties provided for pursuant to section 18 of P.L.1977, c.419  
37 (C.45:22A-38), may assess:

38 (a) an association for restricting a property transfer in violation  
39 of this subsection; and

40 (b) a purchaser or grantee that allows a dwelling unit in an age-  
41 restricted community to be occupied by a person who does not  
42 ensure compliance with the "housing for older persons" exception  
43 from the federal "Fair Housing Amendments Act of 1988,"  
44 Pub.L.100-430 (42 U.S.C. ss.3601 et seq.).

45 (cf: P.L.2008, c.71, s.2)

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.

1  
2 2. This act shall take effect immediately.

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4  
5 STATEMENT

6  
7 This bill would expressly require the association of an age-  
8 restricted common interest community to permit an owner of a  
9 dwelling unit in the community to sell or grant the unit to a  
10 purchaser or grantee regardless of whether the purchaser's or  
11 grantee's age does not comply with the applicable age restrictions,  
12 were the new owner to reside there. The bill is intended to prevent  
13 age-restricted common interest community associations from  
14 unnecessarily restricting who owners may sell their homes to, as  
15 long as enforceable commitments are established to ensure that the  
16 unit occupants continue to meet the required age restrictions.

17 Federal law permits the existence of age-restricted communities  
18 as an exception, known as "housing for older persons," to the anti-  
19 discrimination provisions of the "Fair Housing Amendments Act of  
20 1988," provided that certain quotas are maintained of age-  
21 appropriate persons occupying the premises. For communities that  
22 were organized by a developer to restrict occupancy to persons aged  
23 62 or older, 100 percent of the occupants have to be aged 62 or  
24 older. For communities which were organized by a developer to  
25 house persons aged 55 and over, at least 80 percent of the residents,  
26 and one resident per each household, must be aged 55 or older.

27 Existing State law requires a purchaser or grantee of a dwelling  
28 unit in an age-restricted community to certify that the unit will be  
29 occupied by a person whose age allows the community to comply  
30 with the federal law, even if the owner would be under the age  
31 limit. The bill would expressly authorize the Commissioner of  
32 Community Affairs, through existing enforcement authority  
33 established by "The Planned Real Estate Development Full  
34 Disclosure Act," N.J.S.A.45:22A-21 et seq., to assess penalties on  
35 associations that restrict sales in violation of the requirements of the  
36 bill. The commissioner would also be authorized to assess penalties  
37 on purchasers or grantees who, after taking ownership, allow a  
38 dwelling unit to be occupied by a person whose age does not allow  
39 the community to comply with federal law.