

## **New Deed Recording Requirement in Age Restricted Communities**

**September 17, 2008**

Please be advised that Governor Corzine has recently signed P.L. 2008, c. 71 (S88) which represents an effort to achieve better compliance with the anti-discrimination provisions of the federal "Fair Housing Amendments Act of 1988".

The new law requires the purchaser or grantee in an age restricted community to certify that the dwelling will be occupied by a person whose age ensures compliance with federal law (42 USC 3601 et seq.; 24 CFR 100.301). The certification must be on a one page form prescribed by the New Jersey Department of Community Affairs (DCA).

The new law states that no deed shall be recorded for a property to which an age restriction applies unless the DCA certification mentioned above is signed by the purchaser/grantee and recorded with the deed as an addendum. This recording requirement will be codified as N.J.S.A. 46:15-6.2.

It is unclear how the county clerks/registerers will know that a particular deed conveys property in an age restricted community and thus it remains to be seen how the new law will be enforced. As more information becomes available we will share it with you.

The new law has an effective date of September 6, 2008, however, as of the date of this release the DCA has not promulgated the form of certification. Once it becomes available we will provide it to you. Obviously until the DCA makes the certification form available, compliance with the new law is not possible.

*This bulletin is sent courtesy of CB Title Group, LLC and LandAmerica*

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