



## NJBA MEMBERGRAM

### Governor Signs Age 55+ Legislation

On July 2, 2009 Governor Jon Corzine enacted **S2577 (Sarlo/Vitale/Greenwald/Malone)**. The law **takes effect immediately** and would allow for the conversion of certain age-restricted housing developments pending approval by a municipal planning or zoning board. In order for a project to be eligible for a conversion, a developer must meet certain requirements:

- A developer must agree to set-aside 20% of the units as affordable housing.
- A developer must not be holding deposits for the sale of any units within the development, or must not have conveyed any units.
- A developer must have received preliminary or final approval for the development prior to July 2, 2009.
- Converted developments must conform to Residential Site Improvement Standards and building codes.
- Water supply and sanitary systems must be adequate to meet the needs of the converted development, pursuant to N.J.A.C.5:21-5 and N.J.A.C.7:14A-23.3, respectively.
- If additional water supply or sewer capacity is needed and the developer is unable to obtain it, the number of dwelling units must be reduced.
- If additional parking is needed, and the developer is unable to provide it, the number of dwelling units must be reduced.
- If additional parking increases the amount of impervious cover by more than 1%, the storm water system calculations and improvements must be revised.

Pursuant to the law's provisions, the layout of a subdivision or site plan may be reasonably revised to: accommodate additional parking, recreational improvements, or infrastructure enhancements. Plans may also be revised to: reduce the number of units; change the height of the development; revise dwelling footprints (provided square footage is not modified); or to make other changes necessary to construct the affordable units as attached housing.

Additionally, as signed into law, municipalities may consider whether a conversion would be detrimental to the public good in granting an approval for a converted development. The law also directs the courts to consider the reasonableness of the decision of the approving board when deciding an appeal brought forth by a developer seeking to convert an age-restricted development.

The law expires July 31, 2011; however a municipal planning or zoning board may extend the period for conversions by an additional 24 months if it finds that poor economic conditions continue to adversely affect the real estate market in New Jersey.

For questions or more information, please contact NJBA Director of Government Affairs, Stefanie Loh, at [slloh@njba.org](mailto:slloh@njba.org). For a copy of the law as signed by the Governor, click to: [www.njleg.state.nj.us/2008/Bills/S3000/2577\\_R3.PDF](http://www.njleg.state.nj.us/2008/Bills/S3000/2577_R3.PDF)

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