

Condominium & Planned Real Estate Development

- Representation of developers and sponsors of condominiums and other planned real estate developments, including high-rise, single-family, townhome, stacked flat and duplex residences, as well commercial, mixed-use, industrial, and distressed communities
- Structuring and compliance, including New Jersey Department of Community Affairs (DCA) project registration, public offering statements, land use and environmental approvals, condominium conversions, financing, and transition of control to unit owners
- Complex phased and mixed-use developments, including master and sub-association frameworks and ownership arrangements that address differing uses, expenses, and operational responsibilities within a single project
- Governance and operational issues in existing and distressed communities, including resolving developer–association disputes and reforming governing documents

Greenbaum represents developers and sponsors of condominiums and other planned real estate developments, providing comprehensive counseling and sophisticated guidance related to all aspects of this specialized and regulated segment of New Jersey’s real estate industry. The broad scope of the firm’s experience encompasses the structuring and registration of planned developments, compliance with governmental approvals including land use and environmental requirements, project financing, and the transition of control of the development to owners. Our experience spans residential developments, mixed-use projects, commercial and industrial developments.

Residential Development

Our involvement with residential developments begins with the initial and formative stages to subject developments to a condominium or homeowner association structure. We represent the developers of newly

constructed residential condominiums and fee-simple subdivided lot communities governed by homeowner associations. This representation encompasses the operational and financial issues that arise from the administration of the development by associations and their boards.

The attorneys in this practice area have extensive experience with high-rises, single-family detached units, townhomes, stacked flats and duplexes. We structure the developments to ensure that the interests of the developer and all owners are protected when communities feature different building styles, uses and economic values. As part of the structuring process, we address and integrate municipal land use requirements, including those subjecting communities to age restrictions, and affordability controls impacting low-and moderate-income households.

New Jersey Department of Community Affairs Project Registration

Our attorneys handle all aspects of project registration with the New Jersey Department of Community Affairs (DCA) on behalf of developers and sponsors. The preparation of public offering statements and related disclosure documents is a key aspect of our long history of compliance with DCA requirements. We advise on regulatory issues arising within the jurisdiction of the DCA including public disclosure compliance, conversion and eviction laws, builder registration and new home warranty problems, community association regulations, and building or housing code violations. We also handle the registration of developments situated outside of New Jersey with the Bureau of Subdivided Land Sales Control of the New Jersey Real Estate Commission so that homes in other states may be offered and sold within the state of New Jersey.

Conversion to Condominium Ownership

In the conversion of residential rental properties to the condominium form of ownership, our attorneys counsel clients on the regulations governing the conversion of the real estate and the rights of landlords and tenants under New Jersey's extensive tenant removal statutes.

Existing and Distressed Communities

We are often engaged by associations and developers of existing developments to address issues that arise when the developer or owner continues to own units for a protracted period of time. We counsel successor developers and sponsors, owners, lenders, and associations on the regulatory issues in existing and distressed communities. This often involves negotiations with the association to resolve financial and operational issues between the developer and the association. At times, our attorneys engage in the reformation of governing documents to resolve problems which were unanticipated when documents were originally drafted.


Commercial and Mixed-Use Structuring

The group advises clients on the unique and often complex issues that arise from commercial, mixed-use, and high-rise developments, which simultaneously include retail, office, professional and other commercial uses. Buildings in industrial parks are also subjected to condominium formation and ownership. The creation of units consisting of separate buildings or areas within industrial sites will allow separate ownership of those areas.

Flexibility from Phasing and Master Associations


We have experience in phasing developments to afford the sponsor flexibility in planning and timing construction, and in incorporating improvements into a development. Our attorneys address the requirements imposed by the secondary mortgage market, such as FNMA and FHA. We are experienced in recognizing differences in expenses and ownership interests within a single development and in anticipating economic and operational differences by the use of master and sub-associations.

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Experience

Representative Matters

- Represented a major real estate investment firm in structuring a \$322 million mixed-use data center, residential, and commercial development project, drafting reciprocal easement and condominium governance documents to support multi-owner conveyances and future buildout.
- Represented a leading U.S. homebuilder and its development partners on complex multi-builder and mixed-use communities, including Sea Bright, Freehold, Chatham, and Berkeley Heights, preparing governing documents, negotiating cross-declarations and easements, securing DCA registrations, and advising on association transitions.
- Representing a major developer in the redevelopment of a former U.S. Army installation at Fort Monmouth, structuring a phased mixed-use condominium project to maximize flexibility for future purchasers and commercial users.
- Represented a national real estate developer in registering luxury condominium towers at the Four Seasons Deer Valley East Village in Utah with New Jersey regulators, enabling interstate marketing and sales to New Jersey residents.
- Representing the owner and condominium association of a distressed residential development in governance transition, regulatory compliance, and reactivation of stalled unit sales under the Planned Real Estate Development Full Disclosure Act.
- Acted as local counsel in connection with the \$121.5 million construction financing of a major mixed-use condominium project in Jersey City, including amendments to regulatory registrations.
- Represented a residential developer in restructuring an age-restricted and affordable housing condominium in Mountainside, enabling conversion from failed sales to a mixed ownership and rental model through litigation, regulatory approvals, and complex re-documentation.
- Represent The Lions Group, a family-owned real estate development, construction and property management firm, in connection with its transformational redevelopment project at Journal Square in Jersey City, projected to contain 360 residential units over 34 stories, retail space and a public thoroughfare to the Journal Square train station. Our representation includes preparation of applications to the New Jersey Economic Development Authority for up to \$90 million in tax credits under the Aspire Program and more than \$13 million dollars more in Low Income Housing Tax Credits from the New Jersey Housing and Mortgage Finance Agency. The firm's work further involves environmental remediation oversight, residential master lease preparation, financing for approximately \$300 million dollars with one of the largest financial institutions in the world and preparation of condominium formation documents.
- Representing a leading real estate owner/operator on the \$163 million acquisition of a multi-parcel, mixed-use redevelopment in Wood-Ridge with more than 400 residential units and retail space. The team's efforts enabled the assumption of existing redevelopment agreements and multiple PILOT agreements, addressed affordable housing compliance and condominium ownership issues, and cleared municipal approvals critical to completing the acquisition and advancing the project.

Insights & More

Announcements

Greenbaum Attorneys Co-Author 2025 Edition of "New Jersey Condominium and Community Association Law" Treatise

10.22.24

Client Alerts

New Jersey Enacts Legislation to Amend Capital Reserve Funding Requirements for Planned Real Estate Developments

10.06.25

New Jersey Becomes Second State to Enact Legislation to Protect Structural Integrity of Residential Housing Structures Including Common Interest Communities

1.16.24

Published Articles

Age Limits On Owning Senior Units Unlawful, NJ Panel Says

7.30.24

Q&A: Eek, E-bikes!

5.24

Responding to Litigation

5.24

Board Roles: Who Does What

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