SENATE, No. 2695

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JULY 16, 2020

Sponsored by:
Senator JAMES W. HOLZAPFEL
District 10 (Ocean)

SYNOPSIS
Establishes immunity for senior planned real estate development associations relating to COVID-19.

CURRENT VERSION OF TEXT
As introduced.
AN ACT establishing immunity for senior planned real estate development associations relating to COVID-19 and supplementing P.L.1993, c.30 (C.45:22A-43 et seq.).

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

1. a. Notwithstanding the provision of any other law to the contrary, any association of an age-restricted planned real estate development, and any members, employees, and agents thereof, shall not be liable for any civil damages for injury or death caused by an exposure to COVID-19, a related viral strain, or a disease caused by either one, alleged to have been sustained as a result of an act or omission by the age-restricted planned real estate development association, or any members, employees, or agents thereof, in the course of managing or maintaining the common elements and facilities of the age-restricted planned real estate development. This immunity shall be retroactive to March 9, 2020.

b. The immunity provided pursuant to subsection a. of this section shall not apply to acts or omissions constituting a crime, actual fraud, actual malice, gross negligence, recklessness, or willful misconduct.

c. The immunity provided pursuant to subsection a. of this section shall apply in addition to any other available immunity.

d. As used in this section:

“Age-restricted planned real estate development” means a planned real estate development that complies with the "housing for older persons” exception from the federal "Fair Housing Amendments Act of 1988,” Pub.L.100-430 (42 U.S.C. ss.3601 et seq.) for that community as set forth in section 100.301 of Title 24, Code of Federal Regulations.

“COVID-19” means the coronavirus disease 2019, as announced by the World Health Organization on February 11, 2020, and first identified in Wuhan, China.

2. This act shall take effect immediately and shall be retroactive to March 9, 2020.

STATEMENT

This bill would establish immunity for senior planned real estate development associations, and any members, employees, and agents thereof, for any civil damages caused by an exposure to COVID-19 alleged to have been sustained as a result of an act or omission in the course of managing or maintaining the common elements and facilities of the age-restricted planned real estate development.
The immunity established by the bill would be retroactive to March 9, 2020, when Executive Order No. 103 was issued, declaring a public health emergency and state of emergency in response to COVID-19. This immunity would not apply to acts or omissions constituting a crime, actual fraud, actual malice, gross negligence, recklessness, or willful misconduct. This immunity would apply in addition to any other available immunity.