

**ASSEMBLY, No. 6047**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED NOVEMBER 15, 2021

**Sponsored by:**

**Assemblyman BRIAN E. RUMPF**

**District 9 (Atlantic, Burlington and Ocean)**

**Assemblywoman DIANNE C. GOVE**

**District 9 (Atlantic, Burlington and Ocean)**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Co-Sponsored by:**

**Assemblymen McGuckin, Catalano, Bergen and Assemblywoman Stanfield**

**SYNOPSIS**

Makes permanent certain immunity relating to COVID-19 spread in planned real estate developments.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/2/2021)**

1 AN ACT to make permanent certain immunity relating to COVID-19  
2 spread in planned real estate developments and amending the  
3 title and body of P.L.2021, c.142.

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

7  
8 1. The title of P.L.2021, c.142 is amended to read as follows:

9 AN ACT establishing immunity relating to COVID-19 spread in  
10 planed real estate developments and supplementing Title 2A of  
11 the New Jersey Statutes.

12  
13 2. Section 1 of P.L.2021, c.142 is amended to read as follows:

14 1. a. A planned real estate development shall be immune from  
15 civil liability for damages arising from, or related to, an exposure  
16 to, or transmission of, COVID-19 on the premises of the planned  
17 real estate development, so long as the planned real estate  
18 development has prominently displayed at the entrance of any  
19 communal space shared by the planned real estate development's  
20 residents and their guests, such as pools, gyms, and clubhouses, a  
21 sign stating the following warning:

22 "ANY PERSON ENTERING THE PREMISES WAIVES ALL  
23 CIVIL LIABILITY AGAINST THE PLANNED REAL ESTATE  
24 DEVELOPMENT FOR DAMAGES ARISING FROM, OR  
25 RELATED TO, AN EXPOSURE TO, OR TRANSMISSION OF,  
26 COVID-19 ON THE PREMISES, EXCEPT FOR ACTS OR  
27 OMISSIONS CONSTITUTING A CRIME, ACTUAL FRAUD,  
28 ACTUAL MALICE, GROSS NEGLIGENCE, RECKLESSNESS,  
29 OR WILLFUL MISCONDUCT."

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

34 c. Nothing in this section shall be construed to limit or modify  
35 any claim for relief under the workers' compensation law,  
36 R.S.34:15-1 et seq.

37 d. As used in this section:

38 "COVID-19" means the coronavirus disease 2019, as announced by  
39 the World Health Organization on February 11, 2020, that is caused  
40 by the SARS-CoV-2 virus, [and] first identified in Wuhan, Hubei  
41 Province, People's Republic of China.

42 "Planned real estate development" means the same as that term is  
43 defined in section 3 of P.L.1977, c.419 (C.45:22A-23).

44 (cf: P.L.2021, c.142, s.1)

**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       3. Section 2 of P.L.2021, c.142 is amended to read as follows:

2       2. This act shall take effect immediately **【**and shall expire on the  
3 first day of calendar year 2022**】**.  
4 (cf: P.L.2021, c.142, s.2)

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6       4. This act shall take effect immediately.

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STATEMENT

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11       This bill eliminates the expiration of immunity for planned real  
12 estate developments in the event of COVID-19 spread. New Jersey  
13 law previously established a temporary immunity for planned real  
14 estate developments from liability for damages related to the  
15 exposure to or transmission of COVID-19 on their premises so long  
16 as the following signage is posted at the entrance of shared spaces,  
17 such as pools and gyms:

18 “ANY PERSON ENTERING THE PREMISES WAIVES ALL  
19 CIVIL LIABILITY AGAINST THE PLANNED REAL ESTATE  
20 DEVELOPMENT FOR DAMAGES ARISING FROM, OR  
21 RELATED TO, AN EXPOSURE TO, OR TRANSMISSION OF,  
22 COVID-19 ON THE PREMISES, EXCEPT FOR ACTS OR  
23 OMISSIONS CONSTITUTING A CRIME, ACTUAL FRAUD,  
24 ACTUAL MALICE, GROSS NEGLIGENCE, RECKLESSNESS,  
25 OR WILLFUL MISCONDUCT.”

26       The New Jersey law to provide the temporary immunity  
27 established an expiration date of January 1, 2022. This bill  
28 provides permanent immunity to planned real estate developments  
29 in the event of COVID-19 exposure or transmission on their  
30 premises so long as required signage is posted. This immunity does  
31 not apply to acts or omissions constituting a crime, actual fraud,  
32 actual malice, gross negligence, recklessness, or willful misconduct.