

SENATE, No. 4107

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2021

Sponsored by:

Senator CHRISTOPHER J. CONNORS

District 9 (Atlantic, Burlington and Ocean)

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Co-Sponsored by:

Senators Thompson and A.M.Bucco

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: 11/22/2021)

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**
3 the 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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9	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.