

ASSEMBLY, No. 3185

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

SYNOPSIS

Exempts homestead from attachment in medical malpractice judgment.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning medical malpractice judgments and
2 supplementing Title 17 of the Revised Statutes.

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

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7 1. a. As used in this section:

8 "Condominium" means the form of real property ownership
9 provided for under the "Condominium Act," P.L.1969, c.257
10 (C.46:8B-1 et seq.).

11 "Dwelling house" means any residential property assessed as real
12 property but shall not include a unit in a condominium or a
13 horizontal property regime.

14 "Homestead" means:

15 (1) a dwelling house and the land on which that dwelling house
16 is located which constitutes the place of the owner's domicile and is
17 owned and used by the owner as the owner's principal residence;

18 (2) a condominium unit or a unit in a horizontal property regime
19 which constitutes the place of the owner's domicile and is owned
20 and used by the owner as the owner's principal residence; or

21 (3) a manufactured home as defined in section 2 of P.L.1990,
22 c.61 (C.54:4-8.58).

23 "Horizontal property regime" means the form of real property
24 ownership provided for under the "Horizontal Property Act,"
25 P.L.1963, c.168 (C.46:8A-1 et seq.).

26 "Judgment debtor" means a health care provider who, as a
27 defendant in an action brought for medical malpractice, is required
28 to pay the claimant an award that is subject to the provisions of this
29 section.

30 "Owner" means a person possessing legal or equitable title to a
31 homestead.

32 "Principal residence" means a homestead occupied by the owner
33 as the owner's permanent residence, as distinguished from a
34 vacation home, property owned and rented or offered for rent by the
35 owner, and other secondary real property holdings.

36 b. Notwithstanding any law to the contrary, in any judgment
37 resulting from a medical malpractice action brought by a claimant
38 for medical malpractice, the judgment debtor may hold a homestead
39 exempt from attachment, execution, and forced sale based on that
40 judgment.

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42 2. This act shall take effect immediately.

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45 STATEMENT

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47 This bill allows a health care provider to hold a homestead, as

- 1 defined in the bill, exempt from attachment, execution, and forced
- 2 sale in any judgment resulting from a medical malpractice action
- 3 brought by a claimant for medical malpractice.