

ASSEMBLY, No. 4390

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JULY 16, 2020

Sponsored by:

Assemblyman JOHN CATALANO

District 10 (Ocean)

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman BRIAN E. RUMPF

District 9 (Atlantic, Burlington and Ocean)

Co-Sponsored by:

Assemblywoman Gove and Assemblyman Dancer

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing immunity for senior planned real estate
2 development associations relating to COVID-19 and
3 supplementing P.L.1993, c.30 (C.45:22A-43 et seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

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

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

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

25 d. As used in this section:

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

32 "COVID-19" means the coronavirus disease 2019, as announced
33 by the World Health Organization on February 11, 2020, and first
34 identified in Wuhan, China.
35

36 2. This act shall take effect immediately and shall be
37 retroactive to March 9, 2020.
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40 STATEMENT 41

42 This bill would establish immunity for senior planned real estate
43 development associations, and any members, employees, and agents
44 thereof, for any civil damages caused by an exposure to COVID-19
45 alleged to have been sustained as a result of an act or omission in
46 the course of managing or maintaining the common elements and
47 facilities of the age-restricted planned real estate development.

1 The immunity established by the bill would be retroactive to
2 March 9, 2020, when Executive Order No. 103 was issued,
3 declaring a public health emergency and state of emergency in
4 response to COVID-19. This immunity would not apply to acts or
5 omissions constituting a crime, actual fraud, actual malice, gross
6 negligence, recklessness, or willful misconduct. This immunity
7 would apply in addition to any other available immunity.