

P.L. 2021, CHAPTER 379, *approved January 18, 2022*
Senate, No. 396 (*First Reprint*)

1 **AN ACT** concerning construction defects in common interest
2 communities and amending N.J.S.2A:14-1.

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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. N.J.S.2A:14-1 is amended to read as follows:

8 2A:14-1. a. Every action at law for trespass to real property, for
9 any tortious injury to real or personal property, for taking, detaining,
10 or converting personal property, for replevin of goods or chattels, for
11 any tortious injury to the rights of another not stated in **sections**
12 **2A:14-2 and 2A:14-3 of this Title** N.J.S.2A:14-2 and N.J.S.2A:14-3,
13 or for recovery upon a contractual claim or liability, express or
14 implied, not under seal, or upon an account other than one which
15 concerns the trade or merchandise between merchant and merchant,
16 their factors, agents and servants, shall be commenced within six years
17 next after the cause of any such action shall have accrued.

18 b. This section shall not apply to any action for breach of any
19 contract for sale governed by **section 12A:2-725 of the New Jersey**
20 **Statutes** N.J.S.12A:2-725.

21 c. The period of time for the filing of a claim by a condominium
22 association, cooperative corporation, or other planned real estate
23 development association against a developer or any person acting
24 through, on behalf of or at the behest of the developer under
25 subsection a. of this section, shall be tolled until ¹the date of the
26 transition from developer control, as established **an election is held**
27 **and the owners comprise a majority of the board¹** pursuant to paragraph
28 (3) of subsection a. of section 5 of P.L.1993, c.30 (C.45:22A-47), or
29 subsection d. of section 2 of P.L.1979, c.157 (C.46:8B-12.1). Any
30 cause of action involving a condominium, cooperative, or other
31 planned real estate development under the provisions of subsection a.
32 of this section that has not been subject to a final judgment dismissing
33 the claim as of the effective date of P.L. , c. (pending before the
34 Legislature as this bill) shall be subject to the terms of this subsection.
35 (cf: P.L.1961, c.121, s.1)

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37 2. This act shall take effect immediately.

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42 Adjusts statute of limitations on damage claim for construction
43 defect in common interest community.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted May 12, 2021.