

SENATE, No. 396

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee with technical review.



(Sponsorship Updated As Of: 10/29/2020)

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

3

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

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

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

36 (cf: P.L.1961, c.121, s.1)

37

38 2. This act shall take effect immediately.

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.