

SENATE, No. 1693

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator CHRISTOPHER J. CONNORS

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Provides that civil actions concerning home improvement contracts for residential or non-commercial property may be brought in the county where the property is located.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning certain civil actions and supplementing Title
2 2A of the New Jersey 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. Any action concerning a home improvement contract:
8 a. brought by a contractor against an owner, tenant, or lessee of
9 a residential or non-commercial property, or
10 b. brought by an owner, tenant, or lessee of a residential or
11 non-commercial property against a contractor,
12 may be commenced in the Superior Court of the county in which
13 the property is located.

14 As used in this act, the terms “contractor,” “home improvement
15 contract,” and “residential or non-commercial property” shall have
16 the meanings ascribed to them in section 2 of P.L.2004, c.16
17 (C.56:8-137).

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19 2. This act shall take effect immediately and shall apply to any
20 action commenced on or after the effective date.

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STATEMENT

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25 This bill would allow civil actions for certain home improvement
26 contracts to be brought in the Special Civil Part of the Superior
27 Court in the county where the property is located. The bill would
28 apply to actions involving home improvement contracts for
29 residential or non-commercial property. Currently, pursuant to
30 Court Rule, venue for actions brought in the Special Civil Part is
31 laid “in the county in which at least one defendant in the action
32 resides.” The Court Rule, R.6:1-3, also provides that venue may be
33 laid “as otherwise provided by statute.” Actions are brought in the
34 Special Civil Part if the amount in dispute does not exceed \$15,000.

35 In the view of the sponsor, home improvement contractors in
36 beach communities have encountered difficulties in pursuing
37 Special Civil Part lawsuits against certain homeowners who have
38 defaulted on payment for services rendered, because these
39 homeowners do not live in the county where their vacation homes
40 are located. This bill would address the issue by allowing the
41 contractor, or the homeowner, to commence an action in the county
42 where the home is located.

43 Under R.4:3-2 of the Court Rules, actions are brought in the Law
44 Division of the Superior Court if the amount in dispute is greater
45 than \$15,000. The Court Rule provides that these suits, unlike suits
46 in Special Civil Part, may be brought in the county where the
47 property is situated or where any party to the action resides. This
48 bill would provide similar flexibility for plaintiffs in Special Civil
49 Part.