

52:32-4 ET AL.

LEGISLATIVE HISTORY CHECKLIST

NJSA 52:32-4 et al.

Laws of 1975 Chapter 220

Bill No. S 1252

Sponsor(s) Dodd

Date Introduced June 13, 1974

Committee: Assembly Institutions, Health & welfare

Senate Institutions, Health & Welfare

Amended during passage Yes

Amendments during passage denoted by asterisks

Date of passage: Assembly May 1, 1975

Senate April 10, 1975

Date of approval Oct. 8, 1975

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate Yes

Fiscal Note Yes

Veto message No

Message on signing No

Following were printed:

Reports No

Hearings No

10/4/76

MAR 1977

SENATE, No. 1252

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1974

By Senator DODD

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend and supplement "An act to provide facilities for the physically handicapped in public buildings," approved July 27, 1971 (P. L. 1971, c. 269).

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. Section 1 of P. L. 1971, c. 269 (C. 52:32-4) is amended to read
2 as follows:

3 1. Except as otherwise provided by law, all plans and specifica-
4 tions for the construction or remodeling of any public building
5 [by] in the State [and by all political subdivisions and instru-
6 mentalities thereof, to the extent deemed feasible by the contracting
7 authority,] shall provide facilities for the physically handicapped.

1 2. Section 2 of P. L. 1971, c. 269 (C. 52:32-5) is amended to read
2 as follows:

3 2. The Department of the Treasury shall, from time to time,
4 promulgate guidelines which shall prescribe the kinds, types and
5 quality of such facilities for the physically handicapped which shall
6 include, but not be limited to, the following:

7 (a) [At least one principal entrance to the building with ramp
8 access in accordance with specifications for ramps established by
9 rule of the Department of the Treasury.] All public buildings shall
10 contain at least one principal entrance accessible to and usable by
11 physically-handicapped persons, which shall be either ramped or
12 at ground level;

13 (b) On each floor open to the public at least one watercloset stall,
14 for each sex, in general toilet rooms, to accommodate wheelchair
15 occupants which shall include adequate stall-door width, grab rails,
16 sufficient space and appropriate height;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

17 (c) A drinking fountain of suitable height and extension for
18 wheelchair occupants on every floor open to the public;

19 (d) In any multistory building an elevator, sufficient in size to
20 accommodate a wheelchair;

21 (e) At least one public telephone at a height accessible to wheel-
22 chair occupants.

1 3. (New section) As used in this act:

2 a. "Public building" means any building, structure, facility or
3 complex used by the general public, including, but not limited to,
4 theaters, concert halls, auditoriums, museums, schools, libraries,
5 recreation facilities, public transportation terminals and stations,
6 factories, office buildings, business establishments, passenger
7 vehicle service stations, shopping centers, hotels or motels, and
8 public eating places, constructed by any State, county or municipal
9 government agency or instrumentality or any private individual,
10 partnership, association or corporation, with the following
11 exceptions: one- to four-family private residences; all areas of a
12 warehouse other than the office area; and all buildings classified as
13 hazardous occupancies. As used herein, "hazardous occupancy"
14 means the occupancy or use of a building or structure or any
15 portion thereof that involves highly combustible, highly flammable,
16 or explosive material, or which has inherent characteristics that
17 constitute a special fire hazard.

18 b. "Physical handicap" means a physical impairment which
19 confines a person to a wheelchair; causes a person to walk with
20 difficulty or insecurity; affects the sight or hearing to the extent
21 that a person functioning in public areas is insecure or exposed to
22 danger; causes faulty coordination; or reduces mobility, flexibility,
23 coordination and perceptiveness to the extent that facilities are
24 needed to provide for the safety of that person.

25 c. "Remodel" means, with respect to an existing public building
26 as defined in this act, to construct an addition, alter the design or
27 layout of said public building so that a change or modification of
28 the entrance facilities, toilet facilities, or vertical access facilities is
29 achieved, or make substantial repairs or alterations. As used
30 herein, "substantial repairs or alterations" shall mean that if the
31 cost of making such repairs or alterations:

32 (1) Shall exceed 60% of the value of the building, the entire
33 building shall be made to comply with the requirements of this act;

34 (2) Shall be between 30 and 60% of the value of the building,
35 only those portions of the building repaired or altered shall be
36 made to comply with the requirements of this act; or

37 (3) Shall be under 3
38 or alterations shall be
39 of this act, or in compl
40 tion and with the same
41 vided the general saf
42 endangered.

43 d. "Office building"
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45 ness activity or service
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1 6. (New section) Exce
2 essary hardship or extre
3 requirement in question,
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1 7. (New section) No

37 (3) Shall be under 30% of the value of the building, such repairs
 38 or alterations shall be either in accordance with the requirements
 39 of this act, or in compliance with their previously required condi-
 40 tion and with the same or equivalent material or equipment, pro-
 41 vided the general safety and public welfare are not thereby
 42 endangered.

43 d. "Office building" means a building or structure of more than
 44 10,000 square feet of gross floor area wherein commercial or busi-
 45 ness activity or service is performed or a profession is practiced,
 46 or wherein any combination thereof is performed or practiced in
 47 all or the majority of such building or structure.

48 e. "Building department" means the municipal department,
 49 bureau or administrative official charged with the enforcement of
 50 laws or ordinances regulating the erection or construction of
 51 buildings.

1 4. (New section) The administration and enforcement of this
 2 act shall:

3 a. With respect to public buildings proposed for construction or
 4 remodeling by the State, be vested in the Division of Building and
 5 Construction in the Department of the Treasury; and

6 b. With respect to all other public buildings proposed for con-
 7 struction or remodeling, be vested in the building department of
 8 the municipality having jurisdiction over said public buildings.

9 The Division of Building and Construction or said municipal
 10 building department shall determine whether a proposed structure,
 11 or an existing structure undergoing remodeling, shall be considered
 12 a public building within the meaning of this act and shall ensure,
 13 upon such determination, that the design of any such building
 14 complies with the requirements of this act.

1 5. (New section) In cases of practical difficulty, the admini-
 2 strative authorities responsible for the enforcement of this act
 3 may grant exceptions from the specific requirements of the stan-
 4 dards and specifications required by this act or permit the use of
 5 other methods or materials, but only when it is clearly evident that
 6 equivalent facilitation and protection for the physically handi-
 7 capped are thereby secured.

1 6. (New section) Exceptions based on practical difficulty, unnec-
 2 essary hardship or extreme differences shall apply to the specific
 3 requirement in question, and shall not extend to all requirements
 4 of the standards and specifications mandated by this act.

1 7. (New section) No certificate of use or occupancy shall be

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2 issued by any municipal building department for any public build-
 3 ing constructed or remodeled in the State unless and until said
 4 public building complies with the requirements of this act, except
 5 as provided in sections 5 and 6 hereof.
 1 8. This act shall take effect immediately.

STATEMENT

This bill amends and supplements "An act to provide facilities for the physically handicapped in public buildings" (P. L. 1971, c. 269), to insure that buildings which are used by the general public, whether publicly or privately owned, provide certain facilities for the physically handicapped to encourage and promote the movement and rehabilitation of such physically-handicapped persons.

Whereas the existing law requires such facilities for the physically handicapped to be included in the plans and specifications of all buildings to be constructed by the State or any of its political subdivisions, this act broadens the definition of "public building" to include buildings used by the general public, whether publicly or privately owned or operated, and requires the inclusion of such special facilities for the physically handicapped during the major remodeling, as well as the construction, of any such publicly used building.

The administration and enforcement of this act is vested in the Division of Building and Construction in the Department of Treasury for public buildings proposed for construction or remodeling by the State, and in municipal building departments for all other public buildings. To insure that public buildings, as defined in this act, provide facilities for the handicapped as specified in their plans and specifications, certificates of use or occupancy shall not be issued until and unless the local building departments are satisfied that such plans and specifications have been fulfilled.

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FISCAL NOTE TO
SENATE, No. 1252
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 1975

The Official Copy Reprint of Senate Bill No. 1252 is designed to insure that buildings which are used by the general public, whether publicly or privately owned, provide facilities for the physically handicapped to encourage and promote the movement and rehabilitation of such physically handicapped persons.

The Department of the Treasury estimates that if this legislation is enacted, a State expenditure of between \$10,000.00 and \$15,000.00 per year would be required for the Division of Building and Construction staff to review proposed facilities to determine compliance.

The Department of the Treasury further estimates that special features for the handicapped could increase building costs up to one percent.

The fiscal note is based on an estimate of costs rather than actual cost information.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

SENATE INSTITUTIONS, HEALTH AND
WELFARE COMMITTEE

STATEMENT TO
SENATE, No. 1252

STATE OF NEW JERSEY

DATED: NOVEMBER 25, 1974

This bill amends and supplements "An act to provide facilities for the physically handicapped in public buildings" (P. L. 1971, c. 269), to insure that buildings which are used by the general public, whether publicly or privately owned, provide facilities for the physically handicapped to encourage and promote the movement and rehabilitation of such physically-handicapped persons.

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The administration and enforcement of this bill is vested in the Division of Building and Construction in the Department of Treasury for public buildings proposed for construction or remodeling by the State, and in municipal building departments for all other public buildings. To insure that public buildings, as defined in this bill, provide facilities for the handicapped as specified in their plans and specifications, certificates of use or occupancy shall not be issued until and unless the local building departments are satisfied that such plans and specifications have been fulfilled.

The Senate committee amendments to this bill give complete discretion to the Division of Building and Construction to prescribe what facilities shall be provided for the physically handicapped. The amendments also serve to prevent the owner of any building from himself determining the value of his building or the cost of repairs on it. Finally, the amendments exclude from the provisions of this bill all construction or remodeling for which contracts have been entered into prior to the effective date of this bill.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 1252

STATE OF NEW JERSEY

ADOPTED NOVEMBER 25, 1974

Amend page 1, section 2, line 5-6, after "handicapped", omit "which shall include, but not be limited to, the following:"

Amend page 1, section 2, lines 7-16, omit subsections (a) and (b) in their entirety.

Amend page 2, section 2, lines 17-22, omit subsections (c) through (e) in their entirety.

Amend page 2, section 3, line 11, omit "all areas of a".

Amend page 2, section 3, line 12, after "warehouse", omit "other than the office area", insert "storage areas".

Amend page 2, section 3, line 31, after "alterations", insert ", as determined by the building department or, with respect to State buildings, the Division of Building and Construction in the Department of the Treasury".

Amend page 2, section 3, line 32, after "60% of the", insert "assessed".

Amend page 2, section 3, line 34, after "60% of the", insert "assessed".

Amend page 3, section 3, line 37, after "30% of the", insert "assessed".

Amend page 4, section 7, after line 5, insert new section as follows:

"8. (New section) The provisions of this act shall not apply to the construction or remodeling of public buildings when contracts for the actual construction or remodeling thereof have been entered into prior to the effective date of this act."

Amend page 4, section 8, line 1, renumber section 8 as section 9.

CHAPTER 220 LAWS OF N. J. 1975
APPROVED 10-8-75

[OFFICIAL COPY REPRINT]

SENATE, No. 1252

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1974

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4 promulgate guidelines which shall prescribe the kinds, types and
5 quality of such facilities for the physically handicapped * [which
6 shall include, but not be limited to, the following:]* **

7 * [(a) [At least one principal entrance to the building with ramp
8 access in accordance with specifications for ramps established by
9 rule of the Department of the Treasury.] All public buildings shall
10 contain at least one principal entrance accessible to and usable by
11 physically-handicapped persons, which shall be either ramped or
12 at ground level;

13 (b) On each floor open to the public at least one watercloset stall,
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EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

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12 a]* warehouse *[other than the office area]* *storage areas*; and
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6 b. With respect to all other public buildings proposed for con-
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9 The Division of Building and Construction or said municipal
10 building department shall determine whether a proposed structure,
11 or an existing structure undergoing remodeling, shall be considered
12 a public building within the meaning of this act and shall ensure,
13 upon such determination, that the design of any such building
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1 6. (New section) Exceptions based on practical difficulty, unnec-
2 essary hardship or extreme differences shall apply to the specific
3 requirement in question, and shall not extend to all requirements
4 of the standards and specifications mandated by this act.

1 7. (New section) No certificate of use or occupancy shall be
2 issued by any municipal building department for any public build-
3 ing constructed or remodeled in the State unless and until said
4 public building complies with the requirements of this act, except
5 as provided in sections 5 and 6 hereof.

1 *8. (New section) The provisions of this act shall not apply to
2 the construction or remodeling of public buildings when contracts
3 for the actual construction or remodeling thereof have been entered
4 into prior to the effective date of this act.*

1 *~~8.~~* *9.* This act shall take effect immediately.

S T A T E O F N E

SENATE No

197

The bill for which the
reserved was never printed
in the dead bills filed in
at the close of the legisla