

55:13A-1

LEGISLATIVE HISTORY CHECKLIST
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(Multiple dwelling heating costs)

NJSA: 55:13A-1

LAWS OF: 1991 CHAPTER: 453

BILL NO: S2953

SPONSOR(S): Lynch

DATE INTRODUCED: October 4, 1990

COMMITTEE: ASSEMBLY: Housing
SENATE: County & Municipal Government

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: January 9, 1992
SENATE: July 25, 1991

DATE OF APPROVAL: January 18, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG/pp

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[FIRST REPRINT]
SENATE, No. 2953

STATE OF NEW JERSEY

INTRODUCED OCTOBER 4, 1990

By Senator LYNCH

1 AN ACT concerning indirect apportionment of heating costs in
2 multiple dwellings and supplementing P.L.1967, c.76
3 (C.55:13A-1 et seq.).
4

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

7 1. As used in this act, "indirect apportionment of heating
8 costs" in a multiple dwelling means the charging to each dwelling
9 unit within that multiple dwelling of a portion of the heating
10 costs for the multiple dwelling as a whole on the basis of any
11 method or device other than direct measurement of fuel or
12 current consumption by separate metering devices, approved by
13 the Board of Public Utilities pursuant to R.S.48:2-25, for each
14 such dwelling unit.

15 2. a. Any method or device used, or intended to be used, for
16 the indirect apportionment of ¹[hearing] heating¹ costs in a
17 multiple dwelling shall be subject to approval by the
18 commissioner.

19 b. Except as provided in section 4 of this act, on and after the
20 effective date of this act no method or device of measurement or
21 calculation for the purpose of indirect apportionment of heating
22 costs shall be installed or employed until the commissioner has
23 certified, upon the basis of evidence and documentation
24 presented in accordance with rules adopted pursuant to section 3
25 of this act, that:

26 (1) the method and any device proposed to be employed for
27 that purpose are reliable and accurate;

28 (2) a schedule of inspection and maintenance sufficient to
29 ensure the continued reliability and accuracy of the system will
30 be maintained;

31 (3) the method of calculation and apportionment will result in
32 an equitable distribution of heating costs among the dwelling
33 ¹[unit] units¹ of the multiple dwelling upon the basis of actual
34 usage;

35 (4) the system will incorporate a provision of individual
36 thermostatic controls permitting heat usage in each dwelling unit
37 to be varied by the tenants thereof;

38 (5) billing of heating costs to each dwelling unit shall include,

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:

¹ Assembly AHO committee amendments adopted January 6, 1992.

1 for the period covered by each such billing, a statement of the
2 actual fuel or current costs incurred during that period for the
3 entire multiple dwelling and of the proportion thereof
4 apportioned to each dwelling unit;

5 (6) no costs other than those for fuel or current shall be
6 apportioned under this method.

7 c. Regulations adopted by the commissioner under authority of
8 this act shall require adequate certification of the performance
9 of inspection and maintenance pursuant to paragraph (2) of
10 subsection b. of this section. Failure to maintain a required
11 schedule of maintenance and inspection, or to correct promptly
12 any failure or malfunction in the system of indirect
13 apportionment of heating costs shall constitute a violation of the
14 act to which this act is a supplement.

15 3. The Commissioner of Community Affairs shall adopt and
16 promulgate, in accordance with the provisions of the
17 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
18 et seq.), all rules and regulations necessary or expedient to
19 effectuate the provisions and purposes of this act.

20 4. Notwithstanding the provisions of section 2 of this act, in
21 any multiple dwelling where a system of indirect apportionment
22 of heating costs is in use upon the effective date of this act, that
23 system may continue in use pending application for and issuance
24 of approval by the commissioner, for not more than six months
25 following that effective date.

26 5. This act shall take effect on the 90th day next following the
27 date of enactment.

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HOUSING AND CONSTRUCTION

31

32 Regulates use of indirect heating cost apportionment methods in
33 multiple dwellings.

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2 c. Regulations adopted by the commissioner under authority of
3 this act shall require adequate certification of the performance
4 of inspection and maintenance pursuant to paragraph (2) of
5 subsection b. of this section. Failure to maintain a required
6 schedule of maintenance and inspection, or to correct promptly
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17 of heating costs is in use upon the effective date of this act, that
18 system may continue in use pending application for and issuance
19 of approval by the commissioner, for not more than six months
20 following that effective date.

21 5. This act shall take effect on the 90th day next following the
22 date of enactment.

23

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25 STATEMENT

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27 This bill provides for the regulation of certain new devices and
28 techniques now coming into use for the appportionment of heating
29 costs among the dwelling units in multiple dwellings.

30 These systems of indirect heating cost appportionment operate
31 through sensors that measure each unit's actual heat and
32 computing devices that translate that usage into terms of fuel
33 consumption. These devices, unlike conventional meters that
34 measure fuel consumption or intake directly, and are direct links
35 between the purveyor and the ultimate consumer, are not subject
36 to regulation for accuracy by the Board of Public Utilities or the
37 Bureau of Weights and Measures.

38 This bill would assign to the Department of Community
39 Affairs, which is responsible for the regulation of multiple
40 dwellings, the authority to control the use of indirect heating
41 costs appportionment systems, so as to assure that only reliable
42 and equitable appportionment techniques and devices are used, and
43 that such systems are adequately inspected and maintained. It
44 would also entitle tenants to full information as to how the
45 overall costs of fuel are appportioned among the individual units in
46 their building or complex. The bill also would require that, where
47 such systems are in use, each dwelling unit should be equipped
48 with thermostatic controls enabling the tenants to adjust their
49 own heat consumption.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

SENATE, No. 2953

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 6, 1992

The Assembly Housing Committee reports Senate Bill No. 2953 favorably, with committee amendments.

This bill provides for the regulation of certain new devices and techniques now coming into use for the apportionment of heating costs among the dwelling units in multiple dwellings.

These systems of indirect heating cost apportionment operate through sensors that measure each unit's actual heat, coupled with computing devices that translate that heat usage into terms of fuel consumption. These devices, unlike conventional meters that measure fuel consumption or intake directly, and are direct links between the purveyor and the ultimate consumer, are not subject to regulation for accuracy by the Board of Public Utilities or the Bureau of Weights and Measures.

This bill would assign to the Department of Community Affairs, which is responsible for the regulation of multiple dwellings, the authority to control the use of systems of indirect heating cost apportionment, so as to assure that only reliable and equitable apportionment techniques and devices are used, and that such systems are adequately inspected and maintained. It would also entitle tenants to full information as to how the overall costs of fuel are apportioned among the individual units in their building or complex. The bill also would require that, where such systems are in use, each dwelling unit should be equipped with thermostatic controls enabling the tenants to adjust their own heat consumption.

The committee adopted minor technical amendments correcting typographical errors in section 2 of the bill.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2953

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 1991

The Senate County and Municipal Government Committee reports favorably Senate Bill No. 2953.

Senate Bill No. 2953 provides for the regulation of certain new devices and techniques now coming into use for the apportionment of heating costs among the dwelling units in multiple dwellings.

These systems of indirect heating cost apportionment operate through sensors that measure each unit's actual heat and computing devices that translate that usage into terms of fuel consumption. These devices, unlike conventional meters that measure fuel consumption or intake directly, and are direct links between the purveyor and the ultimate consumer, are not subject to regulation for accuracy by the Board of Public Utilities or the Bureau of Weights and Measures.

This bill would assign to the Department of Community Affairs, which is responsible for the regulation of multiple dwellings, the authority to control the use of indirect heating costs apportionment systems, so as to assure that only reliable and equitable apportionment techniques and devices are used, and that such systems are adequately inspected and maintained. It would also entitle tenants to full information as to how the overall costs of fuel are apportioned among the individual units in their building or complex. The bill also would require that, where such systems are in use, each dwelling unit should be equipped with thermostatic controls enabling the tenants to adjust their own heat consumption.