

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:32-5 and 52:32-6

(Public buildings-- certain-- clarify plans to include facilities for handicapped)

LAWS OF: 1987

CHAPTER: 246

Bill No: S982

Sponsor(s): Cowan

Date Introduced: Pre-filed

Committee: Assembly: -----

Senate: Institutions, Health and Welfare

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: June 22, 1987 Senate: December 18, 1986

Date of Approval: August 25, 1987

Following statements are attached if available:

Sponsor statement: Yes
Committee statement: Assembly No Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: Yes

Hearings: No

974.90 New Jersey. Governor's Task Force on Services for Disabled Persons.
H236 Certain Unalienable rights . . . final report. . . April, 1987.
1987 Trenton, 1987.
(see Reconimendation #56)

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SENATE, No. 982**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator COWAN

AN ACT concerning facilities for the physically handicapped in public buildings, and amending P. L. 1971, c. 269 and P. L. 1975, c. 220.

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

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

3 2. The Department of Community Affairs shall promulgate
4 regulations which shall prescribe the kinds, types and quality of
5 such facilities for the physically handicapped. *The regulations*
6 *shall differentiate between small buildings, defined as those with a*
7 *total gross enclosed ****[square]**** ****floor**** area of less than*
8 *10,000 square feet, and large buildings defined as those with a total*
9 *gross enclosed ****[square]**** ****floor**** area of 10,000 square feet*
10 *or more. Small buildings shall be required to have accessible*
11 *entrances servicing the first or ground floor areas and facilities*
12 *for the physically handicapped on all accessible floors*, however,*
13 *the provisions for small buildings shall not apply to the conversion*
14 *of a small building to another use or to renovations or modifica-*
15 *tions of a small building if there is insufficient space between the*
16 *building and its lot lines or between the building and the public*
17 *way to allow for the installation of an entrance ramp which meets*
18 *the criteria of the "State Uniform Construction Code" adopted*
19 *pursuant to the "State Uniform Construction Code Act," P. L.*
20 *1975, c. 217 (C. 52:27D-119 et seq.)*. Large buildings shall be re-*
21 *quired to have accessible entrances, facilities for the physically*

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendment adopted January 23, 1986.

**—Senate amendments adopted September 29, 1986.

22 *handicapped on all accessible floors, and elevators or other means*
 23 *of access for the physically handicapped between floors, except*
 24 *floors which contain only mechanical equipment on floors which*
 25 *contain less than 3,000 square feet of total ****[square]** **floor*****
 26 *area.*

1 2. Section 3 of P. L. 1975, c. 220 (C. 52:32-6) is amended to read
 2 as follows:

3 3. As used in this act:

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

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

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

32 d. "Office building" means **[a building or structure of more than**
 33 **10,000 square feet of gross floor area wherein commercial or busi-**
 34 **ness activity or service is performed or a profession is practiced, or**
 35 **wherein any combination thereof is performed or practiced in all**
 36 **or the majority of such building or structure]** *a building or struc-*
 37 *ture which is used for the transaction of business; for the render-*
 38 *ing of professional service; for other services that involved stocks*
 39 *of goods, wares, or merchandise in limited quantities for use inci-*

40 *dental to office uses or sample purposes; or for display and sale*
 41 *purposes involving stocks of goods, wares, or merchandise inci-*
 42 *dental to these purposes. This definition is intended to include those*
 43 *buildings or structures classified in Use Groups "B" and "M" of*
 44 *the State Uniform Construction Code within the scope of section*
 45 *5:23-3.14 of the New Jersey Administrative Code pertaining to*
 46 *building subcodes.*

47 e. (Deleted by amendment.) (P. L. 1981, c. 35, s. 2.)

48 f. "Enforcing agency" means the municipal construction official
 49 and subcode officials provided for in the "State Uniform Construc-
 50 tion Code Act" (P. L. 1975, c. 217; C. 52:27D-119 et seq.).

1 3. This act shall take effect ***[immediately]*** *on the 180th day
 2 following enactment*.

HANDICAPPED—MENTAL AND PHYSICAL

Handicapped access, sm. buildings

Clarifies the intent of the Legislature that certain small buildings
 being constructed or remodeled shall have facilities for the physi-
 cally handicapped.

47 e. (Deleted by amendment.) (*P. L. 1981, c. 35, s. 2.*)

48 f. "Enforcing agency" means the municipal construction official
49 and subcode officials provided for in the "State Uniform Construc-
50 tion Code Act" (*P. L. 1975, c. 217; C. 52:27D-119 et seq.*).

1 3. This act shall take effect ***[immediately]*** *on the 180th day*
2 *following enactment*.*

STATEMENT

This bill amends the law governing facilities for physically handi-
capped persons in public buildings, *P. L. 1971, c. 269*, to require
that smaller buildings which have less than 10,000 square feet of
enclosed space have accessible entrances and facilities for the
physically handicapped on all accessible floors.

Presently, regulations governing accessibility for the physically
handicapped affect buildings with greater than 10,000 square feet
of enclosed space. This bill expands the law to require that smaller
buildings have accessible entrances servicing the first or ground
floor areas but specifies that only large buildings (greater than
10,000 square feet) are required to have elevators or other means
of access for the physically handicapped between floors.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO SENATE BILL 982 Sca

DATED: JANUARY 23, 1986

The Senate Institutions, Health and Welfare Committee favorably reports Senate Bill No. 982 with committee amendments.

This bill amends the law governing facilities for physically handicapped persons in public buildings, P.L. 1971, c.269, to require that smaller buildings which have less than 10,000 square feet of enclosed space have accessible entrances on the first or ground floor areas and facilities for the physically handicapped on all accessible floors. The bill, however, exempts from the accessible entrance requirement those small buildings which are converted to another use or which do not have sufficient space on the property to install an entrance ramp. The bill takes effect 180 days following enactment.

Presently, regulations governing accessibility for the physically handicapped affect buildings with greater than 10,000 square feet of enclosed space. This bill expands the law to require that smaller buildings have accessible entrances servicing the first or ground floor areas but specifies that only large buildings (greater than 10,000 square feet) are required to have elevators or other means of access for the physically handicapped between floors.

This bill is similar to Senate Bill No. 2892 OCR of 1985. The Committee favorably reported the bill in June 1985 with amendments that are now incorporated in Senate Bill No. 982.