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Updated: 09/29/04

P.L. 2003, CHAPTER 101, *approved June 30, 2003*
Senate, No. 1795 (*Second Reprint*)

1 AN ACT concerning certain ¹[low-income]¹ rental housing for seniors
2 and supplementing ¹[P.L.1983, c.530 (C.55:14K-1 et seq.)]
3 P.L.1975, c. 217 (C. 52:27D-119 et seq.)¹.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. ¹[Notwithstanding any law or regulation to the contrary] ²[It
9 shall be required pursuant to the provisions of the "State Uniform
10 Construction Code Act," P.L.1975, c. 217 (C. 52:27D-119 et seq.)¹]
11 Notwithstanding any law or regulation to the contrary², whenever a
12 rental dwelling unit reserved for occupancy by an adult aged 55 or
13 over is to be newly constructed ¹[and such construction is financed,
14 in whole or in part, or through the allocation of low-income federal tax
15 credits by the New Jersey Housing and Mortgage Finance Agency, the
16 agency shall require]^{1 2} and such construction is financed, in whole
17 or in part, or through the allocation of low-income federal tax credits
18 by the New Jersey Housing and Mortgage Finance Agency, the agency
19 shall require ² that each shower or bathtub within the dwelling unit be
20 equipped with safety rails which shall be reachable by a person of
21 average height, in order to assist the person in maneuvering in or out
22 of the shower or bathtub, as the case may be.
23

24 2. This act shall take effect on the first day of the third month next
25 following enactment, but shall not apply to those rental projects for
26 which a development application was approved prior to the effective
27 date.
28
29
30

31
32 Directs HMFA to require shower rails in senior rental projects.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCU committee amendments adopted October 28, 2002.

² Senate amendments adopted in accordance with Governor's recommendations May 29, 2003.

SENATE, No. 1795

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED SEPTEMBER 12, 2002

Sponsored by:

Senator ANTHONY R. BUCCO

District 25 (Morris)

Co-Sponsored by:

Senator Coniglio

SYNOPSIS

Directs HMFA to require shower rails in senior low income rental projects.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/29/2002)

1 AN ACT concerning certain low-income rental housing for seniors and
2 supplementing P.L.1983, c.530 (C.55:14K-1 et seq.).

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Notwithstanding any law or regulation to the contrary, whenever
8 a rental dwelling unit reserved for occupancy by an adult aged 55 or
9 over is to be newly constructed and such construction is financed, in
10 whole or in part, or through the allocation of low-income federal tax
11 credits by the New Jersey Housing and Mortgage Finance Agency, the
12 agency shall require that each shower or bathtub within the dwelling
13 unit be equipped with safety rails which shall be reachable by a person
14 of average height, in order to assist the person in maneuvering in or
15 out of the shower or bathtub, as the case may be.

16
17 2. This act shall take effect on the first day of the third month next
18 following enactment, but shall not apply to those rental projects for
19 which a development application was approved prior to the effective
20 date.

21
22
23 STATEMENT

24
25 This bill directs the New Jersey Housing Mortgage and
26 Finance Agency (HMFA) to require that newly-constructed rental
27 dwelling units reserved for seniors aged 55 or over be equipped with
28 safety rails in the shower or bathtub, if the rental project was financed
29 by the HMFA. The bill would include those projects for which low-
30 income tax credits have been allocated to the developer, therefore
31 encompassing low and moderate income rental units restricted to
32 senior occupancy.

33 Slipping and falling in showers and bathtubs ranks high among
34 causes of injuries for seniors. Current State regulations require safety
35 rails in bathtubs or showers only if the rental unit is part of an assisted
36 living facility. The bill recognizes that seniors in independent living
37 apartments, even though they are not considered infirm, may need
38 protection against slipping in the tub or shower.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1795

STATE OF NEW JERSEY

DATED: MARCH 10, 2003

The Assembly Appropriations Committee reports favorably Senate Bill No. 1795 (1R).

Senate Bill No. 1795 (1R) requires that newly-constructed rental dwelling units reserved for seniors aged 55 or over be equipped with safety rails in showers and bathtubs in those units.

Current State regulations require safety rails in bathtubs or showers only if the rental unit is part of an assisted living facility. As introduced, the bill would have been limited to requiring the installation of shower rails in newly-constructed rental dwelling units reserved for seniors aged 55 which units were financed by the New Jersey Housing Mortgage and Finance Agency. The bill now expands the application to all newly-constructed rental dwelling units reserved for seniors.

As reported, this bill is identical to A-2441 (1R), as amended and reported by the committee.

FISCAL IMPACT:

This legislation was not certified as requiring a fiscal note.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1795

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 28, 2002

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 1795.

As amended by the committee, this bill would require that newly-constructed rental dwelling units reserved for seniors aged 55 or over be equipped with safety rails in showers and bathtubs in those units.

Current State regulations require safety rails in bathtubs or showers only if the rental unit is part of an assisted living facility. As introduced, the bill would have been limited to requiring the installation of shower rails in newly-constructed rental dwelling units reserved for seniors aged 55 which units were financed by the New Jersey Housing Mortgage and Finance Agency. The amendments would expand application of the bill to all newly-constructed rental dwelling units reserved for seniors.

ASSEMBLY, No. 2441

STATE OF NEW JERSEY

210th LEGISLATURE

INTRODUCED JUNE 13, 2002

Sponsored by:

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Directs HMFA to require shower rails in senior low income rental projects.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain low-income rental housing for seniors and
2 supplementing P.L.1983, c.530 (C.55:14K-1 et seq.).

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Notwithstanding any law or regulation to the contrary, whenever
8 a rental dwelling unit reserved for occupancy by an adult aged 55 or
9 over is to be newly constructed and such construction is financed, in
10 whole or in part, or through the allocation of low-income federal tax
11 credits by the New Jersey Housing and Mortgage Finance Agency, the
12 agency shall require that each shower or bathtub within the dwelling
13 unit be equipped with safety rails which shall be reachable by a person
14 of average height, in order to assist the person in maneuvering in or
15 out of the shower or bathtub, as the case may be.

16
17 2. This act shall take effect on the first day of the third month next
18 following enactment, but shall not apply to those rental projects for
19 which a development application was approved prior to the effective
20 date.

21
22
23 STATEMENT

24
25 This bill directs the New Jersey Housing Mortgage and Finance
26 Agency (HMFA) to require that newly-constructed rental dwelling
27 units reserved for seniors aged 55 or over be equipped with safety rails
28 in the shower or bathtub, if the rental project was financed by the
29 HMFA. The bill would include those projects for which low-income
30 tax credits have been allocated to the developer, therefore
31 encompassing low and moderate income rental units restricted to
32 senior occupancy.

33 Slipping and falling in showers and bathtubs ranks high among
34 causes of injuries for seniors. Current State regulations require safety
35 rails in bathtubs or showers only if the rental unit is part of an assisted
36 living facility. The bill recognizes that seniors in independent living
37 apartments, even though they are not considered infirm, may need
38 protection against slipping in the tub or shower.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2441

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 21, 2002

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 2441.

This bill, as amended, supplements the "State Uniform Construction Code Act," P.L.1975, c. 217 (C. 52:27D-119 et seq.) to require that newly-constructed rental dwelling units reserved for seniors aged 55 or over be equipped with safety rails in the shower or bathtub.

Slipping and falling in showers and bathtubs ranks high among causes of injuries for seniors. Current State regulations require safety rails in bathtubs or showers only if the rental unit is part of an assisted living facility. The bill recognizes that seniors in independent living apartments, even though they are not considered infirm, may need protection against slipping in the tub or shower.

COMMITTEE AMENDMENTS

Committee amendments to the bill:

The committee amended the bill to require that all newly-constructed dwelling units reserved for seniors aged 55 or over be equipped with safety rails in the shower or bathtub, not just those units constructed with financing from the New Jersey Housing and Mortgage Finance Agency.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2441

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 10, 2003

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2441 (1R), with committee amendments.

Assembly Bill No. 2441 (1R), as amended, requires that newly-constructed rental dwelling units reserved for seniors aged 55 or over be equipped with safety rails in showers and bathtubs in those units.

Current State regulations require safety rails in bathtubs or showers only if the rental unit is part of an assisted living facility. As introduced, the bill would have been limited to requiring the installation of shower rails in newly-constructed rental dwelling units reserved for seniors aged 55 which units were financed by the New Jersey Housing Mortgage and Finance Agency. The bill, as amended, expands the application to all newly-constructed rental dwelling units reserved for seniors.

As amended and reported, this bill is identical to S-1795 (1R) as also reported by the committee.

FISCAL IMPACT:

This legislation was not certified as requiring a fiscal note.

COMMITTEE AMENDMENTS

The amendments are technical in nature to correct the title and synopsis to be identical to Senate Bill No. 1795 (1R).

SENATE BILL NO. 1795
(Third Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1795 (First Reprint) with my recommendations for reconsideration.

A. Summary of Bill

This bill would amend the State Uniform Construction Code Act to require that whenever a rental dwelling unit reserved for occupancy by individuals 55 years of age and older is newly constructed, each shower or bathtub within the dwelling unit must be equipped with safety rails which shall be reachable by a person of average height, in order to assist the individual in maneuvering in or out of the shower or bathtub, as the case may be. As originally introduced in the Legislature, this bill would not have amended the State Uniform Construction Code Act, but rather provided that when newly constructed projects consisting of rental dwelling units reserved for occupancy by individuals 55 years of age and older are financed in whole or in part, or through the allocation of low-income tax credits, by the New Jersey Housing and Mortgage Finance Agency (HMFA), then the HMFA shall ensure that shower and bathtub safety rails are installed in such projects.

B. Recommended Action

I commend the sponsors of this bill and the Legislature for their efforts intended to enhance health and safety in newly constructed rental units reserved for occupancy by people 55 years of age and older. I am concerned, however, that the amended version of this bill goes far beyond directing the HMFA to ensure the presence of safety rails in the age-restricted low-income rental projects that the agency finances. Instead, the bill would create a new requirement to be included in the State Uniform Construction Code governing all new rental units reserved for occupancy by people aged 55 years and older. To assure that the State's construction codes meet the goals of the Uniform Construction Code Act, New Jersey adopts nationally recognized model codes, such as those of the International Code Council. The State relies upon the established procedures of the national bodies to assess changes in specific standards and their implications for safety, health and affordability. The change proposed by this bill is not the result of such a review and, therefore, may have unanticipated consequences with respect to other aspects of the code. Currently, the code appropriately requires that showers and bathtubs be constructed in a manner that would permit the installation of rails, ensuring that safety rails can be installed relatively easily and inexpensively by building owners in the event that an individual tenant wants or needs safety railings in a rental unit.

As a result of the above considerations, I recommend that the bill be amended in order to return it to the form in which it was introduced. Accordingly, I herewith return Senate Bill No. 1795 (First Reprint) and recommend that it be amended as follows:

Page 2, Section 1, Line 8: Delete "It shall be required pursuant to the provisions of the State Uniform Construction Code Act, P.L.1975, c. 217 (C. 52:27D-119 et seq.)" and insert

"Notwithstanding any law or regulation to the contrary"

Page 2, Section 1, Line 12:

After "constructed" insert "and such construction is financed, in whole or in part, or through the allocation of low-income federal tax credits by the New Jersey Housing and Mortgage Finance Agency, the agency shall require"

Respectfully,

/s/ James E. McGreevey

Governor

[seal]

Attest:

/s/ Michael R. DeCotiis

Chief Counsel to the Governor