

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes 3/17/2021

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/JA

P.L. 2021, CHAPTER 260, *approved November 8, 2021*
Senate, No. 537 (*First Reprint*)

1 AN ACT concerning temperature standards in ¹[emergency
2 shelters,]¹ rooming and boarding houses, ¹dementia care homes,¹
3 nursing homes, and residential health care facilities,
4 supplementing P.L.1984, c.114 (C.26:2H-14.1 et seq.) and
5 P.L.1985, c.48 (C.55:13C-1 et seq.), and amending various parts
6 of the statutory law.
7

8 **BE IT ENACTED** by the Senate and General Assembly of the State
9 of New Jersey:

10
11 1. Section 3 of P.L.1984, c.114 (C.26:2H-14.3) is amended to
12 read as follows:

13 3. The Commissioner of Health shall, pursuant to the
14 provisions of the "Administrative Procedure Act," P.L.1968, c.410
15 (C.52:14B-1 et seq.), adopt rules and regulations necessary to
16 effectuate the purposes of this act. The regulations shall require
17 that:

18 a. Each health care facility included within the provisions of
19 this act and which is not equipped with air conditioning on the
20 effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), shall
21 provide for and operate adequate ventilation in all areas used by
22 patients or residents, including, but not limited to, the use of ceiling
23 fans, wall fans or portable fans, where appropriate, so that the
24 temperature in these areas does not exceed **[82]** 81 degrees
25 Fahrenheit, but the health care facility shall not directly assess
26 patients or residents for the purchase or installation of the fans or
27 other ventilating equipment.

28 (1) The regulations shall also provide that within two years after
29 the effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), every
30 nursing home included within the provisions of this act, and every
31 residential health care facility as specified in this paragraph, shall
32 be equipped with air conditioning, except that the commissioner
33 may grant a nursing home or residential health care facility a waiver
34 from the air conditioning requirement to give the nursing home or
35 residential health care facility one additional year to comply with
36 the air conditioning requirement, for which waiver the nursing
37 home or residential health care facility shall apply on a form and in

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:

¹Assembly AHE committee amendments adopted January 13, 2021.

1 a manner prescribed by the commissioner, if the nursing home or
2 residential health care facility can demonstrate to the satisfaction of
3 the commissioner that the failure to grant such a waiver would pose
4 a serious financial hardship to the nursing home or residential
5 health care facility. The air conditioning shall be operated so that
6 the temperature in all areas used by patients or residents does not
7 exceed **[82]** 81 degrees Fahrenheit. The air conditioning
8 requirement established in this subsection shall apply to a
9 residential health care facility only: (1) upon enactment into law of
10 legislation that increases the rate of reimbursement provided by the
11 State under the Supplemental Security Income program,
12 P.L.1973, c.256 (C.44:7-85 et seq.), which rate is certified by the
13 Commissioner of Health to be sufficient to enable the facility to
14 meet the costs of complying with the requirement; and (2) if the
15 facility qualifies for funds for energy efficiency rehabilitation
16 through the "Petroleum Overcharge Reimbursement Fund,"
17 established pursuant to P.L.1987, c.231 (C.52:18A-209 et seq.),
18 which funds can be applied towards equipping the facility with air
19 conditioning. A nursing home or residential health care facility
20 shall not directly assess patients or residents for the purchase or
21 installation of the air conditioning equipment.

22 (2) The regulations shall also provide that within two years after
23 the effective date of P.L.2015, c.125 (C.55:13B-5.1 et al.), every
24 dementia care home shall be equipped with air conditioning, except
25 that the commissioner may grant a dementia care home a waiver
26 from the air conditioning requirement to give the dementia care
27 home one additional year to comply with the air conditioning
28 requirement, for which waiver the dementia care home shall apply
29 on a form and in a manner prescribed by the commissioner, if the
30 dementia care home can demonstrate to the satisfaction of the
31 commissioner that the failure to grant such a waiver would pose a
32 serious financial hardship to that facility. The air conditioning shall
33 be operated so that the temperature in all areas used by residents
34 does not exceed **[82]** 81 degrees Fahrenheit. A dementia care
35 home shall not directly assess residents for the purchase or
36 installation of the air conditioning equipment; and

37 b. Patients or residents are identified by predisposition, due to
38 illness, medication or otherwise, to heat-related illness and that
39 during a heat emergency, their body temperature, dehydration status
40 and other symptoms of heat-related illness are monitored frequently
41 and regularly, any anomalies are promptly reported to the attending
42 physician, and any necessary therapeutic or palliative measures are
43 instituted, including the provision of liquids, where required.

44 c. A nursing home, or a residential health care facility owned
45 by a licensed health care facility and licensed by the Department of
46 Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), shall not
47 exceed the temperature limit established pursuant to this section,

1 unless permitted by applicable regulation of the Centers for
2 Medicare and Medicaid Services.

3 (cf: P.L.2015, c.125, s.5)

4

5 2. Section 2 of P.L.1989, c.173 (C.26:2H-14.4) is amended to
6 read as follows:

7 2. a. A nursing home or residential health care facility
8 included within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et
9 seq.) which is constructed or expanded after the effective date of
10 P.L.1989, c.173 (C.26:2H-14.4 et al.), or a dementia care home
11 included within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et
12 seq.) which is constructed or expanded after the effective date of
13 P.L.2015, c.125 (C.55:13B-5.1 et al.), shall be equipped with air
14 conditioning and heating in all areas used by patients or residents,
15 and the air conditioning and heating shall be operated so that the
16 temperature in these areas does not exceed **[82]** 81 degrees
17 Fahrenheit or fall under 65 degrees Fahrenheit. All areas used by
18 patients or residents shall be maintained within a temperature range
19 from 65 to 81 degrees Fahrenheit, except in rooms:

20 (1) designated for activities requiring physical exertion; or

21 (2) where residents can individually control the temperature in
22 their own living units, independent from other areas.

23 b. A nursing home, or a residential health care facility owned
24 by a licensed health care facility and licensed by the Department of
25 Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), may
26 maintain a temperature in an area used by patients or residents that
27 does not fall within the range provided pursuant to subsection a. of
28 this section, provided that the temperature is within a range
29 permitted pursuant to applicable regulation of the Centers for
30 Medicare and Medicaid Services.

31 (cf: P.L.2015, c.125, s.6)

32

33 3. (New section) The Commissioner of Health may grant a
34 waiver to a nursing home or residential health care facility in the
35 case of any unusual event which results from natural or unnatural
36 causes beyond the control of the facility, including, but not limited
37 to, the declaration of a state of emergency or disaster by the State or
38 by the federal government, which results in the inability of the
39 facility to maintain the temperature guidelines detailed in section 3
40 of P.L.1984, c.114 (C.26:2H-14.3), or section 2 of P.L.1989, c.173
41 (C.26:2H-14.4).

42

43 4. Section 6 of P.L.1979, c.496 (C.55:13B-6) is amended to
44 read as follows:

45 6. The commissioner shall establish standards to ensure that
46 every rooming and boarding house in this State is constructed and
47 operated in such a manner as will protect the health, safety and
48 welfare of its residents and at the same time preserve and promote a

- 1 homelike atmosphere appropriate to such facilities, including, but
2 not limited to, standards to provide for the following:
- 3 a. Safety from fire;
 - 4 b. Safety from structural, mechanical, plumbing and electrical
5 deficiencies;
 - 6 c. Adequate light and ventilation;
 - 7 d. Physical security;
 - 8 e. Protection from harassment, fraud and eviction without due
9 cause;
 - 10 f. Clean and reasonably comfortable surroundings;
 - 11 g. Adequate personal and financial services rendered in
12 boarding houses;
 - 13 h. Disclosure of owner identification information;
 - 14 i. Maintenance of orderly and sufficient financial and
15 occupancy records;
 - 16 j. Referral of residents, by the operator, to social service and
17 health agencies for needed services;
 - 18 k. Assurance that no constitutional, civil or legal right will be
19 denied solely by reason of residence in a rooming or boarding
20 house;
 - 21 l. Reasonable access for employees of public and private
22 agencies, and reasonable access for other citizens upon receiving
23 the consent of the resident to be visited by them;
 - 24 m. Opportunity for each resident to live with as much
25 independence, autonomy and interaction with the surrounding
26 community as **1[he] the resident¹** is capable of **1doing¹** ; **[and]**
 - 27 n. **1[Assurance that the needs of residents with special needs,**
28 **including, but not limited to, persons with Alzheimer's disease and**
29 **related disorders or other forms of dementia, will be met in**
30 **accordance with standards adopted by regulation of the**
31 **commissioner, which shall be promulgated no later than 90 days**
32 **after the effective date of this act, which shall include, at a**
33 **minimum, the following:**
 - 34 (1) staffing levels;
 - 35 (2) staff qualifications and training;
 - 36 (3) special dietary needs of residents;
 - 37 (4) special supervision requirements relating to the individual
38 needs of residents;
 - 39 (5) building safety requirements appropriate to the needs of
40 residents;
 - 41 (6) special health monitoring of residents by qualified, licensed
42 health care professionals, including a requirement that a medical
43 assessment be performed on a resident with special needs as
44 described in this subsection, as determined necessary by the
45 commissioner, prior to admission and on a quarterly basis thereafter
46 to ensure that the facility is appropriate to the needs of the resident;
47 and

1 (7) criteria for discharging residents which shall be set forth in
2 the admission agreement which shall be provided to the resident or
3 the resident's representative prior to or upon admission. The
4 commissioner may revoke the license of any provider who violates
5 the criteria for discharging residents ; and] (Deleted by amendment,
6 P.L.2015, c.125)¹

7 o. An approved heating and cooling system capable of
8 maintaining the temperature of the facility within the required
9 range. In all areas used by residents, the operator shall maintain the
10 rooming and boarding house at a temperature within the range of 65
11 through 81 degrees Fahrenheit, except in rooms:

12 (1) designated for activities requiring physical exertion; or

13 (2) where residents can individually control the temperature in
14 their own living units, independent from other areas.

15 (cf: P.L.2015, c.125, s.13)

16

17 ¹[5. (New section) The operator of an emergency shelter for
18 the homeless shall maintain all areas used by persons admitted to
19 such shelter at a temperature no higher than 81 degrees Fahrenheit,
20 and no lower than 65 degrees Fahrenheit.]¹

21

22 ¹[6.] 5.¹ This act shall take effect on the first day of the sixth
23 month next following enactment.

24

25

26

27

28 Establishes certain minimum and maximum temperatures in
29 rooming and boarding houses, dementia care homes, and certain
30 nursing homes and residential health care facilities.

SENATE, No. 537

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Co-Sponsored by:

Senator Pou

SYNOPSIS

Establishes certain minimum and maximum temperatures in emergency shelters, rooming and boarding houses, and certain nursing homes and residential health care facilities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning temperature standards in emergency shelters,
2 rooming and boarding houses, nursing homes, and residential
3 health care facilities, supplementing P.L.1984, c.114 (C.26:2H-
4 14.1 et seq.) and P.L.1985, c.48 (C.55:13C-1 et seq.), and amending
5 various parts of the statutory law.

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

9
10 1. Section 3 of P.L.1984, c.114 (C.26:2H-14.3) is amended to
11 read as follows:

12 3. The Commissioner of Health shall, pursuant to the provisions
13 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
14 et seq.), adopt rules and regulations necessary to effectuate the
15 purposes of this act. The regulations shall require that:

16 a. Each health care facility included within the provisions of this
17 act and which is not equipped with air conditioning on the effective
18 date of P.L.1989, c.173 (C.26:2H-14.4 et al.), shall provide for and
19 operate adequate ventilation in all areas used by patients or residents,
20 including, but not limited to, the use of ceiling fans, wall fans or
21 portable fans, where appropriate, so that the temperature in these
22 areas does not exceed **[82]** 81 degrees Fahrenheit, but the health care
23 facility shall not directly assess patients or residents for the purchase
24 or installation of the fans or other ventilating equipment.

25 (1) The regulations shall also provide that within two years after
26 the effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), every
27 nursing home included within the provisions of this act, and every
28 residential health care facility as specified in this paragraph, shall be
29 equipped with air conditioning, except that the commissioner may
30 grant a nursing home or residential health care facility a waiver from
31 the air conditioning requirement to give the nursing home or
32 residential health care facility one additional year to comply with the
33 air conditioning requirement, for which waiver the nursing home or
34 residential health care facility shall apply on a form and in a manner
35 prescribed by the commissioner, if the nursing home or residential
36 health care facility can demonstrate to the satisfaction of the
37 commissioner that the failure to grant such a waiver would pose a
38 serious financial hardship to the nursing home or residential health
39 care facility. The air conditioning shall be operated so that the
40 temperature in all areas used by patients or residents does not exceed
41 **[82]** 81 degrees Fahrenheit. The air conditioning requirement
42 established in this subsection shall apply to a residential health care
43 facility only: (1) upon enactment into law of legislation that increases
44 the rate of reimbursement provided by the State under the

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.

S537 CODEY

1 Supplemental Security Income program, P.L.1973, c.256 (C.44:7-
2 85 et seq.), which rate is certified by the Commissioner of Health to
3 be sufficient to enable the facility to meet the costs of complying with
4 the requirement; and (2) if the facility qualifies for funds for energy
5 efficiency rehabilitation through the "Petroleum Overcharge
6 Reimbursement Fund," established pursuant to P.L.1987, c.231
7 (C.52:18A-209 et seq.), which funds can be applied towards
8 equipping the facility with air conditioning. A nursing home or
9 residential health care facility shall not directly assess patients or
10 residents for the purchase or installation of the air conditioning
11 equipment.

12 (2) The regulations shall also provide that within two years after
13 the effective date of P.L.2015, c.125 (C.55:13B-5.1 et al.), every
14 dementia care home shall be equipped with air conditioning, except
15 that the commissioner may grant a dementia care home a waiver from
16 the air conditioning requirement to give the dementia care home one
17 additional year to comply with the air conditioning requirement, for
18 which waiver the dementia care home shall apply on a form and in a
19 manner prescribed by the commissioner, if the dementia care home
20 can demonstrate to the satisfaction of the commissioner that the
21 failure to grant such a waiver would pose a serious financial hardship
22 to that facility. The air conditioning shall be operated so that the
23 temperature in all areas used by residents does not exceed ~~82~~ 81
24 degrees Fahrenheit. A dementia care home shall not directly assess
25 residents for the purchase or installation of the air conditioning
26 equipment; and

27 b. Patients or residents are identified by predisposition, due to
28 illness, medication or otherwise, to heat-related illness and that
29 during a heat emergency, their body temperature, dehydration status
30 and other symptoms of heat-related illness are monitored frequently
31 and regularly, any anomalies are promptly reported to the attending
32 physician, and any necessary therapeutic or palliative measures are
33 instituted, including the provision of liquids, where required.

34 c. A nursing home, or a residential health care facility owned by
35 a licensed health care facility and licensed by the Department of
36 Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), shall not
37 exceed the temperature limit established pursuant to this section,
38 unless permitted by applicable regulation of the Centers for Medicare
39 and Medicaid Services.

40 (cf: P.L.2015, c.125, s.5)

41

42 Section 2 of P.L.1989, c.173 (C.26:2H-14.4) is amended to read
43 as follows:

44 2. a. A nursing home or residential health care facility included
45 within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et seq.)
46 which is constructed or expanded after the effective date of P.L.1989,
47 c.173 (C.26:2H-14.4 et al.), or a dementia care home included within
48 the provisions of P.L.1984, c.114 (C.26:2H-14.1 et seq.) which is

S537 CODEY

1 constructed or expanded after the effective date of P.L.2015, c.125
2 (C.55:13B-5.1 et al.), shall be equipped with air conditioning and
3 heating in all areas used by patients or residents, and the air
4 conditioning and heating shall be operated so that the temperature in
5 these areas does not exceed ~~【82】~~ 81 degrees Fahrenheit or fall under
6 65 degrees Fahrenheit. All areas used by patients or residents shall
7 be maintained within a temperature range from 65 to 81 degrees
8 Fahrenheit, except in rooms:

9 (1) designated for activities requiring physical exertion; or
10 (2) where residents can individually control the temperature in
11 their own living units, independent from other areas.

12 b. A nursing home, or a residential health care facility owned by
13 a licensed health care facility and licensed by the Department of
14 Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), may maintain
15 a temperature in an area used by patients or residents that does not
16 fall within the range provided pursuant to subsection a. of this
17 section, provided that the temperature is within a range permitted
18 pursuant to applicable regulation of the Centers for Medicare and
19 Medicaid Services.

20 (cf: P.L.2015, c.125, s.6)

21

22 3. (New section) The Commissioner of Health may grant a
23 waiver to a nursing home or residential health care facility in the case
24 of any unusual event which results from natural or unnatural causes
25 beyond the control of the facility, including, but not limited to, the
26 declaration of a state of emergency or disaster by the State or by the
27 federal government, which results in the inability of the facility to
28 maintain the temperature guidelines detailed in section 3 of P.L.1984,
29 c.114 (C.26:2H-14.3), or section 2 of P.L.1989, c.173 (C.26:2H-
30 14.4).

31

32 4. Section 6 of P.L.1979, c.496 (C.55:13B-6) is amended to read
33 as follows:

34 6. The commissioner shall establish standards to ensure that
35 every rooming and boarding house in this State is constructed and
36 operated in such a manner as will protect the health, safety and
37 welfare of its residents and at the same time preserve and promote a
38 homelike atmosphere appropriate to such facilities, including, but not
39 limited to, standards to provide for the following:

40 a. Safety from fire;

41 b. Safety from structural, mechanical, plumbing and electrical
42 deficiencies;

43 c. Adequate light and ventilation;

44 d. Physical security;

45 e. Protection from harassment, fraud and eviction without due
46 cause;

47 f. Clean and reasonably comfortable surroundings;

S537 CODEY

- 1 g. Adequate personal and financial services rendered in
2 boarding houses;
- 3 h. Disclosure of owner identification information;
- 4 i. Maintenance of orderly and sufficient financial and
5 occupancy records;
- 6 j. Referral of residents, by the operator, to social service and
7 health agencies for needed services;
- 8 k. Assurance that no constitutional, civil or legal right will be
9 denied solely by reason of residence in a rooming or boarding house;
- 10 l. Reasonable access for employees of public and private
11 agencies, and reasonable access for other citizens upon receiving the
12 consent of the resident to be visited by them;
- 13 m. Opportunity for each resident to live with as much
14 independence, autonomy and interaction with the surrounding
15 community as he is capable of; **[and]**
- 16 n. Assurance that the needs of residents with special needs,
17 including, but not limited to, persons with Alzheimer's disease and
18 related disorders or other forms of dementia, will be met in
19 accordance with standards adopted by regulation of the
20 commissioner, which shall be promulgated no later than 90 days after
21 the effective date of this act, which shall include, at a minimum, the
22 following:
- 23 (1) staffing levels;
- 24 (2) staff qualifications and training;
- 25 (3) special dietary needs of residents;
- 26 (4) special supervision requirements relating to the individual
27 needs of residents;
- 28 (5) building safety requirements appropriate to the needs of
29 residents;
- 30 (6) special health monitoring of residents by qualified, licensed
31 health care professionals, including a requirement that a medical
32 assessment be performed on a resident with special needs as
33 described in this subsection, as determined necessary by the
34 commissioner, prior to admission and on a quarterly basis thereafter
35 to ensure that the facility is appropriate to the needs of the resident;
36 and
- 37 (7) criteria for discharging residents which shall be set forth in
38 the admission agreement which shall be provided to the resident or
39 the resident's representative prior to or upon admission. The
40 commissioner may revoke the license of any provider who violates
41 the criteria for discharging residents; and
- 42 o. An approved heating and cooling system capable of
43 maintaining the temperature of the facility within the required range.
44 In all areas used by residents, the operator shall maintain the rooming
45 and boarding house at a temperature within the range of 65 through
46 81 degrees Fahrenheit, except in rooms:

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 537

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 13, 2021

The Assembly Health Committee reports favorably and with committee amendments Senate Bill No. 537.

As amended and reported, this bill requires that the temperature within rooming and boarding houses, dementia care homes, nursing homes, and residential health care facilities be maintained within a range of 65 through 81 degrees Fahrenheit. This standard would not apply to nursing facilities, or to residential health care facilities that are owned by a licensed health care facility and licensed by the Department of Health, that are in compliance with applicable federal regulations.

The temperature requirements under this bill would be restricted to areas of the facilities that are used by the residents or patients. The temperature requirements would not apply to rooms designated for activities requiring physical exertion, or rooms where residents can individually control the temperature in their own living units, independent from other areas.

In the case of nursing homes and residential health care facilities, current law permits the Commissioner of Health to waive certain air conditioning requirements if compliance with the requirements would cause serious financial hardship, or if the nursing home or residential health care facility has not been constructed or expanded since August 17, 1989. This bill does not remove these existing exceptions to temperature control requirements.

As reported by the committee, Senate Bill No. 537 is identical to Assembly Bill No. 3110 which was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The amendments:

- 1) remove homeless shelters from the bill;
 - 2) adds the term “dementia care home” to the synopsis and title;
- and
- 3) make technical changes including technical changes to the title and synopsis.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 537

STATE OF NEW JERSEY

DATED: MARCH 17, 2021

The Assembly Appropriations Committee reports favorably Senate Bill No. 537 (1R).

This bill requires that the temperature within rooming and boarding houses, dementia care homes, nursing homes, and residential health care facilities be maintained within a range of 65 through 81 degrees Fahrenheit. This standard would not apply to nursing facilities, or to residential health care facilities that are owned by a licensed health care facility and licensed by the Department of Health, that are in compliance with applicable federal regulations.

The temperature requirements under this bill would be restricted to areas of the facilities that are used by the residents or patients. The temperature requirements would not apply to rooms designated for activities requiring physical exertion, or rooms where residents can individually control the temperature in their own living units, independent from other areas.

In the case of nursing homes and residential health care facilities, current law permits the Commissioner of Health to waive certain air conditioning requirements if compliance with the requirements would cause serious financial hardship, or if the nursing home or residential health care facility has not been constructed or expanded since August 17, 1989. This bill does not remove these existing exceptions to temperature control requirements.

As reported by the committee, Senate Bill No. 537 (1R) is identical to Assembly Bill No. 3110 (1R), which was amended and reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that nursing homes and rooming and boarding houses operated by the Department of Military and Veterans Affairs (DMAVA) and certain counties may incur marginal costs to maintain temperatures within the range of 65 through 81 degrees Fahrenheit, as required under this bill.

The OLS also finds that the Departments of Health, Human Services, Community Affairs, Military and Veterans Affairs, Children and Families, and certain counties may experience a marginal increase in costs to ensure that the facilities under their licensing and regulatory

purview comply with the temperature requirements established pursuant to this bill. However, these departments and the affected counties would likely include temperature measures as part of the periodic facility inspections conducted pursuant to current statute or regulation.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 537

STATE OF NEW JERSEY

DATED: AUGUST 24, 2020

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 537.

This bill requires that the temperature within emergency shelters, rooming and boarding houses, nursing homes, and residential health care facilities be maintained within a range of 65 through 81 degrees Fahrenheit. This standard is not to apply to nursing facilities, or to residential health care facilities that are owned by a licensed health care facility and licensed by the Department of Health, that are in compliance with the federal regulatory requirements for nursing homes participating in the Medicare and Medicaid programs, which currently requires certain facilities to maintain a temperature range of 71 to 81 degrees Fahrenheit.

The temperature requirements in this bill are to apply to areas of the facilities that are used by the residents or patients. The temperature requirements are not to apply to rooms designated for activities requiring physical exertion, or rooms where residents can individually control the temperature in their own living units, independent from other areas.

In the case of nursing homes and residential health care facilities, current law permits the Commissioner of Health to waive certain air conditioning requirements if compliance with the requirements would cause serious financial hardship, or if the nursing home or residential health care facility has not been constructed or expanded since August 17, 1989. This bill does not remove these existing waivers of the temperature control requirements. The bill permits the commissioner to additionally grant a waiver to nursing homes or residential health care facilities in the case of an unusual event resulting from causes outside the control of the facility, including a government-declared state of emergency or disaster, which results in the facility being unable to maintain the temperature requirements provided in the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that nursing homes, rooming and boarding houses, residential health care facilities and emergency shelters operated by the Department of Military and Veterans' Affairs (DMAVA) and certain counties and municipalities may experience a marginal increase in costs to maintain temperatures

within the range of 65 through 81 degrees Fahrenheit, as required under this bill.

The OLS also finds that certain counties and municipalities, as well as the Departments of Health, Human Services, Community Affairs, Children and Families, and DMAVA may incur marginally higher costs to ensure to ensure that facilities under their purview comply with the new temperature standards established pursuant to this bill. To the extent that these departments and the relevant counties and municipalities incorporate temperature measures into the periodic facility inspections conducted pursuant to current statute or regulation, costs to the State and the affected counties and municipalities would be minimized.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 537

STATE OF NEW JERSEY

DATED: AUGUST 21, 2020

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 537.

This bill requires that the temperature within emergency shelters, rooming and boarding houses, nursing homes, and residential health care facilities be maintained within a range of 65 through 81 degrees Fahrenheit. This standard would not apply to nursing facilities, or to residential health care facilities that are owned by a licensed health care facility and licensed by the Department of Health, that are in compliance with the federal regulatory requirements for nursing homes participating in the Medicare and Medicaid programs, which currently requires certain facilities to maintain a temperature range of 71 to 81 degrees Fahrenheit.

The temperature requirements in this bill would apply to areas of the facilities that are used by the residents or patients. The temperature requirements would not apply to rooms designated for activities requiring physical exertion, or rooms where residents can individually control the temperature in their own living units, independent from other areas.

In the case of nursing homes and residential health care facilities, current law permits the Commissioner of Health to waive certain air conditioning requirements if compliance with the requirements would cause serious financial hardship, or if the nursing home or residential health care facility has not been constructed or expanded since August 17, 1989. This bill does not remove these existing waivers of the temperature control requirements. The bill permits the commissioner to additionally grant a waiver to nursing homes or residential health care facilities in the case of an unusual event resulting from causes outside the control of the facility, including a government-declared state of emergency or disaster, which results in the facility being unable to maintain the temperature requirements provided in the bill.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 537
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: AUGUST 28, 2020

SUMMARY

- Synopsis:** Establishes certain minimum and maximum temperatures in emergency shelters, rooming and boarding houses, and certain nursing homes and residential health care facilities.
- Type of Impact:** State and local expenditure increases.
- Agencies Affected:** Department of Health; Department of Human Services; Department of Military and Veterans' Affairs; Department of Children and Families; counties and municipalities that operate nursing homes, rooming and boarding houses, and emergency shelters.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Marginal
Local Cost Increase	Marginal

- The Office of Legislative Services (OLS) concludes that nursing homes, rooming and boarding houses, residential health care facilities and emergency shelters operated by the Department of Military and Veterans' Affairs (DMAVA) and certain counties and municipalities may experience a marginal increase in costs to maintain temperatures within the range of 65 through 81 degrees Fahrenheit, as required under this bill.
- The OLS also finds that certain counties and municipalities, as well as the Departments of Health, Human Services, Community Affairs, Children and Families, and DMAVA may incur marginally higher costs to ensure to ensure that facilities under their purview comply with the new temperature standards established pursuant to this bill. To the extent that these departments and the relevant counties and municipalities incorporate temperature measures into the periodic facility inspections conducted pursuant to current statute or regulation, costs to the State and the affected counties and municipalities would be minimized.

BILL DESCRIPTION

This bill requires that the temperature within emergency shelters, rooming and boarding houses, nursing homes, and residential health care facilities be maintained within a range of 65 through 81 degrees Fahrenheit. However, nursing facilities or residential health care facilities that

are owned by a licensed health care facility and licensed by the Department of Health are exempt from this requirement under the bill, provided the facilities are in compliance with the federal regulatory requirements for nursing homes participating in the Medicare and Medicaid programs, which currently requires certain facilities to maintain a temperature range of 71 to 81 degrees Fahrenheit.

The temperature requirements in this bill would apply to areas of the facilities that are used by the residents or patients. The temperature requirements would not apply to rooms designated for activities requiring physical exertion, or rooms where residents can individually control the temperature in their own living units, independent from other areas.

In the case of nursing homes and residential health care facilities, current law permits the Commissioner of Health to waive certain air conditioning requirements if compliance with the requirements would cause serious financial hardship, or if the nursing home or residential health care facility has not been built or expanded since August 17, 1989. This bill does not remove these existing waivers of the temperature control requirements. The bill permits the commissioner to additionally grant a waiver to nursing homes or residential health care facilities in the case of an unusual event resulting from causes outside the control of the facility, including a government-declared state of emergency or disaster, which results in the facility being unable to maintain the temperature requirements provided in the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that nursing homes, rooming and boarding houses, residential health care facilities and emergency shelters operated by the Department of Military and Veterans' Affairs (DMAVA) and certain counties and municipalities may experience a marginal increase in costs to maintain temperatures within the range of 65 through 81 degrees Fahrenheit, as required under this bill.

Moreover, certain counties and municipalities, as well as the Departments of Health, Human Services, Community Affairs, Children and Families, and DMAVA may incur marginally higher costs to ensure that facilities under their purview comply with the new temperature standards established pursuant to this bill. To the extent that these departments and the relevant counties and municipalities incorporate temperature measures into the periodic facility inspections conducted pursuant to current statute or regulation, costs to the State and the affected counties and municipalities would be minimized.

Section: *Human Services*

Analyst: *Anne H. Cappabianca*
 Assistant Fiscal Analyst

Approved: *Frank W. Haines III*
 Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 537

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 13, 2021

The Assembly Health Committee reports favorably and with committee amendments Senate Bill No. 537.

As amended and reported, this bill requires that the temperature within rooming and boarding houses, dementia care homes, nursing homes, and residential health care facilities be maintained within a range of 65 through 81 degrees Fahrenheit. This standard would not apply to nursing facilities, or to residential health care facilities that are owned by a licensed health care facility and licensed by the Department of Health, that are in compliance with applicable federal regulations.

The temperature requirements under this bill would be restricted to areas of the facilities that are used by the residents or patients. The temperature requirements would not apply to rooms designated for activities requiring physical exertion, or rooms where residents can individually control the temperature in their own living units, independent from other areas.

In the case of nursing homes and residential health care facilities, current law permits the Commissioner of Health to waive certain air conditioning requirements if compliance with the requirements would cause serious financial hardship, or if the nursing home or residential health care facility has not been constructed or expanded since August 17, 1989. This bill does not remove these existing exceptions to temperature control requirements.

As reported by the committee, Senate Bill No. 537 is identical to Assembly Bill No. 3110 which was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The amendments:

- 1) remove homeless shelters from the bill;
 - 2) adds the term “dementia care home” to the synopsis and title;
- and
- 3) make technical changes including technical changes to the title and synopsis.

ASSEMBLY, No. 3110

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Establishes certain minimum and maximum temperatures in emergency shelters, rooming and boarding houses, dementia care homes, and certain nursing homes and residential health care facilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/5/2020)

1 AN ACT concerning temperature standards in emergency shelters,
2 rooming and boarding houses, dementia care homes, nursing
3 homes, and residential health care facilities, supplementing
4 P.L.1984, c.114 (C.26:2H-14.1 et seq.) and P.L.1985, c.48
5 (C.55:13C-1 et seq.), and amending various parts of the statutory
6 law.

7

8 **BE IT ENACTED** by the Senate and General Assembly of the State
9 of New Jersey:

10

11 1. Section 3 of P.L.1984, c.114 (C.26:2H-14.3) is amended to
12 read as follows:

13 3. The Commissioner of Health shall, pursuant to the
14 provisions of the "Administrative Procedure Act," P.L.1968, c.410
15 (C.52:14B-1 et seq.), adopt rules and regulations necessary to
16 effectuate the purposes of this act. The regulations shall require
17 that:

18 a. Each health care facility included within the provisions of
19 this act and which is not equipped with air conditioning on the
20 effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), shall
21 provide for and operate adequate ventilation in all areas used by
22 patients or residents, including, but not limited to, the use of ceiling
23 fans, wall fans or portable fans, where appropriate, so that the
24 temperature in these areas does not exceed **[82]** 81 degrees
25 Fahrenheit, but the health care facility shall not directly assess
26 patients or residents for the purchase or installation of the fans or
27 other ventilating equipment.

28 (1) The regulations shall also provide that within two years after
29 the effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), every
30 nursing home included within the provisions of this act, and every
31 residential health care facility as specified in this paragraph, shall
32 be equipped with air conditioning, except that the commissioner
33 may grant a nursing home or residential health care facility a waiver
34 from the air conditioning requirement to give the nursing home or
35 residential health care facility one additional year to comply with
36 the air conditioning requirement, for which waiver the nursing
37 home or residential health care facility shall apply on a form and in
38 a manner prescribed by the commissioner, if the nursing home or
39 residential health care facility can demonstrate to the satisfaction of
40 the commissioner that the failure to grant such a waiver would pose
41 a serious financial hardship to the nursing home or residential
42 health care facility. The air conditioning shall be operated so that
43 the temperature in all areas used by patients or residents does not
44 exceed **[82]** 81 degrees Fahrenheit. The air conditioning
45 requirement established in this subsection shall apply to a identical

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.

1 health care facility only: (1) upon enactment into law of legislation
2 that increases the rate of reimbursement provided by the State under
3 the Supplemental Security Income program, P.L.1973, c.256
4 (C.44:7-85 et seq.), which rate is certified by the Commissioner of
5 Health to be sufficient to enable the facility to meet the costs of
6 complying with the requirement; and (2) if the facility qualifies for
7 funds for energy efficiency rehabilitation through the "Petroleum
8 Overcharge Reimbursement Fund," established pursuant to
9 P.L.1987, c.231 (C.52:18A-209 et seq.), which funds can be applied
10 towards equipping the facility with air conditioning. A nursing
11 home or residential health care facility shall not directly assess
12 patients or residents for the purchase or installation of the air
13 conditioning equipment.

14 (2) The regulations shall also provide that within two years after
15 the effective date of P.L.2015, c.125 (C.55:13B-5.1 et al.), every
16 dementia care home shall be equipped with air conditioning, except
17 that the commissioner may grant a dementia care home a waiver
18 from the air conditioning requirement to give the dementia care
19 home one additional year to comply with the air conditioning
20 requirement, for which waiver the dementia care home shall apply
21 on a form and in a manner prescribed by the commissioner, if the
22 dementia care home can demonstrate to the satisfaction of the
23 commissioner that the failure to grant such a waiver would pose a
24 serious financial hardship to that facility. The air conditioning shall
25 be operated so that the temperature in all areas used by residents
26 does not exceed ~~82~~ 81 degrees Fahrenheit. A dementia care
27 home shall not directly assess residents for the purchase or
28 installation of the air conditioning equipment; and

29 b. Patients or residents are identified by predisposition, due to
30 illness, medication or otherwise, to heat-related illness and that
31 during a heat emergency, their body temperature, dehydration status
32 and other symptoms of heat-related illness are monitored frequently
33 and regularly, any anomalies are promptly reported to the attending
34 physician, and any necessary therapeutic or palliative measures are
35 instituted, including the provision of liquids, where required.

36 c. A nursing home, or a residential health care facility owned
37 by a licensed health care facility and licensed by the Department of
38 Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), may exceed
39 the temperature limit established pursuant to this section, provided
40 that it is in compliance with the temperature standards established
41 pursuant to 42 C.F.R.483.15(h)(6).

42 (cf: P.L.2015, c.125, s.5)

43

44 2. Section 2 of P.L.1989, c.173 (C.26:2H-14.4) is amended to
45 read as follows:

46 2. a. A nursing home or residential health care facility
47 included within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et
48 seq.) which is constructed or expanded after the effective date of

1 P.L.1989, c.173 (C.26:2H-14.4 et al.), or a dementia care home
2 included within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et
3 seq.) which is constructed or expanded after the effective date of
4 P.L.2015, c.125 (C.55:13B-5.1 et al.), shall be equipped with air
5 conditioning and heating in all areas used by patients or residents,
6 and the air conditioning and heating shall be operated so that the
7 temperature in these areas does not exceed **[82]** 81 degrees
8 Fahrenheit or fall under 65 degrees Fahrenheit. All areas used by
9 patients or residents shall be maintained within a temperature range
10 from 65 to 81 degrees Fahrenheit, except in rooms:

11 (1) designated for activities requiring physical exertion; or
12 (2) where residents can individually control the temperature in
13 their own living units, independent from other areas.

14 b. A nursing home, or a residential health care facility owned
15 by a licensed health care facility and licensed by the Department of
16 Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), may
17 maintain a temperature in an area used by patients or residents that
18 does not fall within the range provided pursuant to subsection a. this
19 section, provided that it is in compliance with the temperature
20 standards established pursuant to 42 C.F.R.483.15(h)(6).

21 (cf: P.L.2015, c.125, s.6)

22

23 3. (New section) The Commissioner of Health may grant a
24 waiver to a nursing home or residential health care facility in the
25 case of any unusual event which results from natural or unnatural
26 causes beyond the control of the facility, including, but not limited
27 to, the declaration of a state of emergency or disaster by the State or
28 by the federal government, which results in the inability of the
29 facility to maintain the temperature guidelines detailed in section 3
30 of P.L.1984, c.114 (C.26:2H-14.3), or section 2 of P.L.1989, c.173
31 (C.26:2H-14.4).

32

33 4. Section 6 of P.L.1979, c.496 (C.55:13B-6) is amended to
34 read as follows:

35 6. The commissioner shall establish standards to ensure that
36 every rooming and boarding house in this State is constructed and
37 operated in such a manner as will protect the health, safety, and
38 welfare of its residents and at the same time preserve and promote a
39 homelike atmosphere appropriate to such facilities, including, but
40 not limited to, standards to provide for the following:

41 a. Safety from fire;

42 b. Safety from structural, mechanical, plumbing, and electrical
43 deficiencies;

44 c. Adequate light and ventilation;

45 d. Physical security;

46 e. Protection from harassment, fraud, and eviction without due
47 cause;

48 f. Clean and reasonably comfortable surroundings;

- 1 g. Adequate personal and financial services rendered in
2 boarding houses;
- 3 h. Disclosure of owner identification information;
- 4 i. Maintenance of orderly and sufficient financial and
5 occupancy records;
- 6 j. Referral of residents, by the operator, to social service and
7 health agencies for needed services;
- 8 k. Assurance that no constitutional, civil, or legal right will be
9 denied solely by reason of residence in a rooming or boarding
10 house;
- 11 l. Reasonable access for employees of public and private
12 agencies, and reasonable access for other citizens upon receiving
13 the consent of the resident to be visited by them;
- 14 m. Opportunity for each resident to live with as much
15 independence, autonomy, and interaction with the surrounding
16 community as the resident is capable of doing **[.]** ; and
- 17 n. (Deleted by amendment, P.L.2015, c.125)
- 18 o. An approved heating and cooling system capable of
19 maintaining the temperature of the facility within the required
20 range. In all areas used by residents, the operator shall maintain the
21 rooming and boarding house at a temperature within the range of 65
22 through 81 degrees Fahrenheit, except in rooms:
23 (1) designated for activities requiring physical exertion; or
24 (2) where residents can individually control the temperature in
25 their own living units, independent from other areas.
26 (cf: P.L.2015, c.125, s.13)

27

28 5. (New section) The operator of an emergency shelter for the
29 homeless shall maintain all areas used by persons admitted to such
30 shelter at a temperature no higher than 81 degrees Fahrenheit, and
31 no lower than 65 degrees Fahrenheit.

32

33 6. This act shall take effect on the first day of the sixth month
34 next following enactment.

35

36

37

STATEMENT

38

39 This bill requires that the temperature within emergency shelters,
40 rooming and boarding houses, dementia care homes, nursing homes,
41 and residential health care facilities be maintained within a range of
42 65 through 81 degrees Fahrenheit. This standard would not apply
43 to nursing facilities, or to residential health care facilities that are
44 owned by a licensed health care facility and licensed by the
45 Department of Health, that are in compliance with the federal
46 regulatory standard for nursing homes participating in the Medicare
47 and Medicaid programs, which requires facilities to maintain a
48 temperature range of 71 to 81 degrees Fahrenheit.

A3110 MCKEON, VERRELLI

6

1 The temperature requirements under this bill would be restricted
2 to areas of the facilities that are used by the residents or patients.
3 The temperature requirements would not apply to rooms designated
4 for activities requiring physical exertion, or rooms where residents
5 can individually control the temperature in their own living units,
6 independent from other areas.

7 In the case of nursing homes and residential health care facilities,
8 current law permits the Commissioner of Health to waive certain air
9 conditioning requirements if compliance with the requirements
10 would cause serious financial hardship, or if the nursing home or
11 residential health care facility has not been constructed or expanded
12 since August 17, 1989. This bill does not remove these existing
13 exceptions to temperature control requirements.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3110

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 13, 2021

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 3110.

As amended and reported, this bill requires that the temperature within rooming and boarding houses, dementia care homes, nursing homes, and residential health care facilities be maintained within a range of 65 through 81 degrees Fahrenheit. This standard would not apply to nursing facilities, or to residential health care facilities that are owned by a licensed health care facility and licensed by the Department of Health, that are in compliance with applicable federal regulations.

The temperature requirements under this bill would be restricted to areas of the facilities that are used by the residents or patients. The temperature requirements would not apply to rooms designated for activities requiring physical exertion, or rooms where residents can individually control the temperature in their own living units, independent from other areas.

In the case of nursing homes and residential health care facilities, current law permits the Commissioner of Health to waive certain air conditioning requirements if compliance with the requirements would cause serious financial hardship, or if the nursing home or residential health care facility has not been constructed or expanded since August 17, 1989. This bill does not remove these existing exceptions to temperature control requirements.

As reported by the committee, Assembly Bill No. 3110 is identical to Senate Bill No. 537 which was reported by the committee on this date.

COMMITTEE AMENDMENTS:

The amendments:

- 1) remove homeless shelters from the bill;
- 2) make technical changes;
- 3) provide that a nursing home or residential health care facility is not to exceed the temperature limit established pursuant to section 1 of the bill, unless permitted by applicable federal regulation;
- 4) make technical changes to the title and synopsis; and

5) provide that a nursing home or a residential health care facility may maintain a temperature in an area used by patients or residents that does not fall within the range provided pursuant to section 2 of the bill provided that the temperature is within a range permitted by federal regulation.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3110

STATE OF NEW JERSEY

DATED: MARCH 17, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3110 (1R).

This bill requires that the temperature within rooming and boarding houses, dementia care homes, nursing homes, and residential health care facilities be maintained within a range of 65 through 81 degrees Fahrenheit. This standard would not apply to nursing facilities, or to residential health care facilities that are owned by a licensed health care facility and licensed by the Department of Health, that are in compliance with applicable federal regulations.

The temperature requirements under this bill would be restricted to areas of the facilities that are used by the residents or patients. The temperature requirements would not apply to rooms designated for activities requiring physical exertion, or rooms where residents can individually control the temperature in their own living units, independent from other areas.

In the case of nursing homes and residential health care facilities, current law permits the Commissioner of Health to waive certain air conditioning requirements if compliance with the requirements would cause serious financial hardship, or if the nursing home or residential health care facility has not been constructed or expanded since August 17, 1989. This bill does not remove these existing exceptions to temperature control requirements.

As reported by the committee, Assembly Bill No. 3110 (1R) is identical to Senate Bill No. 537 (1R), which was reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that nursing homes and rooming and boarding houses operated by the Department of Military and Veterans Affairs (DMAVA) and certain counties may incur marginal costs to maintain temperatures within the range of 65 through 81 degrees Fahrenheit, as required under this bill.

The OLS also finds that the Departments of Health, Human Services, Community Affairs, Military and Veterans Affairs, Children and Families, and certain counties may experience a marginal increase in costs to ensure that the facilities under their licensing and regulatory

purview comply with the temperature requirements established pursuant to this bill. However, these departments and the affected counties would likely include temperature measures as part of the periodic facility inspections conducted pursuant to current statute or regulation.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3110 STATE OF NEW JERSEY 219th LEGISLATURE

DATED: MARCH 17, 2021

SUMMARY

- Synopsis:** Establishes certain minimum and maximum temperatures in rooming and boarding houses, dementia care homes, certain nursing homes, and residential health care facilities.
- Type of Impact:** State and local expenditure increases.
- Agencies Affected:** Department of Health; Department of Human Services; Department of Military and Veterans Affairs; Department of Children and Families; Department of Community Affairs; counties that operate nursing homes, and rooming and boarding houses.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Marginal
Local Cost Increase	Marginal

- The Office of Legislative Services (OLS) concludes that nursing homes and rooming and boarding houses operated by the Department of Military and Veterans Affairs (DMAVA) and certain counties may incur marginal costs to maintain temperatures within the range of 65 through 81 degrees Fahrenheit, as required under this bill.
- The OLS also finds that the Departments of Health, Human Services, Community Affairs, Military and Veterans Affairs, Children and Families, and certain counties may experience a marginal increase in costs to ensure that the facilities under their licensing and regulatory purview comply with the temperature requirements established pursuant to this bill. However, these departments and the affected counties would likely include temperature measures as part of the periodic facility inspections conducted pursuant to current statute or regulation.

BILL DESCRIPTION

This bill requires that the temperature within rooming and boarding houses, dementia care homes, nursing homes, and residential health care facilities be maintained within a range of 65

through 81 degrees Fahrenheit. This standard would not apply to nursing facilities, or to residential health care facilities that are owned by a licensed health care facility and licensed by the Department of Health, that are in compliance with applicable federal regulations.

The temperature requirements under this bill would be restricted to areas of the facilities that are used by the residents or patients. The temperature requirements would not apply to rooms designated for activities requiring physical exertion, or rooms where residents can individually control the temperature in their own living units, independent from other areas.

In the case of nursing homes and residential health care facilities, current law permits the Commissioner of Health to waive certain air conditioning requirements if compliance with the requirements would cause serious financial hardship, or if the nursing home or residential health care facility has not been constructed or expanded since August 17, 1989. This bill does not remove these existing exceptions to temperature control requirements.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the DMAVA and certain counties would incur marginally higher costs to ensure that DMAVA- and county-operated nursing homes, and DMAVA- and county-operated rooming and boarding houses maintain the temperature range established under the bill. Nursing facilities and residential health care facilities that are owned by a licensed health care facility and licensed by the Department of Health are exempt from the temperature standard established under the bill, provided these facilities are in compliance with federal regulatory requirements for nursing homes participating in the Medicare and Medicaid programs, which currently requires certain facilities to maintain a temperature range of 71 to 81 degrees Fahrenheit.

Moreover, certain counties, as well as the Departments of Health, Human Services, Community Affairs, Children and Families, and DMAVA may incur marginally higher costs to ensure that facilities under their purview comply with the new temperature standards established pursuant to this bill. To the extent that these departments and the relevant counties incorporate temperature measures into the periodic facility inspections conducted pursuant to current statute or regulation, costs to the State and the affected counties would be minimized.

Section: Human Services

Analyst: Anne Cappabianca
Assistant Fiscal Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

11/8/2021

TRENTON – Today, Governor Murphy signed the following bills into law:

S-249/A-1259 (Singleton, Turner/Schaer, DeCroce, Vainieri Huttle) – Requires pharmacy benefits manager providing services within Medicaid program to disclose certain information to DHS

S-324/A-3533 (Diegnan, A.M. Bucco/Benson, Freiman, DeCroce) – Authorizes operators of motor vehicles to display electronic proof of registration; requires MVC to send application for registration renewal to lessee of leased vehicle

SCS for S-399 and 1645/ACS for A-869 and 1380 (Lagana, Weinberg, Stack, Turner, Cunningham/Chiaravalloti, Holley) – Requires residential landlords to install covers on steam radiators upon request of tenant

S-537/A-3110 (Codey/McKeon, Verrelli, Vainieri Huttle) – Establishes certain minimum and maximum temperatures in rooming and boarding houses, dementia care homes, and certain nursing homes and residential health care facilities

S-550/A-1616 (Codey, Pennacchio/Lampitt, Conaway, Vainieri Huttle) – Requires certain student identification cards to contain telephone number for suicide prevention hotline

SCS for S-647/A-4825 (Greenstein, Singleton/McKeon, Karabinchak, Stanley) – Revises cybersecurity, asset management, and related reporting requirements in “Water Quality Accountability Act”

S-828/A-2101 (Lagana, Greenstein/Swain, Tully, Verrelli) – Requires public utilities and local units to provide notice prior to initiating certain infrastructure projects

S-829/A-2135 (Lagana, Singleton/Tully, Swain, Murphy) – Requires property condition disclosure statement to indicate presence of lead plumbing in residential property

S-830/A-2134 (Lagana, Greenstein/Tully, Swain, Conaway) – Requires public water systems to offer drinking water tests to customers in certain circumstances

S-894/A-3874 (Pou, Greenstein/Lopez, Vainieri Huttle) – Prohibits sale of paint or coating removal products that contain methylene chloride unless purchaser meets certain safety standards for use

S-1010/A-2103 (Lagana, Turner/Swain, Tully, Johnson) – Permits counties and municipalities to bond for alternative fuel vehicles

S-1047/A-1712 (Cryan, Pou/Burzichelli, Karabinchak, Giblin) – Concerns disclosure of certain information prior to sale of real estate

S-1148/A-1221 (Ruiz, Pou/Chaparro, Speight, Wimberly) – Requires emergency contact information and access instructions for social services hotline to be provided to tenants of multiple dwellings

S-1239/A-5131 (Codey/McKeon, Danielsen, Jasey) – Authorizes imposition of fee for connection to municipal electric distribution system

S-1259/A-2628 (Singleton/Murphy) – Concerns labor contractors

S-1726/A-795 (Lagana, Pou/Verrelli, Swain, Zwicker) – Prohibits sale of cosmetic products that have been tested on animals

- S-2727/A-4775 (Pennacchio, Pou/Vainieri Huttle, Jasey, McKnight)** – Establishes Multigenerational Family Housing Continuity Commission; provides municipal guidance to periodically analyze local advancement of commission’s senior citizen housing recommendations
- S-2861/A-5390 (Singleton, Addiego/Quijano, McKnight, Speight)** – Concerns certain restrictive covenants on real property
- S-2996/A-5019 (Testa, Sweeney/McClellan, Taliaferro, Johnson)** – Allows Board of Cosmetology and Hairstyling licensees to operate mobile facilities when providing services
- S-3000/A-4688 (Weinberg, Greenstein/Benson, Verrelli, Vainieri Huttle)** – Codifies and establishes certain network adequacy standards for pediatric primary and specialty care in Medicaid program
- S-3032/A-4855 (Sweeney, Vitale/Benson, Vainieri Huttle, Chiaravalloti)** – Requires DOH to develop Statewide plan for infection control and prevention infrastructure improvements in nursing homes
- S-3091/A-4933 (Addiego, Bateman/Burzichelli, Benson, Mukherji)** – Requires builders to offer unit concrete products that utilize carbon footprint-reducing technology as option in new construction; establishes tax incentives, and State and local purchasing requirements, for unit concrete products that utilize carbon footprint-reducing technology
- S-3253/A-2619 (Singleton, Ruiz/Murphy, Speight, Mukherji)** – Establishes alternate route to expedite certification of teachers at early college high school programs
- S-3318/A-5893 (Sweeney, Pou/Vainieri Huttle, Caputo, Karabinchak)** – Provides for voluntary contributions by taxpayers on gross income tax returns for Special Olympics New Jersey
- S-3590/A-5536 (Diegnan, Turner/Burzichelli, Giblin)** – Allows formation of limited liability companies by real estate salespersons and broker-salespersons to receive commission income and requires certain disclosures on promotions
- S-3811/A-5769 (Sweeney, Scutari/Reynolds-Jackson, Quijano, Carter)** – Establishes Kean University as public urban research university
- S-3948/A-5896 (Addiego, Gopal/Houghtaling, Downey)** – Authorizes supplemental State aid to school districts receiving certain federal Impact Aid; makes appropriation
- SJR-41/AJR-33 (Cruz-Perez, Addiego/Lopez, McKnight)** – Designates June 2 of each year as “Gun Violence Awareness Day”
- SJR-109/AJR-208 (Weinberg, Pou/McKnight, Benson, Vainieri Huttle)** – Condemns hate and violent extremism and commits to defense of safe and just democracy
- A-637/S-2670 (Caputo, Dancer, Houghtaling/Beach)** – Revises permit and license processes for sports pools operators and online sports pool operators; revises definitions of certain sports events; allows for transactional waiver for sports wagering lounge
- A-853/S-797 (Chiaravalloti, Karabinchak, McKnight/Cunningham, Doherty)** – Prohibits municipal licensure of children operating temporary businesses
- A-2311/S-356 (Calabrese, Jasey/Cryan, Codey)** – Establishes study commission to examine development of mutually beneficial relationships between institutions of higher education and municipalities
- A-3027/S-793 (Lampitt, Jasey, Houghtaling/Cunningham, Singleton)** – Commits \$3 million from Supplemental Workforce Fund for Basic Skill to NJ Community College Consortium for Workforce and Economic Development
- ACS for A-3352/S-3504 (Kennedy, Stanley, Calabrese/Smith)** – Requires certain newly constructed warehouses to be solar-ready buildings

A-3897/S-3263 (Armato, Mazzeo, DiMaso/Beach, Gopal) – Increases fee for New Jersey Waterfowl Stamps

A-4138/S-2701 (Vainieri Huttle, Benson, Giblin/Gopal, Codey) – Requires Department of Human Services to develop public emergency response plan for licensed providers of services to individuals with developmental disabilities

A-4367/S-2794 (Mukherji, Sumter, Taliaferro/Pou, Scutari) – Provides that AOC shall administer program for municipal courts allowing defendants to engage in online plea negotiations, entry of guilty plea, and payment of fine or penalty

A-4484/S-3153 (McKnight, Kennedy, Mukherji, Gove/Pou, Vitale) – Requires State Long-Term Care Ombudsman to establish long-term care advocacy and educational training program

A-4538/S-3131 (Lampitt, Quijano/Pou, A.M. Bucco) – Requires dental insurers to provide credits for reduced usage during coronavirus disease 2019 pandemic

A-4544/S-3150 (Caputo, Jasey, Murphy/Pou, Codey) – Permits school nurse who is retired from TPAF to return to employment for up to two years without reenrollment in TPAF

A-4633/S-2856 (Giblin, DeCroce/Pou) – Permits certain nonresident Certified Public Accountants to provide attest services

A-4831/S-3953 (Chaparro, Kennedy, Murphy/Scutari) – Clarifies classification in this State of criminal offenses committed in other states or under federal law

A-4836/S-3313 (Giblin, Benson, Downey/Pou, Turner) – Establishes task force to evaluate quality, efficacy, costs, and educational outcomes of online courses offered by public and independent institutions of higher education and degree-granting proprietary institutions during COVID-19 pandemic

A-4861/S-3041 (Vainieri Huttle, Armato, Verrelli/Vitale, Gopal) – Requires DOH to publish total number of COVID-19 deaths and cases in long-term care facilities

A-4869/S-2414 (Wirths, Verrelli, Space/Singleton, Madden) – Requires certain bidders for prevailing wage public work to provide proof that prevailing wage will be paid

A-5059/S-3031 (Conaway, Vainieri Huttle, Benson/Sweeney, Vitale) – Requires DOH to establish certain nursing education and professional advancement programs

A-5212/S-3638 (Conaway, Verrelli, Karabinchak/Turner, Diegnan) – Permits dentists to administer vaccines under certain circumstances

A-5751/S-3823 (Swain, Timberlake, Carter, Johnson/Weinberg, Gopal) – Expands State corrections officers training to include topics contributing to their core mission of treating inmates with dignity, fairness, and respect

A-5817/S-3852 (Tully, Swain, Benson/Lagana, Diegnan) – Revises violation and fines for approving or assigning unauthorized individuals as school bus drivers

A-5818/S-3849 (Tully, Swain, Benson/Lagana, Diegnan) – Provides for debarment of school bus contractors for certain violations; requires certain information in pupil transportation contract bid

AJR-204/SJR-105 (Jasey, Benson, Reynolds-Jackson/Cunningham, T. Kean) – Designates April of each year as “Educational Opportunity Fund (EOF) Month” in New Jersey

AJR-238/SJR-123 (Burzichelli/Sweeney, Singleton) – Urges U.S. President and EPA to take appropriate action, through waivers and other reforms, to allow blending of renewable fuels under the federal “Clean Air Act”

Governor Murphy conditionally vetoed the following bills:

S-108/A-169 (Gill, Turner/Caputo, Wirths) – **CONDITIONAL** - Concerns speech rights of student journalists at public schools and public institutions of higher education

[Copy of Statement](#)

S-2078/A-5008 (Weinberg, Addiego/Lampitt, Benson, Vainieri Huttie) – CONDITIONAL - Establishes “Stillbirth Resource Center” and regional Fetal and Infant Mortality Review Committee, and programs for the prevention and reduction of incidences of stillbirth; expands list of professionals authorized to provide stillbirth-related care

[Copy of Statement](#)

S-2160/A-5701 (Sweeney, Oroho, Singer/Carter, Lampitt, Jasey) – CONDITIONAL - Creates special education unit within the Office of Administrative Law; requires annual report

[Copy of Statement](#)

S-2525/A-4274 (Rice, Singleton, Turner/Conaway, Sumter, Stanley) – CONDITIONAL - Expands powers and duties of State Chief Diversity Officer to promote diversity in State government and public contracting

[Copy of Statement](#)

S-2559/ACS for A-4179 and 4200 (Gopal, Gill/Downey, Conaway, Benson, Houghtaling, Karabinchak) – CONDITIONAL - Revises requirements for health insurance providers and Medicaid to cover services provided using telemedicine and telehealth; appropriates \$5 million

[Copy of Statement](#)

S-2834/A-5312 (Ruiz, Cunningham/Quijano, Lampitt, McKnight) – CONDITIONAL - Mandates training on culturally responsive teaching for all candidates for teaching certification

[Copy of Statement](#)

S-2953/A-4785 (Sweeney, Cunningham/Quijano, Verrelli, Mukherji) – CONDITIONAL - Expands scope of inmate reentry assistance and benefits

[Copy of Statement](#)

S-3238/A-5213 (Ruiz, Pou/Verrelli, McKnight, McKeon) – CONDITIONAL - Establishes New Jersey Easy Enrollment Health Insurance Program

[Copy of Statement](#)

S-3488/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman) – CONDITIONAL - Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization

[Copy of Statement](#)

S-3867/A-5868 (Addiego, Singleton/Benson, Verrelli, Vainieri Huttie) – CONDITIONAL - Establishes Opioid Recovery and Remediation Fund and Opioid Recovery and Remediation Fund Advisory Council; provides for funds received from opioid settlements to support substance use disorder prevention and treatment programs

[Copy of Statement](#)

S-3955/A-5905 (Ruiz/Timberlake, Speight, Spearman) – CONDITIONAL - Establishes “Rental Assistance Navigation Program” in DCA; makes appropriation

[Copy of Statement](#)

A-1533/S-3321 (Spearman, Reynolds-Jackson, Schaer/Stack, Turner) – CONDITIONAL - Requires reservation of portion of tenant-based vouchers under State rental assistance program for persons displaced due to redevelopment of an affordable housing development; provides displaced persons with affordable housing priority status

[Copy of Statement](#)

A-2455/S-2204 (Benson, Vainieri Huttie, DeAngelo/Greenstein, Oroho) – CONDITIONAL - Establishes pilot program in DOE to support FIRST Robotics Programs in school districts

[Copy of Statement](#)

A-3062/S-1196 (Pintor Marin, Moen, Reynolds-Jackson/Pou, Cruz-Perez) – CONDITIONAL - Establishes three year Financial Empowerment Pilot Program

[Copy of Statement](#)

A-4002/S-2257 (Caputo, Dancer, Murphy/Gopal, Sarlo) – CONDITIONAL - Allows deduction of promotional gaming credit from gross revenue on sports wagering

[Copy of Statement](#)

A-4433/S-2715 (Greenwald, Mukherji, Lampitt/Beach, Corrado) – CONDITIONAL - Creates grant program to encourage school districts to partner with institutions of higher education in training school-based mental health services providers

[Copy of Statement](#)

A-4435/S-2717 (Verrelli, Greenwald, Speight, Lampitt/Beach, Corrado) – CONDITIONAL - Requires DCF to give priority to certain school districts with student mental health counseling centers in awarding grants under School Based Youth Services Program

[Copy of Statement](#)

A-4630/S-577 (Burzichelli/Madden, Singleton) – CONDITIONAL - Concerns labor harmony agreements in retail and distribution center projects

[Copy of Statement](#)

A-4746/S-3947 (Mosquera, Lopez, Chaparro, Dunn/Vitale, Turner) – CONDITIONAL - Requires that certain provider subsidy payments for child care services be based on enrollment

[Copy of Statement](#)

A-4834/S-3474 (Mazzeo, Quijano, Downey/Pou, Turner) – CONDITIONAL - Requires disclosure letter be included with mail falsely implying State government connection

[Copy of Statement](#)

A-4850/S-3095 (Karabinchak, Freiman, Calabrese, Greenwald/Diegnan) – CONDITIONAL - Establishes expedited construction inspection program

[Copy of Statement](#)

A-5033/S-3279 (Benson, Dancer, Verrelli/Gopal) – CONDITIONAL - Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions

[Copy of Statement](#)

A-5353/S-3421 (Conaway, Vainieri Huttie, Benson/Madden, Turner) – CONDITIONAL - Provides for certification of temporary nurse aides

[Copy of Statement](#)

A-5599/S-3916 (Chiaravalloti, Vainieri Huttie, McKnight/Scutari, Gill) – CONDITIONAL - Establishes order of protection for current or former judge; upgrades and clarifies harassment against current or former judge; bars firearms possession by persons against whom current or former judge order of protection is entered

[Copy of Statement](#)

A-5864/S-3939 (Speight, Pintor Marin, Chaparro, McKnight, DeAngelo, Bergen/Gopal, Cryan) – CONDITIONAL - Allows law enforcement officers to review body worn camera recordings prior to creating initial report

[Copy of Statement](#)

Governor Murphy absolute vetoed the following bills:

S-415/A-4685 (Turner/Quijano, Verrelli) – ABSOLUTE - Requires reentry assistance to be provided to certain inmates who have served their maximum sentence

[Copy of Statement](#)

S-969/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen) – CONDITIONAL - Establishes loan redemption program for teachers in certain fields to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain low performing schools

[Copy of Statement](#)

S-2261/A-4265 (Singleton/Conaway) – ABSOLUTE - Revises law relating to common interest communities

[Copy of Statement](#)

S-2347/A-4030 (Sweeney, Greenstein, T. Kean/Mukherji, Benson, Murphy) – ABSOLUTE - Establishes Employment and Business-Related Tax Deferral Assistance Program in EDA to allow small businesses to defer the payment and remittance of certain employment and business-related taxes during COVID-19 public health emergency

[Copy of Statement](#)

S-3093/A-4910 (Gopal, Sweeney, Singleton/Burzichelli, Johnson, Danielsens) – ABSOLUTE - Establishes county-based mitigation plan to allow businesses to operate during pandemic

[Copy of Statement](#)

S-3505/A-5371 (Scutari, Weinberg/Mukherji, Johnson, Quijano) – ABSOLUTE - Requires assignment of unemployment claims handlers to legislative districts and partisan offices during COVID-19 pandemic state of emergency; appropriates \$1.8 million

[Copy of Statement](#)

S-3868/A-5895 (Sarlo/Giblin) – ABSOLUTE - Concerns construction code enforcing agency fee revenue

[Copy of Statement](#)

A-2722/S-1862 (Mukherji/Gopal, Oroho) – ABSOLUTE - Requires Commissioner of Corrections to institute 30-minute shift overlap in State correctional facilities

[Copy of Statement](#)

A-4297/S-2631 (Houghtaling, Downey, Space/Gopal, Oroho) – ABSOLUTE - Permits conduct of bingos and raffles remotely; permits online sale of tickets for all bingos and raffles

[Copy of Statement](#)

A-5231/S-3806 (Lopez, Coughlin, Freiman/Vitale) – ABSOLUTE - Allows county or municipal governing body to enter into revenue sharing agreement for alcoholic beverage sales by concessionaire permit holder

[Copy of Statement](#)

