

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 857
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: DECEMBER 22, 2021

SUMMARY

Synopsis: Requires installation of diaper changing station in certain public restrooms; appropriates \$500,000.

Type of Impact: State expenditure and revenue increases. Local expenditure and revenue increases.

Agencies Affected: Department of Community Affairs; Department of the Treasury; Counties; Municipalities; Boards of Education; Public institutions of higher education.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Years 2 and 3</u>
State Cost Increase	Up to \$500,000	Indeterminate
State Revenue Increase	Indeterminate	Indeterminate
Local Cost Increase	Indeterminate	Indeterminate
Local Revenue Increase	Up to \$500,000	Indeterminate

- The Office of Legislative Services (OLS) determines that this bill would result in an increase in State expenditures of up to \$500,000, appropriated from the General Fund to the Department of Community Affairs (DCA), in the first year after the bill’s effective date, and an additional indeterminate increase in State expenditures in the three years after the bill’s effective date. These expenditure increases are associated with: 1) reimbursements to local governments for the costs of installing baby diaper changing stations in required areas; and 2) installing changing stations in required State-operated public buildings.
- The State may also see an indeterminate increase in revenues due to penalty payments by those in violation of the bill’s provisions.

BILL DESCRIPTION

This bill would require changing stations in any newly constructed men’s and women’s public restroom maintained on any publicly-accessible floor of a group A or M occupancy, as defined by the bill, within the State. It would also require any group A or M occupancy to install changing stations during renovations to existing restrooms, costing \$5,000 or more. The bill would further

require the owner or operator of a group A or M occupancy to post signage to direct visitors to changing station-equipped restrooms, when newly-constructed or renovated.

Additionally, the bill would require public buildings that contain group A or M occupancies to install changing stations in each accessible floor of each group A or M occupancy on or before the first day of the 37th month following enactment. If the public building were a K-12 school, the bill would only require one changing station accessible to men and women per campus within the 37-month deadline. A county, municipality, or board of education would be permitted to apply to the DCA for a reimbursement of the expense of installation. The bill appropriates \$500,000 from the State General Fund to address this expense. Failure to comply with the provisions of this bill would result in liability for a penalty of not more than \$500 for each violation.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that this bill would result in a State expenditure and local revenue increase of up to \$500,000 in the first year after enactment. These impacts are associated with a \$500,000 appropriation from the General Fund to the DCA to reimburse local governments for the costs associated with installing changing stations and required signage in certain public buildings. In the first year after enactment, a county, municipality, or board of education, may apply for reimbursement of the expense of a changing station installation. While the bill provides for 37 months to comply with its provisions, any unused funds appropriated for this purpose would be returned to the General Fund one year after the bill's effective date. The OLS is unable to predict how many applications for reimbursement would be received.

Due to the costs associated with installing changing stations and required signage in State- and locally-operated public buildings, the bill may result in additional indeterminate increases in State expenditures in the three years after the bill's effective date, and indeterminate increases in local expenditures in the two years following the discontinuation of reimbursements. The cost of changing station installations is likely to vary widely as the size and layout of existing restrooms, and their ability to accommodate a diaper changing station, determines much of the installation costs. According to a Wisconsin Legislative Reference Bureau report, several States' fiscal agencies have analyzed similar legislation and found that the total cost of installation of one changing station may range from \$200 for a simple installation to \$7,500 or more if complex construction is necessary to enlarge or rearrange a restroom to accommodate a changing station. It is unclear how many restrooms in the State are currently out of compliance with the provisions of this bill. The OLS is unable to determine how many restrooms would be affected by this legislation and the extensiveness of the projects that may be required.

Additionally, the bill provides that an owner or operator is liable for penalties of up to \$500 per violation of the bill's provisions. This may result in an indeterminate increase in State revenues. Municipal and Superior courts, the DCA, and the Department of the Treasury may also see indeterminate increases in administrative costs associated with carrying out responsibilities required under the bill.

Section: Local Government
Analyst: Abigail Stoyer
Assistant Research 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.).