

ASSEMBLY, No. 1095

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblywoman Mosquera, Assemblyman Dancer, Assemblywoman Tucker, Assemblyman Peters, Assemblywoman Timberlake, Assemblymen Calabrese, Benson and Assemblywoman N.Munoz

SYNOPSIS

Requires certain accessible public restroom facilities be equipped with signs reserving use for persons with disabilities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/1/2021)

1 **AN ACT** concerning certain accessible public restroom facilities and
2 supplementing P.L.1975, c.217 (C.52:27D-119 et seq.).

3

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

6

7 1. a. Any place of employment or public accommodation
8 which maintains a multiple-user public restroom shall, in each
9 restroom, post on the door of at least one toilet compartment that is
10 accessible to persons with a disability a prominently displayed sign
11 indicating that the toilet compartment is reserved for the exclusive
12 use by persons with a disability, provided that there is at least one
13 other toilet compartment available for use by other persons.

14 b. Any place of employment or public accommodation which
15 maintains a single-user public restroom that is accessible to persons
16 with a disability shall post on the entrance door of that restroom a
17 prominently displayed sign indicating that the restroom is reserved
18 for the exclusive use by persons with a disability, provided that
19 there are at least two other public restroom facilities available for
20 use by other persons.

21 c. (1) A construction permit application for new construction
22 subject to the requirements of subsection a. or b. of this section that
23 has not been declared complete by the enforcing agency before the
24 effective date of P.L. , c. (C.) (pending before the
25 Legislature as this bill) shall not be approved by the enforcing
26 agency unless the application provides for the placement of signs as
27 required by this section.

28 (2) A construction permit application for construction on an
29 existing building subject to the requirements of subsection a. or b.
30 of this section that has not been declared complete by the enforcing
31 agency before the effective date of P.L. , c. (C.) (pending
32 before the Legislature as this bill) shall not be approved by the
33 enforcing agency unless signs are placed as required by this section.

34 d. (1) An enforcing agency may inspect existing buildings
35 subject to the requirements of subsection a. or b. of this section to
36 determine whether signs are placed as required by this section.

37 (2) If the building is determined to violate the requirements of
38 this section, the enforcing agency shall issue a written notice to the
39 owner of the building affording the owner a 30-day period in which
40 to correct the violation.

41 (3) If upon a reinspection of the building after the expiration of
42 the 30-day period it is determined that the building continues to
43 violate the requirements of this section, the enforcing agency may
44 collect and enforce a civil penalty of \$150 against the owner by
45 summary proceeding pursuant to the "Penalty Enforcement Law of
46 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

47 (4) An enforcing agency may collect and enforce a civil penalty
48 of \$300 against an owner for a subsequent violation of the
49 requirements of this section in the same building.

1 (5) Any penalties collected pursuant to this subsection shall be
2 used exclusively for the administrative and enforcement costs
3 associated with implementing this section.

4 e. The Commissioner of Community Affairs, in consultation
5 with the Commissioner of Human Services, shall adopt rules and
6 regulations in accordance with the "Administrative Procedure Act,"
7 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
8 provisions of this section.

9
10 2. This act shall take effect on the first day of the sixth month
11 next following enactment, except the commissioner may take any
12 anticipatory administrative action in advance as shall be necessary
13 for the implementation of this act.

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16 STATEMENT

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18 This bill would require that certain public restroom facilities
19 have signs indicating that they are reserved for use by persons with
20 disabilities. Far too often, people who do not need accessible
21 public restroom facilities use them. Sometimes, this leads to an
22 uncomfortable situation in which an individual with a disability
23 who needs such a facility is forced to wait for it to become vacant.
24 This bill seeks to prevent this situation from arising by requiring
25 signage on a limited number of accessible public restroom facilities
26 indicating that they are reserved for the exclusive use by persons
27 with a disability.

28 This bill would apply to places of employment and public
29 accommodations that have a multiple-user public restroom with an
30 accessible toilet compartment and at least one other toilet
31 compartment, and those places that have an accessible single-user
32 public restroom and at least two other single-user public restrooms.

33 Under the bill, a construction permit application for a new
34 building that contains an applicable restroom facility could not be
35 approved unless it provides for the placement of signs as required
36 by the bill. For existing buildings, a construction permit application
37 for any alteration or improvement could not be approved unless
38 compliance is demonstrated. Existing buildings may also be subject
39 to inspections to determine compliance. If a violation is found, the
40 building owner is given 30 days to correct the violation. If a
41 violation still exists after this 30-day period expires, then the owner
42 may be subject to a \$150 civil penalty. An owner may be subject to
43 a \$300 civil penalty for a subsequent violation on the same
44 property.

45 The bill requires the Commissioner of Community Affairs, in
46 consultation with the Commissioner of Human Services, to adopt
47 rules and regulations to effectuate the provisions of the bill.