ASSEMBLY, No. 2504

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Assemblywoman NANCY F. MUNOZ
District 21 (Morris, Somerset and Union)
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SYNOPSIS

Requires assisted living residences and certain facilities under DCA, DCF, and DHS to be equipped with standby emergency power generators.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 2/24/2020)

AN ACT concerning the use of generators in certain residential facilities and supplementing Titles 9, 26, 30, and 55 of the Revised Statutes.

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

1. a. As used in this section:

"Department" means the Department of Children and Families.

"Psychiatric community home for children" means a community residential program subject to regulation by the Department of Children and Families that provides food, shelter, and personal guidance to children on a 24-hour basis, under such supervision as required to children with mental illness who require assistance.

"Residential child care facility" means a residential child care facility as defined in section 1 of P.L.2003, c.186 (C.30:4C-27.16).

"Special needs" means a physical or mental disability or medical care need.

b. (1) A psychiatric community home for children, residential child care facility, and any other residential facility in the State sponsored by the department to provide residential services to persons under 21 years of age with special needs, on or after the effective date of P.L. c, (C.)(pending before the Legislature as this bill), shall be equipped with and employ a standby emergency power generator in the event of a power outage at the home or facility.

(2) A psychiatric community home for children, residential child care facility, and any other residential facility in the State sponsored by the department to provide residential services to persons under 21 years of age with special needs, prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), shall be equipped with and employ, within 90 days of the effective date of P.L. , c. (C.)(pending before the Legislature as this bill), a standby emergency power generator in the event of a power outage at the home or facility.

c. An agency, organization, or other entity operating a psychiatric community home for children, residential child care facility, or other residential facility in the State sponsored by the department to provide residential services to persons under 21 years of age with special needs shall ensure that its standby emergency power generator is checked, tested, and serviced in accordance with generally accepted engineering practices as prescribed by regulation of the Commissioner of Children and Families.

2. The Commissioner of Children and Families, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations necessary to implement the

provisions of section 1 of P.L. , c. (C.) (pending before the Legislature as this bill).

3. a. (1) A facility licensed to operate an assisted living residence pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), on or after the effective date of P.L. , c. (C.)(pending before the Legislature as this bill), shall be equipped with and employ a standby emergency power generator in the event of a power outage at the facility.

(2) A facility licensed to operate an assisted living residence, pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), prior to the effective date of P.L. , c. (C.)(pending before the Legislature as this bill), shall be equipped with and employ, within 90 days of the effective date of P.L. , c. (C.)(pending before the Legislature as this bill), a standby emergency power generator in the event of a power outage at the facility.

b. The assisted living administrator of an assisted living residence shall ensure that its standby emergency power generator is checked, tested, and serviced in accordance with generally accepted engineering practices as prescribed by regulation of the Commissioner of Health.

4. The Commissioner of Health, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations necessary to implement the provisions of section 3 of P.L. , c. (C.) (pending before the Legislature as this bill).

5. a. As used in this section:

"Community residence for the developmentally disabled" means community residence for the developmentally disabled as defined in section 2 of P.L.1977, c.448 (C.30:11B-2).

"Community residence for the mentally ill" means community residence for the mentally ill as defined in section 2 of P.L.1977, c.448 (C.30:11B-2).

"Community residence for persons with head injuries" means community residence for persons with head injuries as defined in section 2 of P.L.1977, c.448 (C.30:11B-2).

"Department" means the Department of Human Services.

"Facility" means facility as defined in section 3 of P.L.1977, c.82 (C.30:6D-3).

"Psychiatric facility" means a State psychiatric hospital listed in R.S.30:1-7.

b. (1) A community residence for the developmentally disabled, community residence for the mentally ill, community residence for persons with head injuries, facility, psychiatric facility, and any other residential facility in the State providing diagnosis, care, or treatment of persons with mental illness or

developmental disabilities, on or after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), shall be equipped with and employ a standby emergency power generator in the event of a power outage at the residence or facility.

(2) A community residence for the developmentally disabled, community residence for the mentally ill, community residence for persons with head injuries, facility, psychiatric facility, and any other residential facility in the State providing diagnosis, care, or treatment of persons with mental illness or developmental disabilities, prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), shall be equipped with and employ, within 90 days of the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), a standby emergency power generator in the event of a power outage at the residence or facility.

c. An agency, organization, or other entity operating a community residence for the developmentally disabled, community residence for the mentally ill, community residence for persons with head injuries, facility, psychiatric facility, and any other residential facility in the State providing diagnosis, care, or treatment of persons with mental illness or developmental disabilities shall ensure that its standby emergency power generator is checked, tested, and serviced in accordance with generally accepted engineering practices as prescribed by regulation of the Commissioner of Human Services.

6. The Commissioner of Human Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations necessary to implement the provisions of section 5 of P.L. , c. (C.) (pending before the Legislature as this bill).

7. a. (1) The owner or operator of a boarding house, including a residential health care facility defined in section 1 of P.L.1953, c.212 (C.30:11A-1), licensed on or after the effective date of P.L. , c. (C.)(pending before the Legislature as this bill), shall ensure that the boarding house, including a residential health care facility, is equipped with and employs a standby emergency power generator in the event of a power outage at the boarding house.

(2) The owner or operator of a boarding house, including a residential health care facility, licensed prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), shall ensure that the boarding house, including a residential health care facility, is equipped with and employs, within 90 days of the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), a standby emergency power generator in the event of a power outage at the boarding house.

b. The owner or operator of a boarding house, including a residential health care facility, shall ensure that its standby emergency power generator is checked, tested, and serviced in accordance with generally accepted engineering practices as prescribed by regulation of the Commissioner of Community Affairs.

8. The Commissioner of Community Affairs, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations necessary to implement the provisions of section 7 of P.L. , c. (C.) (pending before the Legislature as this bill).

9. This act shall take effect on the first day of the fourth month next following the date of enactment, but the Commissioners of Children and Families, Health, Human Services, and Community Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

STATEMENT

This bill requires the use of standby emergency power generators in assisted living residences and boarding homes, including residential health care facilities, which are licensed by the Departments of Health (DOH) and Community Affairs (DCA), respectively, and in other facilities that are sponsored by the Departments of Children and Families (DCF) and Human Services (DHS).

Specifically, the bill provides that assisted living residences and boarding homes, including residential health care facilities, licensed after the effective date of the bill are to be equipped with a standby emergency power generator in the event of a power outage. For existing assisted living residences and, boarding homes, including residential health care facilities, the bill requires that they be equipped with the generators within 90 days of the effective date.

For facilities sponsored by DCF and DHS, the bill similarly requires that facilities sponsored on or after the effective date of the bill be equipped with emergency standby generators, and also provides a 90-day period for existing facilities to comply with the requirement.

The bill lists the following facilities in DCF: a psychiatric community home for children; residential child care facility; and any other residential facility in the State sponsored by DCF to provide residential services to persons under 21 years of age with special needs (which is defined as a physical or mental disability or medical care need), and also lists the following facilities in DHS: community residences for the developmentally disabled, mentally

ill, and persons with head injuries; State psychiatric facilities; facilities (which are defined in current law as facilities operated by any public or private agency, organization or institution for the provision of services for persons with developmental disabilities); and any other residential facility in the State providing diagnosis, care, or treatment of persons with mental illness or developmental disabilities.

In addition, the bill requires that the standby emergency power generators be checked, tested, and serviced in accordance with generally accepted engineering practices as prescribed by regulations of DOH, DCA, DCF, and DHS.

Lastly, the bill has a delayed effective date of the first day of the fourth month following enactment, and provides for administrative action to be taken in advance of that date.