

ASSEMBLY, No. 3906

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 9, 2020

Sponsored by:

Assemblyman CRAIG J. COUGHLIN
District 19 (Middlesex)

Co-Sponsored by:

Assemblyman Giblin

SYNOPSIS

Requires State to lease hotel facilities as isolation centers for COVID-19 emergency.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/24/2020)

1 **AN ACT** concerning the leasing of hotel facilities by the State for
2 certain purposes related to the COVID-19 pandemic.

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

6
7 1. a. Notwithstanding any other provision of law, rule, or
8 regulation to the contrary, the Division of Purchase and Property in
9 the Department of the Treasury shall negotiate and enter into lease
10 agreements with a number of hotel facilities in each county of the
11 State for the purposes specified in subsection b. of this section. The
12 division shall commence negotiations with hotel facilities in each
13 county within seven days following the effective date of this act,
14 P.L. , c. (pending before the Legislature as this bill).

15 For each lease agreement, the State shall pay the negotiated per
16 guest room rate and any negotiated additional guest service fee for
17 the entire hotel facility. If a hotel facility includes several separate
18 guest room buildings, the State shall enter into a lease agreement for
19 one such building if only one such building shall be deemed
20 sufficient for its purposes.

21 The lease agreement may be for a term of one month with the
22 option for a month-to-month renewal or for an initial term of several
23 months with the option for a month-to-month renewal thereafter. The
24 lease shall provide for a termination at the option of the State upon
25 two business days' notice if the State determines that the facility is
26 no longer necessary for the purposes specified in subsection b. of this
27 section or is being underutilized for those purposes.

28 The negotiated rate per guest room and for any additional
29 necessary services shall be a reasonable amount that shall not exceed
30 the average standard rates and fees charged by the hotel facility
31 during the two months prior to the Public Health Emergency and
32 State of Emergency declared by the Governor in Executive Order No.
33 103 of 2020. The agreement may provide for rates and fees that
34 exceed those average standard rates and fees by a certain percentage,
35 but not in excess of 10 percent, if the reasons for the additional
36 percentage are clearly specified in the lease agreement and the
37 percentage is specifically approved by the State Treasurer.

38 The lease agreement shall specify a standard guest room rate for
39 any unoccupied room and a separate standard guest room rate for any
40 occupied room.

41 The State shall determine the restrictions to be placed on the type
42 and amount for food and beverage services as the State shall deem
43 necessary and appropriate. The restrictions shall not be negotiable
44 and shall be incorporated into the lease agreement.

45 The lease agreement shall provide that the State shall not pay any
46 other rate or service fee or charge other than the guest room rate, and
47 the service fees for food and beverages, and laundry if laundry is

1 deemed necessary and appropriate under the circumstances and as
2 specifically included in the lease agreement.

3 The lease agreement shall contain provisions for detailed
4 documentation to be provided by the hotel facility to the State on the
5 use of the facility and the services provided for the specified
6 purposes.

7 The lease agreement shall contain such provisions regarding hotel
8 staffing levels, payments for damages, access to the facility, use of
9 the facility, insurance, deposits, and such other matters as the State
10 shall deem necessary and as shall be negotiated with the hotel facility
11 owner.

12 The number of hotel facilities in each county that the State shall
13 lease shall be determined in consultation with the Department of
14 Health and approved by the State Treasurer. Each lease agreement
15 shall be approved by the State Treasurer prior to the signing of the
16 agreement. No approvals by any other State official shall be required
17 prior to the signing of each agreement.

18 A lease agreement shall be approved by the State Treasurer only
19 if the agreement provides that the employees of the hotel facility shall
20 be paid during the lease period the prevailing wage rate as determined
21 by the Commissioner of Labor and Workforce Development in
22 accordance with the "New Jersey Prevailing Wage Act," P.L.1963,
23 c.150 (C.34:11-56.25 et seq.), and only if the operator of the hotel
24 facility is party to a collective bargaining agreement containing a
25 "no-strike clause", or is otherwise bound to an enforceable labor
26 harmony agreement with the labor organization which represents
27 hotel employees, as described in P.L.2019, c.438 (C.52:39A-1 et
28 seq.).

29 If a hotel facility refuses to enter into negotiations for a lease
30 agreement with the State and no other hotel facility in the area is
31 available to accommodate the purposes specified in subsection b. of
32 this section, the Governor and the Commissioner of the Department
33 of Health shall take action to commandeer, in accordance with
34 App.A:9-34 or section 9 of P.L.2005, c.222 (C.26:13-9) or any other
35 applicable law, any privately held property that is a hotel facility for
36 the purposes specified in this section to address the public health
37 emergency and State of emergency caused by the COVID-19
38 pandemic.

39 The Department of Health shall be responsible for the
40 administration of the isolation center program under this section.

41 b. The hotel facilities under lease agreement with the State
42 pursuant to subsection a. of this section shall be used as isolation
43 centers to provide housing for individuals that exhibit symptoms of
44 coronavirus disease 2019 (COVID-19), whether they have a positive
45 test result or not, who require isolation but are not ill enough to
46 require hospitalization at an acute care hospital facility. Such an
47 individual shall be provided with a room at a leased hotel facility
48 upon submitting to the hotel facility: a referral for isolation from a

1 hospital or health care provider; or identification proving the
2 individual is a health care professional or provider, as appropriate.
3 The referral shall specify the number of days that the individual shall
4 remain isolated. The individual shall be permitted to remain in the
5 hotel facility for that number of days, or such additional days as a
6 health care provider shall specify, or until the individual requires
7 hospitalization at an acute care hospital facility.

8 The State shall lease a separate hotel facility in each county for
9 each of the following categories of individuals:

10 (1) members of the general public;

11 (2) individuals who were released, for reasons other than the
12 COVID-19 pandemic, from incarceration in a correctional facility
13 within two weeks prior to seeking isolation at a leased hotel facility;
14 and

15 (3) medical staff at hospitals and health centers, emergency
16 medical technicians, paramedics, and other health care professionals
17 or providers, who do not exhibit symptoms of COVID-19 but choose
18 to isolate themselves based upon their own determination of their
19 circumstances.

20 For individuals in categories (1) and (2), individuals shall be given
21 first priority, and shall be encouraged to isolate, at a hotel facility that
22 is within the county that the individual considers to be the
23 individual's county of residence. For individuals in category (3),
24 individuals shall be given first priority, and shall be encouraged to
25 isolate, at a hotel facility that is within the county in which the
26 individual's work predominantly occurs.

27 c. In order to maximize the effective use of the State's health
28 care workforce in response to the COVID-19 pandemic, the
29 Commissioner of the Department of Health shall issue a call
30 requesting the services of additional health care professionals as
31 volunteers to provide monitoring services at the hotel facilities under
32 a lease agreement with the State in accordance with subsection a. of
33 this section as isolation centers for the categories of individuals
34 specified in paragraphs (1) and (2) of subsection b. of this section.

35 For this purpose, the commissioner shall issue such waivers from
36 State professional licensure requirements, consistent with the
37 commissioner's powers under section 18 of P.L.2005, c.222
38 (C.26:13-18), as are necessary to allow fourth-year medical students,
39 nursing students, and professionals licensed or certified to practice
40 by another country to provide monitoring services in the isolation
41 centers, provided that nothing in this section shall be construed to
42 authorize any health care professional to provide any health care
43 service or intervention that exceeds the scope of that individual's
44 professional experience and training.

45 The volunteer health care professional who is providing
46 monitoring services may provide for the transfer of any individual
47 being monitored to a general acute care hospital or other appropriate
48 facility for treatment as necessary.

1 The department shall establish a registry for such individuals to
2 enter their consent as volunteers to provide monitoring services and
3 the hours and locations for which they will be providing the service.

4 Individuals who volunteer shall not be considered State employees
5 for any purpose under the law or for any civil action. The State shall
6 not be liable in any civil action for any act or omission of such
7 individuals who volunteer their service as monitors.

8 d. In the course of developing its response to the COVID-19
9 pandemic, the Commissioner of the Department of Health shall,
10 within the limits of available resources and subject to the need to
11 prioritize the distribution of resources throughout the State, seek to
12 ensure that an adequate supply of personal protection equipment is
13 distributed to health care professionals providing monitoring services
14 at a hotel facility serving as an isolation center and to individuals in
15 categories under paragraphs (1) and (2) of subsection b. of this
16 section in those hotel facilities.

17
18 2. This act shall take effect immediately.
19
20

21 STATEMENT

22
23 This bill requires the Division of Purchase and Property in the
24 Department of the Treasury to negotiate and enter into lease
25 agreements with a certain number of hotel facilities in each county
26 of the State to serve as isolation centers for persons who have
27 symptoms of coronavirus disease 2019 (COVID-19), but do not
28 require hospitalization. Separate hotel facilities will also be made
29 available by lease agreement to health care professional without
30 symptoms who choose to isolate themselves.

31 The bill provides that the State will lease the entire hotel and pay
32 a negotiated rate per guest room and any negotiated additional service
33 fee, for a specific term of months. The negotiated rate per guest room
34 and any additional necessary service fees must be reasonable and
35 should not exceed the average standard rates and fees charged by the
36 hotel facility during the two months prior to the Governor's
37 declaration of the Public Health Emergency and State of Emergency
38 in Executive Order No. 103. The agreement may provide for rates
39 and fees that exceed those standard rates and fees by a certain
40 percentage, but not in excess of 10 percent, if the reasons for the
41 additional percentage are clearly specified in the lease agreement and
42 the percentage is specifically approved by the State Treasurer.

43 The State will determine the restrictions to be placed on the type
44 and amount for food and beverage services as the State deems
45 necessary and appropriate. The restrictions will not be negotiable
46 and will be incorporated into the lease agreement.

1 The number of hotel facilities in each county that the State must
2 lease will be determined in consultation with the Commissioner of
3 the Department of Health and approved by the State Treasurer.

4 A lease agreement will be approved by the State Treasurer only if
5 the agreement provides that the employees of the hotel facility will
6 be paid during the lease period the prevailing wage rate as determined
7 by the Commissioner of Labor and Workforce Development in
8 accordance with the "New Jersey Prevailing Wage Act", and only if
9 the operator of the hotel facility is party to a collective bargaining
10 agreement containing a "no-strike clause", or is otherwise bound to
11 an enforceable labor harmony agreement with the labor organization
12 which represents hotel employees, as described in P.L.2019, c.438
13 (C.52:39A-1 et seq.).

14 If a hotel facility refuses to enter into negotiations for a lease
15 agreement with the State and no other hotel facility in the area is
16 available to accommodate the purposes specified in the bill, the
17 Governor and the Commissioner of the Department of Health must
18 take action to commandeer, in accordance with current law, any
19 privately held property that is a hotel facility for the purposes
20 specified in this bill to address the public health and State of
21 emergency caused by the COVID-19 pandemic.

22 The Department of Health will be responsible for the
23 administration of the isolation center program under this bill.

24 The hotel facilities under lease agreement with the State will be
25 used as isolation centers to provide housing for individuals that
26 exhibit symptoms of COVID-19, whether they have a positive test
27 result or not, who require isolation but are not ill enough to require
28 hospitalization at an acute care hospital facility. Such an individual
29 will be provided with a room at a leased facility upon submitting to
30 the hotel facility: a referral for isolation from a hospital or health care
31 provider; or identification proving the individual is a health care
32 professional or provider, as appropriate. The referral must specify
33 the number of days that the individual must remain isolated and the
34 individual will be permitted to remain in the hotel facility for that
35 number of days, or such additional days as a health care provider may
36 specify, or until the individual requires hospitalization at an acute
37 care hospital facility.

38 The State will lease a separate hotel facility in each county for
39 each of the following categories of individuals:

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41 (2) individuals who were released, for reasons other than the
42 COVID-19 pandemic, from incarceration in a correctional facility
43 within two weeks prior to seeking isolation at a leased hotel facility;
44 and

45 (3) medical staff at hospitals and health centers, emergency
46 medical technicians, paramedics, and other health care professionals
47 or providers, who do not exhibit symptoms of COVID-19 but choose

1 to isolate themselves based upon their own determination of their
2 circumstances..

3 This bill provides that, in order to maximize the effective use of
4 the State's health care workforce in response to the COVID-19
5 pandemic, the Commissioner of Health will be required to issue a call
6 requesting the services of additional health care professionals as
7 volunteers to provide monitoring services at hotel facilities serving
8 as isolation centers. The commissioner will be required to issue such
9 waivers from State professional licensure requirements, consistent
10 with the commissioner's powers under current law, as are necessary
11 to allow fourth year medical students, nursing students, and
12 professionals licensed or certified to practice by another country to
13 provide monitoring services in the isolation centers, provided that
14 nothing in the bill will authorize any health care professional to
15 provide any health care service or intervention that exceeds the scope
16 of that individual's professional experience and training. The bill
17 specifies that these individuals who volunteer will not be considered
18 State employees and the State will not be liable in any civil action for
19 any acts or omissions of such individuals who volunteer their service
20 as monitors.

21 Additionally, the Commissioner of Health will be required to seek
22 to ensure that an adequate supply of personal protection equipment
23 is distributed to the hotel facilities that are isolation centers, subject
24 to resource limits and the need to prioritize the distribution of
25 resources throughout the State.