

[First Reprint]

**SENATE, No. 537**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex and Morris)**

**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)**

**Co-Sponsored by:**

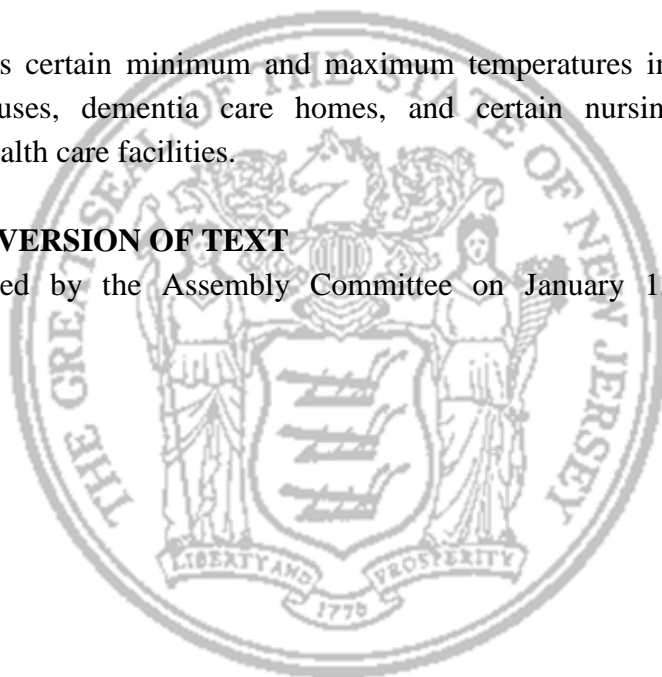
**Senators Pou, Diegnan, Greenstein, Assemblyman Mejia, Assemblywomen  
Jasey and Swain**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Assembly Committee on January 13, 2021, with amendments.



**(Sponsorship Updated As Of: 5/20/2021)**

1 AN ACT concerning temperature standards in <sup>1</sup>emergency  
 2 shelters,<sup>1</sup> rooming and boarding houses, <sup>1</sup>dementia care homes,<sup>1</sup>  
 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  
 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

**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:

<sup>1</sup>Assembly AHE committee amendments adopted January 13, 2021.

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

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

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

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

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

44

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

47 2. a. A nursing home or residential health care facility  
48 included within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et

1 seq.) which is constructed or expanded after the effective date of  
2 P.L.1989, c.173 (C.26:2H-14.4 et al.), or a dementia care home  
3 included within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et  
4 seq.) which is constructed or expanded after the effective date of  
5 P.L.2015, c.125 (C.55:13B-5.1 et al.), shall be equipped with air  
6 conditioning and heating in all areas used by patients or residents,  
7 and the air conditioning and heating shall be operated so that the  
8 temperature in these areas does not exceed **[82]** 81 degrees  
9 Fahrenheit or fall under 65 degrees Fahrenheit. All areas used by  
10 patients or residents shall be maintained within a temperature range  
11 from 65 to 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 b. A nursing home, or a residential health care facility owned  
16 by a licensed health care facility and licensed by the Department of  
17 Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), may  
18 maintain a temperature in an area used by patients or residents that  
19 does not fall within the range provided pursuant to subsection a. of  
20 this section, provided that the temperature is within a range  
21 permitted pursuant to applicable regulation of the Centers for  
22 Medicare and Medicaid Services.

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

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

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

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

43 a. Safety from fire;

44 b. Safety from structural, mechanical, plumbing and electrical  
45 deficiencies;

46 c. Adequate light and ventilation;

47 d. Physical security;

- 1 e. Protection from harassment, fraud and eviction without due  
2 cause;
- 3 f. Clean and reasonably comfortable surroundings;
- 4 g. Adequate personal and financial services rendered in  
5 boarding houses;
- 6 h. Disclosure of owner identification information;
- 7 i. Maintenance of orderly and sufficient financial and  
8 occupancy records;
- 9 j. Referral of residents, by the operator, to social service and  
10 health agencies for needed services;
- 11 k. Assurance that no constitutional, civil or legal right will be  
12 denied solely by reason of residence in a rooming or boarding  
13 house;
- 14 l. Reasonable access for employees of public and private  
15 agencies, and reasonable access for other citizens upon receiving  
16 the consent of the resident to be visited by them;
- 17 m. Opportunity for each resident to live with as much  
18 independence, autonomy and interaction with the surrounding  
19 community as <sup>1</sup>~~he~~ the resident<sup>1</sup> is capable of <sup>1</sup>doing<sup>1</sup>; ~~and~~
- 20 n. <sup>1</sup>~~Assurance that the needs of residents with special needs,~~  
21 ~~including, but not limited to, persons with Alzheimer's disease and~~  
22 ~~related disorders or other forms of dementia, will be met in~~  
23 ~~accordance with standards adopted by regulation of the~~  
24 ~~commissioner, which shall be promulgated no later than 90 days~~  
25 ~~after the effective date of this act, which shall include, at a~~  
26 ~~minimum, the following:~~
- 27 (1) staffing levels;
- 28 (2) staff qualifications and training;
- 29 (3) special dietary needs of residents;
- 30 (4) special supervision requirements relating to the individual  
31 needs of residents;
- 32 (5) building safety requirements appropriate to the needs of  
33 residents;
- 34 (6) special health monitoring of residents by qualified, licensed  
35 health care professionals, including a requirement that a medical  
36 assessment be performed on a resident with special needs as  
37 described in this subsection, as determined necessary by the  
38 commissioner, prior to admission and on a quarterly basis thereafter  
39 to ensure that the facility is appropriate to the needs of the resident;  
40 and
- 41 (7) criteria for discharging residents which shall be set forth in  
42 the admission agreement which shall be provided to the resident or  
43 the resident's representative prior to or upon admission. The  
44 commissioner may revoke the license of any provider who violates  
45 the criteria for discharging residents ; ~~and~~ (Deleted by amendment,  
46 P.L.2015, c.125)<sup>1</sup>
- 47 o. An approved heating and cooling system capable of  
48 maintaining the temperature of the facility within the required

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1 range. In all areas used by residents, the operator shall maintain the  
2 rooming and boarding house at a temperature within the range of 65  
3 through 81 degrees Fahrenheit, except in rooms:

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

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

8

9 <sup>1</sup>**[5. (New section) The operator of an emergency shelter for**  
10 **the homeless shall maintain all areas used by persons admitted to**  
11 **such shelter at a temperature no higher than 81 degrees Fahrenheit,**  
12 **and no lower than 65 degrees Fahrenheit.]<sup>1</sup>**

13

14 <sup>1</sup>**[6.] 5.<sup>1</sup> This act shall take effect on the first day of the sixth**  
15 **month next following enactment.**