

[Second Reprint]  
ASSEMBLY, No. 265

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen BATEMAN, KAVANAUGH and Felice

1 AN ACT concerning the waiver of enforcing agency fees in certain  
2 circumstances and amending P.L.1975, c.217.

3

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

6

7 1. Section 1 of P.L.1975, c.217 (C.52:27D-126e) is amended to  
8 read as follows:

9 1. Notwithstanding the provisions of the "State Uniform  
10 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), or  
11 any rules, regulations or standards adopted pursuant thereto, to the  
12 contrary, the governing body of any municipality which has appointed  
13 an enforcing agency pursuant to the provisions of section 8 of  
14 P.L.1975, c.217 (C.52:27D-126) may, by ordinance, provide that no  
15 person shall be charged a construction permit surcharge fee or  
16 enforcing agency fee for any construction, reconstruction, alteration  
17 or improvement designed and undertaken solely to promote  
18 accessibility by **[the handicapped]** disabled persons to an existing  
19 public or private structure or any of the facilities contained therein.

20 <sup>2</sup> **[A]** The ordinance may further provide that a<sup>2</sup> disabled person  
21 <sup>1</sup>[seeking to promote accessibility to his own living unit]<sup>1</sup> shall not  
22 be required to pay any municipal fee or charge, including fees related  
23 to site plan review, in order to secure a construction permit for any  
24 construction, reconstruction, alteration or improvement <sup>1</sup>which  
25 promotes accessibility<sup>1</sup> to <sup>1</sup>[that] his own living<sup>1</sup> unit.

26 For the purposes of this section, "**[handicapped]** disabled person"  
27 means a person who has the total and permanent inability to engage in  
28 any substantial gainful activity by reason of any medically determinable  
29 physical or mental impairment, including blindness, and shall include,  
30 but not be limited to, any resident of this State who is disabled  
31 pursuant to the federal Social Security Act (42 U.S.C.§416), or the

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 AHO committee amendments adopted February 22, 1996.

<sup>2</sup> Assembly floor amendments adopted May 6, 1996.

1 federal Railroad Retirement Act of 1974 (45 U.S.C. §231 et seq.), or  
2 is rated as having a 60% disability or higher pursuant to any federal  
3 law administered by the United States Veterans' Act. For purposes of  
4 this paragraph "blindness" means central visual acuity of 20/200 or less  
5 in the better eye with the use of a correcting lens. An eye which is  
6 accompanied by a limitation in the fields of vision such that the widest  
7 diameter of the visual field subtends an angle no greater than 20  
8 degrees shall be considered as having a central visual acuity of 20/200  
9 or less.

10 (cf: P.L.1989, c.223, s.1)

11

12 2. This act shall take effect on the first day of the sixth month after  
13 enactment.

14

15

16

17

18 Waives construction permit fees for certain residential renovations by  
19 disabled persons.