

SENATE, No. 912

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1996

By Senators EWING and CAFIERO

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

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

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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 A disabled person shall not be required to pay any municipal fee or
21 charge, including fees related to site plan review, in order to secure a
22 construction permit for any construction, reconstruction, alteration or
23 improvement which promotes accessibility to his own living unit.

24 For the purposes of this section, "[handicapped] disabled person"
25 means a person who has the total and permanent inability to engage in
26 any substantial gainful activity by reason of any medically determinable
27 physical or mental impairment, including blindness, and shall include,
28 but not be limited to, any resident of this State who is disabled
29 pursuant to the federal Social Security Act (42 U.S.C. §416), or the
30 federal Railroad Retirement Act of 1974 (45 U.S.C. §231 et seq.), or
31 is rated as having a 60% disability or higher pursuant to any federal
32 law administered by the United States Veterans' Act. For purposes of
33 this paragraph "blindness" means central visual acuity of 20/200 or less
34 in the better eye with the use of a correcting lens. An eye which is

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.

1 accompanied by a limitation in the fields of vision such that the widest
2 diameter of the visual field subtends an angle no greater than 20
3 degrees shall be considered as having a central visual acuity of 20/200
4 or less.

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

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

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STATEMENT

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13 This bill would require municipalities which enforce the State
14 Uniform Construction Code to waive construction permit and site plan
15 review fees for disabled persons seeking to make alterations or
16 improvements intended to promote accessibility to their own living
17 units. "Disabled" is defined in the bill to mean a person who has the
18 total and permanent inability to engage in any substantial gainful
19 activity by reason of any medically determinable physical or mental
20 impairment, including blindness, and includes, but is not limited to,
21 any resident of this State who is disabled pursuant to the federal Social
22 Security Act (42 U.S.C.§416), or the federal Railroad Retirement Act
23 of 1974 (45 U.S.C.§231 et seq.), or is rated as having a 60% disability
24 or higher pursuant to any federal law administered by the United
25 States Veterans' Act.

26 In many cases the labor and materials for renovations, such as
27 ramps or modified entryways, are donated; however, municipalities
28 may still require costly building permits to undertake such renovations.
29 These costs may undermine the ability of the disabled to proceed with
30 the needed modifications.

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35 Waives construction permit fees for certain residential renovations by
36 disabled persons.

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