

P.L. 2021, CHAPTER 260, *approved November 8, 2021*  
Senate, No. 537 (*First Reprint*)

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

**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 a manner prescribed by the commissioner, if the nursing home or  
2 residential health care facility can demonstrate to the satisfaction of  
3 the commissioner that the failure to grant such a waiver would pose  
4 a serious financial hardship to the nursing home or residential  
5 health care facility. The air conditioning shall be operated so that  
6 the temperature in all areas used by patients or residents does not  
7 exceed **【82】 81** degrees Fahrenheit. The air conditioning  
8 requirement established in this subsection shall apply to a  
9 residential health care facility only: (1) upon enactment into law of  
10 legislation that increases the rate of reimbursement provided by the  
11 State under the Supplemental Security Income program,  
12 P.L.1973, c.256 (C.44:7-85 et seq.), which rate is certified by the  
13 Commissioner of Health to be sufficient to enable the facility to  
14 meet the costs of complying with the requirement; and (2) if the  
15 facility qualifies for funds for energy efficiency rehabilitation  
16 through the "Petroleum Overcharge Reimbursement Fund,"  
17 established pursuant to P.L.1987, c.231 (C.52:18A-209 et seq.),  
18 which funds can be applied towards equipping the facility with air  
19 conditioning. A nursing home or residential health care facility  
20 shall not directly assess patients or residents for the purchase or  
21 installation of the air conditioning equipment.

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

37 b. Patients or residents are identified by predisposition, due to  
38 illness, medication or otherwise, to heat-related illness and that  
39 during a heat emergency, their body temperature, dehydration status  
40 and other symptoms of heat-related illness are monitored frequently  
41 and regularly, any anomalies are promptly reported to the attending  
42 physician, and any necessary therapeutic or palliative measures are  
43 instituted, including the provision of liquids, where required.

44 c. A nursing home, or a residential health care facility owned  
45 by a licensed health care facility and licensed by the Department of  
46 Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), shall not  
47 exceed the temperature limit established pursuant to this section,

1 unless permitted by applicable regulation of the Centers for  
2 Medicare and Medicaid Services.

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

4  
5 2. Section 2 of P.L.1989, c.173 (C.26:2H-14.4) is amended to  
6 read as follows:

7 2. a. A nursing home or residential health care facility  
8 included within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et  
9 seq.) which is constructed or expanded after the effective date of  
10 P.L.1989, c.173 (C.26:2H-14.4 et al.), or a dementia care home  
11 included within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et  
12 seq.) which is constructed or expanded after the effective date of  
13 P.L.2015, c.125 (C.55:13B-5.1 et al.), shall be equipped with air  
14 conditioning and heating in all areas used by patients or residents,  
15 and the air conditioning and heating shall be operated so that the  
16 temperature in these areas does not exceed **【82】** 81 degrees  
17 Fahrenheit or fall under 65 degrees Fahrenheit. All areas used by  
18 patients or residents shall be maintained within a temperature range  
19 from 65 to 81 degrees Fahrenheit, except in rooms:

20 (1) designated for activities requiring physical exertion; or

21 (2) where residents can individually control the temperature in  
22 their own living units, independent from other areas.

23 b. A nursing home, or a residential health care facility owned  
24 by a licensed health care facility and licensed by the Department of  
25 Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), may  
26 maintain a temperature in an area used by patients or residents that  
27 does not fall within the range provided pursuant to subsection a. of  
28 this section, provided that the temperature is within a range  
29 permitted pursuant to applicable regulation of the Centers for  
30 Medicare and Medicaid Services.

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

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

42  
43 4. Section 6 of P.L.1979, c.496 (C.55:13B-6) is amended to  
44 read as follows:

45 6. The commissioner shall establish standards to ensure that  
46 every rooming and boarding house in this State is constructed and  
47 operated in such a manner as will protect the health, safety and  
48 welfare of its residents and at the same time preserve and promote a

- 1 homelike atmosphere appropriate to such facilities, including, but  
2 not limited to, standards to provide for the following:
- 3 a. Safety from fire;
  - 4 b. Safety from structural, mechanical, plumbing and electrical  
5 deficiencies;
  - 6 c. Adequate light and ventilation;
  - 7 d. Physical security;
  - 8 e. Protection from harassment, fraud and eviction without due  
9 cause;
  - 10 f. Clean and reasonably comfortable surroundings;
  - 11 g. Adequate personal and financial services rendered in  
12 boarding houses;
  - 13 h. Disclosure of owner identification information;
  - 14 i. Maintenance of orderly and sufficient financial and  
15 occupancy records;
  - 16 j. Referral of residents, by the operator, to social service and  
17 health agencies for needed services;
  - 18 k. Assurance that no constitutional, civil or legal right will be  
19 denied solely by reason of residence in a rooming or boarding  
20 house;
  - 21 l. Reasonable access for employees of public and private  
22 agencies, and reasonable access for other citizens upon receiving  
23 the consent of the resident to be visited by them;
  - 24 m. Opportunity for each resident to live with as much  
25 independence, autonomy and interaction with the surrounding  
26 community as **'[he] the resident'** is capable of **'doing'** ; **[and]**
  - 27 n. **'[Assurance that the needs of residents with special needs,**  
28 including, but not limited to, persons with Alzheimer's disease and  
29 related disorders or other forms of dementia, will be met in  
30 accordance with standards adopted by regulation of the  
31 commissioner, which shall be promulgated no later than 90 days  
32 after the effective date of this act, which shall include, at a  
33 minimum, the following:
  - 34 (1) staffing levels;
  - 35 (2) staff qualifications and training;
  - 36 (3) special dietary needs of residents;
  - 37 (4) special supervision requirements relating to the individual  
38 needs of residents;
  - 39 (5) building safety requirements appropriate to the needs of  
40 residents;
  - 41 (6) special health monitoring of residents by qualified, licensed  
42 health care professionals, including a requirement that a medical  
43 assessment be performed on a resident with special needs as  
44 described in this subsection, as determined necessary by the  
45 commissioner, prior to admission and on a quarterly basis thereafter  
46 to ensure that the facility is appropriate to the needs of the resident;  
47 and

(7) criteria for discharging residents which shall be set forth in the admission agreement which shall be provided to the resident or the resident's representative prior to or upon admission. The commissioner may revoke the license of any provider who violates the criteria for discharging residents ; and] (Deleted by amendment, P.L.2015, c.125)<sup>1</sup>

o. An approved heating and cooling system capable of maintaining the temperature of the facility within the required range. In all areas used by residents, the operator shall maintain the rooming and boarding house at a temperature within the range of 65 through 81 degrees Fahrenheit, except in rooms:

(1) designated for activities requiring physical exertion; or

(2) where residents can individually control the temperature in their own living units, independent from other areas.

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

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

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

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