

CHAPTER 260
(CORRECTED COPY)

AN ACT concerning temperature standards in rooming and boarding houses, dementia care homes, nursing homes, and residential health care facilities, supplementing P.L.1984, c.114 (C.26:2H-14.1 et seq.) and P.L.1985, c.48 (C.55:13C-1 et seq.), and amending various parts of the statutory law.

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

1. Section 3 of P.L.1984, c.114 (C.26:2H-14.3) is amended to read as follows:

C.26:2H-14.3 Rules, regulations relative to air conditioning, adequate ventilation.

3. The Commissioner of Health shall, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to effectuate the purposes of this act. The regulations shall require that:

a. Each health care facility included within the provisions of this act and which is not equipped with air conditioning on the effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), shall provide for and operate adequate ventilation in all areas used by patients or residents, including, but not limited to, the use of ceiling fans, wall fans or portable fans, where appropriate, so that the temperature in these areas does not exceed 81 degrees Fahrenheit, but the health care facility shall not directly assess patients or residents for the purchase or installation of the fans or other ventilating equipment.

(1) The regulations shall also provide that within two years after the effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), every nursing home included within the provisions of this act, and every residential health care facility as specified in this paragraph, shall be equipped with air conditioning, except that the commissioner may grant a nursing home or residential health care facility a waiver from the air conditioning requirement to give the nursing home or residential health care facility one additional year to comply with the air conditioning requirement, for which waiver the nursing home or residential health care facility shall apply on a form and in a manner prescribed by the commissioner, if the nursing home or residential health care facility can demonstrate to the satisfaction of the commissioner that the failure to grant such a waiver would pose a serious financial hardship to the nursing home or residential health care facility. The air conditioning shall be operated so that the temperature in all areas used by patients or residents does not exceed 81 degrees Fahrenheit. The air conditioning requirement established in this subsection shall apply to a residential health care facility only: (1) upon enactment into law of legislation that increases the rate of reimbursement provided by the State under the Supplemental Security Income program, P.L.1973, c.256 (C.44:7-85 et seq.), which rate is certified by the Commissioner of Health to be sufficient to enable the facility to meet the costs of complying with the requirement; and (2) if the facility qualifies for funds for energy efficiency rehabilitation through the "Petroleum Overcharge Reimbursement Fund," established pursuant to P.L.1987, c.231 (C.52:18A-209 et seq.), which funds can be applied towards equipping the facility with air conditioning. A nursing home or residential health care facility shall not directly assess patients or residents for the purchase or installation of the air conditioning equipment.

(2) The regulations shall also provide that within two years after the effective date of P.L.2015, c.125 (C.55:13B-5.1 et al.), every dementia care home shall be equipped with air conditioning, except that the commissioner may grant a dementia care home a waiver from the air conditioning requirement to give the dementia care home one additional year to comply with the air conditioning requirement, for which waiver the dementia care home shall apply on

a form and in a manner prescribed by the commissioner, if the dementia care home can demonstrate to the satisfaction of the commissioner that the failure to grant such a waiver would pose a serious financial hardship to that facility. The air conditioning shall be operated so that the temperature in all areas used by residents does not exceed 81 degrees Fahrenheit. A dementia care home shall not directly assess residents for the purchase or installation of the air conditioning equipment; and

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

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

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

C.26:2H-14.4 Air conditioning, heating required in certain facilities.

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

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

C.26:2H-14.4a Grant of waiver due to unusual events beyond control of facility.

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

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

C.55:13B-6 Standards of construction, operation, safety.

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

- a. Safety from fire;
- b. Safety from structural, mechanical, plumbing and electrical deficiencies;
- c. Adequate light and ventilation;
- d. Physical security;
- e. Protection from harassment, fraud and eviction without due cause;
- f. Clean and reasonably comfortable surroundings;
- g. Adequate personal and financial services rendered in boarding houses;
- h. Disclosure of owner identification information;
- i. Maintenance of orderly and sufficient financial and occupancy records;
- j. Referral of residents, by the operator, to social service and health agencies for needed services;
- k. Assurance that no constitutional, civil or legal right will be denied solely by reason of residence in a rooming or boarding house;
- l. Reasonable access for employees of public and private agencies, and reasonable access for other citizens upon receiving the consent of the resident to be visited by them;
- m. Opportunity for each resident to live with as much independence, autonomy and interaction with the surrounding community as the resident is capable of doing ;
- n. (Deleted by amendment, P.L.2015, c.125)
- 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.

5. This act shall take effect on the first day of the sixth month next following enactment.

Approved November 8, 2021.