

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 537
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: AUGUST 28, 2020

SUMMARY

- Synopsis:** Establishes certain minimum and maximum temperatures in emergency shelters, rooming and boarding houses, and certain nursing homes and residential health care facilities.
- Type of Impact:** State and local expenditure increases.
- Agencies Affected:** Department of Health; Department of Human Services; Department of Military and Veterans’ Affairs; Department of Children and Families; counties and municipalities that operate nursing homes, rooming and boarding houses, and emergency shelters.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Marginal
Local Cost Increase	Marginal

- The Office of Legislative Services (OLS) concludes that nursing homes, rooming and boarding houses, residential health care facilities and emergency shelters operated by the Department of Military and Veterans’ Affairs (DMAVA) and certain counties and municipalities may experience a marginal increase in costs to maintain temperatures within the range of 65 through 81 degrees Fahrenheit, as required under this bill.
- The OLS also finds that certain counties and municipalities, as well as the Departments of Health, Human Services, Community Affairs, Children and Families, and DMAVA may incur marginally higher costs to ensure that facilities under their purview comply with the new temperature standards established pursuant to this bill. To the extent that these departments and the relevant counties and municipalities incorporate temperature measures into the periodic facility inspections conducted pursuant to current statute or regulation, costs to the State and the affected counties and municipalities would be minimized.

BILL DESCRIPTION

This bill requires that the temperature within emergency shelters, rooming and boarding houses, nursing homes, and residential health care facilities be maintained within a range of 65 through 81 degrees Fahrenheit. However, nursing facilities or residential health care facilities that

are owned by a licensed health care facility and licensed by the Department of Health are exempt from this requirement under the bill, provided the facilities are in compliance with the federal regulatory requirements for nursing homes participating in the Medicare and Medicaid programs, which currently requires certain facilities to maintain a temperature range of 71 to 81 degrees Fahrenheit.

The temperature requirements in this bill would apply to areas of the facilities that are used by the residents or patients. The temperature requirements would not apply to rooms designated for activities requiring physical exertion, or rooms where residents can individually control the temperature in their own living units, independent from other areas.

In the case of nursing homes and residential health care facilities, current law permits the Commissioner of Health to waive certain air conditioning requirements if compliance with the requirements would cause serious financial hardship, or if the nursing home or residential health care facility has not been built or expanded since August 17, 1989. This bill does not remove these existing waivers of the temperature control requirements. The bill permits the commissioner to additionally grant a waiver to nursing homes or residential health care facilities in the case of an unusual event resulting from causes outside the control of the facility, including a government-declared state of emergency or disaster, which results in the facility being unable to maintain the temperature requirements provided in the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that nursing homes, rooming and boarding houses, residential health care facilities and emergency shelters operated by the Department of Military and Veterans' Affairs (DMAVA) and certain counties and municipalities may experience a marginal increase in costs to maintain temperatures within the range of 65 through 81 degrees Fahrenheit, as required under this bill.

Moreover, certain counties and municipalities, as well as the Departments of Health, Human Services, Community Affairs, Children and Families, and DMAVA may incur marginally higher costs to ensure that facilities under their purview comply with the new temperature standards established pursuant to this bill. To the extent that these departments and the relevant counties and municipalities incorporate temperature measures into the periodic facility inspections conducted pursuant to current statute or regulation, costs to the State and the affected counties and municipalities would be minimized.

Section: *Human Services*

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 Assistant Fiscal Analyst

Approved: *Frank W. Haines III*
 Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).