

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2183 STATE OF NEW JERSEY 221st LEGISLATURE

DATED: MAY 30, 2024

SUMMARY

- Synopsis:** Requires installation of diaper changing station in certain public restrooms.
- Type of Impact:** Annual State and local expenditure and revenue increases.
- Agencies Affected:** Department of Community Affairs; State and local departments and agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) determines that this bill would result in an indeterminate increase in State expenditures associated with: (1) potential reimbursements to local governments for the costs of installing baby diaper changing stations in required areas; and (2) installing changing stations in certain State-owned public buildings.
- Local entities' installations of the diaper changing stations would result in indeterminate local expenditure increases.
- State reimbursements to local governments under the bill would represent equal revenue increases for the local entities. The OLS is unable to predict how many applications for reimbursement would be received or the amount of reimbursements provided under the bill.
- The State may experience an indeterminate revenue increase from penalties paid for violations of the bill's provisions.

BILL DESCRIPTION

This bill would require baby diaper changing stations to be installed in any newly constructed men or women's public restroom maintained on any publicly accessible floor of a group A or M occupancy. In existing restrooms on these publicly accessible floors, the bill requires baby diaper changing stations to be installed during renovations costing \$5,000 or more. Additionally, the owner or operator of a group A or M occupancy is required to post signage to direct visitors to baby diaper changing station-equipped restrooms, when newly constructed or renovated. Group A occupancies include five classifications of assembly use occupancies. These include, but are not limited to: concert halls and theaters (A-1); restaurants and dance halls (A-2); courtrooms, libraries, museums, and transportation terminal waiting areas (A-3); arenas and swimming pools (A-4); amusement park structures and stadiums (A-5). There are also certain exceptions, including those concerning facility size and occupant load. Group M, or mercantile, occupancies are the use of a building or structure or a portion thereof, for the display and sale of merchandise and involves stocks of goods, wares, or merchandise incidental to such purposes and accessible to the public, such as retail stores and markets. The bill makes an additional exception for casinos, nightclubs, taverns, and bars. An owner or operator of a group A or M occupancy who fails to comply with the provisions of this bill would be required to pay a penalty of not more than \$500 for each violation.

Additionally, the bill would require State or local government-owned public buildings that contain group A or M occupancies to install changing stations in at least one of its public restrooms for men and women, respectively, or in a dedicated unisex family restroom, on each floor level that is open to the public. The bill's deadline for these installations is on or before the first day of the 37th month following enactment. If the public building is a K-12 school, the bill would only require one changing station accessible to men and women per campus within the bill's deadline. A county, municipality, or board of education would be permitted to apply to the Department of Community Affairs for a reimbursement of the expense of installation; the bill establishes a nonlapsing fund in the department for the purpose of providing grants to applicants seeking reimbursement.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that this bill would result in an indeterminate increase in State expenditures associated with: (1) potential reimbursements to local governments for the costs of installing baby diaper changing stations in required areas; and (2) installing changing stations in certain State-owned public buildings. Local entities' installations of the diaper changing stations would result in indeterminate local expenditure increases. State reimbursements to local governments under the bill would represent equal revenue increases for the local entities. The OLS is unable to predict how many applications for reimbursement would be received or the amount of reimbursements provided under the bill.

The cost of changing station installations is likely to vary widely as the size and layout of existing restrooms, and their ability to accommodate a changing station, determines much of the

installation costs. According to a 2019 Wisconsin Legislative Reference Bureau report, several states' fiscal agencies have analyzed similar legislation and found that the total cost of installation of one changing station may range from \$200 for a simple installation to \$7,500 or more if complex construction is necessary to enlarge or rearrange a restroom to accommodate a changing station. Adjusted for inflation, the cost of installation of one changing station may range from approximately \$244 to \$9,200 in 2024. It is unclear how many floors of public buildings in the State do not currently have a restroom with a changing station, or how many new restroom construction or existing restroom renovation projects are completed annually in public buildings. The OLS is unable to determine how many restrooms would be affected by this legislation or the extensiveness of the projects that may be required.

Additionally, the bill provides that an owner or operator is liable for penalties of up to \$500 per violation of the bill's provisions. This may result in an indeterminate increase in State revenues.

The Department of Community Affairs, municipal and superior courts, and the Department of the Treasury may experience indeterminate increases in administrative costs associated with carrying out responsibilities required under the bill.

Section: Local Government

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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.).