



MEMORANDUM

To: Senate Community and Urban Affairs Committee Members
From: Nicholas Kikis, VP of Legislative and Regulatory Affairs
Date: February 27, 2019
Re: **NJAA Opposition to S-1152 (Ruiz)**

On behalf of the New Jersey Apartment Association (NJAA), and our members who own, develop, and manage both market rate and affordable rental housing for over a million New Jersey residents, we **respectfully oppose S-1152**, which would require emergency generators in newly constructed age-restricted multifamily housing projects. While we understand the desire to require backup power in such properties, especially after recent storms, we have significant financial, practical implementation, and liability concerns with the bills. As such, we ask that you vote “**NO**” when these bills come before you on Monday, March 4, 2019.

We are concerned with the cost factors involved with implementing this mandate. Many senior communities can only be constructed with the assistance of federal housing programs and tax credits. Large generators can cost hundreds of thousands of dollars to purchase and install and require ongoing maintenance and testing. An added cost, such as a generator, could make some affordable developments simply unfeasible.

Furthermore, backup generators, where required by code, must conform to strict codes and standards so they can adequately power critical life safety systems such as: fire panels, fire sprinklers, egress lighting, egress elevators, smoke control systems, and water pumps. Emergency generators are carefully sized based on the expected power needed (load analysis). Having said that, in emergency situations, residents can easily overextend the backup generator, which could compromise building safety systems and force a building to be evacuated.

Additionally, State regulations require newly constructed apartments to be directly metered by the utility. As such, each individual unit is wired separately back to a utility owned and operated meter, and a generator would not be able to power those units without creating an entirely separate and redundant set of emergency power wiring.

Finally, we are concerned that residential generators are not appropriate to protect tenants who need power to “protect their general health and safety” during a power outage and requiring this would create a duty of care (and associated liability). Emergency generators meant to be temporary, and it is not clear how long these systems would be expected to run in a long power outage. After Hurricane Sandy, our members reported significant difficulties getting fuel to keep backup power generators running until power was restored. The safest approach is to move those who need power to protect their well-being to a facility specially designated for that purpose.

We ask you to vote “**NO**” on S-1152 when it comes before you in the Senate Community Affairs Committee. If you have any questions or if you would like to discuss further, please do not hesitate to contact me at 732-992-0600 or nicholas@njaa.com.