

ASSEMBLY, No. 271

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen BATEMAN and KAVANAUGH

1 AN ACT concerning rooming and boarding houses and amending and  
2 supplementing P.L.1979, c.496.

3

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

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7 1. Section 3 of P.L.1979, c.496 (C.55:13B-3) is amended to read  
8 as follows:

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3. As used in this act:

10 a. "Boarding house" means any building, together with any related  
11 structure, accessory building, any land appurtenant thereto, and any  
12 part thereof, which contains two or more units of dwelling space  
13 arranged or intended for single room occupancy, exclusive of any such  
14 unit occupied by an owner or operator, and wherein personal or  
15 financial services are provided to the residents, including any  
16 residential hotel or congregate living arrangement, but excluding any  
17 hotel, motel or established guest house wherein a minimum of 85% of  
18 the units of dwelling space are offered for limited tenure only, any  
19 foster home as defined in section 1 of P.L.1962, c.137 (C.30:4C-26.1),  
20 any community residence for the developmentally disabled and any  
21 community residence for the mentally ill as defined in section 2 of  
22 P.L.1977, c.448 (C.30:11B-2), any dormitory owned or operated on  
23 behalf of any nonprofit institution of primary, secondary or higher  
24 education for the use of its students, any building arranged for single  
25 room occupancy wherein the units of dwelling space are occupied  
26 exclusively by students enrolled in a full-time course of study at an  
27 institution of higher education approved by the Department of Higher  
28 Education, any facility or living arrangement operated by, or under  
29 contract with and under the direct supervision of, any State  
30 department or agency, upon the written authorization of the  
31 commissioner, and any owner-occupied, one-family residential  
32 dwelling made available for occupancy by not more than six guests,

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 where the primary purpose of the occupancy is to provide charitable  
2 assistance to the guests and where the owner derives no income from  
3 the occupancy. A dwelling shall be deemed "owner-occupied" within  
4 the meaning of this section if it is owned or operated by a nonprofit  
5 religious or charitable association or corporation and is used as the  
6 principal residence of a minister or employee of that corporation or  
7 association. For any such dwelling, however, fire detectors shall be  
8 required as determined by the Department of Community Affairs.

9 b. "Commissioner" means the Commissioner of the Department of  
10 Community Affairs.

11 c. "Financial services" means any assistance permitted or required  
12 by the commissioner to be furnished by an owner or operator to a  
13 resident in the management of personal financial matters, including,  
14 but not limited to, the cashing of checks, holding of personal funds for  
15 safekeeping in any manner or assistance in the purchase of goods or  
16 services with a resident's personal funds.

17 d. "Limited tenure" means residence at a rooming or boarding  
18 house, or at a hotel, motel or established guest house, on a temporary  
19 basis, for a period lasting no more than 90 days, when a resident either  
20 maintains a primary residence at a location [other than the rooming or  
21 boarding house] elsewhere or intends to establish a primary residence  
22 at such a location and does so within 90 days after taking up original  
23 residence at the rooming or boarding house or hotel, motel or  
24 established guest house.

25 e. "Operator" means any individual who is responsible for the daily  
26 operation of a rooming or boarding house.

27 f. "Owner" means any person who owns, purports to own, or  
28 exercises control of any rooming or boarding house.

29 g. "Personal services" means any services permitted or required to  
30 be furnished by an owner or operator to a resident, other than shelter,  
31 including, but not limited to, meals or other food services, and  
32 assistance in dressing, bathing or attending to other personal needs.

33 h. "Rooming house" means a facility that meets the definition of a  
34 boarding house [wherein] , except that no personal or financial  
35 services are provided to the residents.

36 i. "Single room occupancy" means an arrangement of dwelling  
37 space which does not provide each individual or family unit with a  
38 private, secure dwelling space arranged for independent living[.]which  
39 contains both the sanitary and cooking facilities required in dwelling  
40 spaces pursuant to the "Hotel and Multiple Dwelling Law," P.L.1967,  
41 c.76 (C.55:13A-1 et seq.), and which is not used for limited tenure  
42 occupancy in a hotel, motel or established guest house, regardless of  
43 the number of individuals occupying any room or rooms.

44 j. "Unit of dwelling space" means any room, rooms, suite, or  
45 portion thereof, whether furnished or unfurnished, which is occupied  
46 or intended, arranged or designed to be occupied for sleeping or

1 dwelling purposes by one or more persons.

2 k. "Congregate living arrangement" means a single family house or  
3 apartment that is under the control of an entity organized or  
4 established for the purpose of creating a therapeutic environment for  
5 residents, except for those facilities specifically excluded from the  
6 definition of a boarding house pursuant to subsection a. of this section.  
7 (cf: P.L.1987, c.112, s.8)

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9 2. Section 7 of P.L.1979, c.496 (C.55:13B-7) is amended to read  
10 as follows:

11 7. a. No person shall own or operate a rooming or boarding house,  
12 hold out a building as available for rooming or boarding house  
13 occupancy, or apply for any necessary construction or planning  
14 approvals related to the establishment of a rooming or boarding house  
15 without a valid license to own or operate such a facility, issued by the  
16 commissioner.

17 Any person found to be in violation of this subsection shall be liable  
18 for a civil penalty of not more than \$5,000.00 for each building so  
19 owned or operated.

20 b. The commissioner shall establish separate categories of licensure  
21 for owning and for operating a rooming or boarding house, provided,  
22 however, that an owner who himself operates such a facility need not  
23 also possess an operator's license.

24 If an owner seeking to be licensed is other than an individual, the  
25 application shall state the name of an individual who is a member,  
26 officer or stockholder in the corporation or association seeking to be  
27 licensed, and the same shall be designated the primary owner of the  
28 rooming or boarding house.

29 Each application for licensure shall contain such information as the  
30 commissioner may prescribe and shall be accompanied by a fee  
31 established by the commissioner, which shall not be less than \$75.00  
32 nor more than \$150.00. If, upon receipt of the fee and a review of the  
33 application, the commissioner determines that the applicant will  
34 operate, or provide for the operation of, a rooming or boarding house  
35 in accordance with the provisions of this act and other applicable laws,  
36 including, but not limited to, municipal zoning ordinances, he shall  
37 issue a license to him.

38 Each license shall be valid for one year from the date of issuance,  
39 but may be renewed upon application by the owner or operator and  
40 upon payment of the same fee required for initial licensure.

41 c. Only one license shall be required to own a rooming or boarding  
42 house, but an endorsement thereto shall be required for each separate  
43 building owned and operated or intended to be operated as a rooming  
44 or boarding house. Each application for licensure or renewal shall  
45 indicate every such building for which an endorsement is required. If,  
46 during the term of a license, an additional endorsement is required or

1 an existing one is no longer required, an amended application for  
2 licensure shall be submitted.

3 An endorsement for the ownership or operation of any building as  
4 a rooming or boarding house shall not be issued if the operation of that  
5 building as a rooming or boarding house would violate a municipal  
6 zoning ordinance or any other applicable law.

7 d. A person making application for, or who has been issued, a  
8 license to own or operate a rooming or boarding house who conceals  
9 the fact that the person has been denied a license to own or operate a  
10 residential facility, or that the person's license to own or operate a  
11 residential facility has been revoked by a department or agency of state  
12 government in this or any other state is liable for a civil penalty of not  
13 more than \$5,000.00, and any license to own or operate a rooming or  
14 boarding house which has been issued to that person shall be  
15 immediately revoked.

16 (cf: P.L.1988, c.113, s.1)

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18 3. Section 8 of P.L.1979, c.496 (C.55:13B-8) is amended to read  
19 as follows:

20 8. Each operator of a rooming or boarding house shall reside in the  
21 facility, unless an alternate arrangement adequately protecting the  
22 health, safety and welfare of the residents has been approved by the  
23 commissioner, and shall be responsible for accepting service of any  
24 notices or orders issued by the commissioner pursuant to the  
25 provisions of this act. If an operator resigns, is dismissed or is  
26 otherwise unavailable to carry out his responsibilities, then the primary  
27 owner shall be deemed to be the operator of the facility until such time  
28 as the commissioner is notified of the appointment of a new operator,  
29 and shall have the same responsibilities and be subject to the same  
30 penalties otherwise prescribed for an operator under the provisions of  
31 this act.

32 (cf: P.L.1979, c.496, s.8)

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34 4. (New section) A hotel, motel, or established guesthouse  
35 operated by a nonprofit corporation or association which offers living  
36 or sleeping accommodations in conjunction with a general program of  
37 community facilities at the same location shall be exempt from  
38 compliance with provisions concerning eviction without due cause  
39 established by section 6 of P.L.1979, c.496 (C.55:13B-6).

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41 5. (New section) Within three months of the effective date of this  
42 act, the Commissioners of Human Services, Health, Corrections and  
43 Community Affairs shall each prepare a list of the community  
44 residential facilities that each department licenses or operates, or with  
45 which each respective department is under contract to provide services  
46 to clients of the department. Each commissioner shall compile the list

1 by type of facility, broken down by the county in the which the facility  
2 is located.

3 Each commissioner shall provide the list to the chairmen of the  
4 Senate and General Assembly standing reference committees with  
5 jurisdiction over human services.

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7 6. This act shall take effect immediately.

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#### 10 STATEMENT

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12 This bill makes various amendments to the "Rooming and Boarding  
13 House Act of 1979," P.L.1979, c.496 (C.55:13B-1 et seq.). It amends  
14 the act to include a definition of the term "congregate living  
15 arrangement." This term is used in the definition of "boarding house,"  
16 but was not defined in the act. The bill would define "congregate  
17 living arrangement" as a single family house or apartment that is under  
18 the control of an entity organized or established for the purpose of  
19 creating a therapeutic environment for residents.

20 The bill requires the Commissioners of Human Services, Health,  
21 Corrections and Community Affairs, within three months, to each  
22 prepare a list of the community residential facilities that each  
23 department licenses or operates or with which each respective  
24 department is under contract to provide services to clients of the  
25 department. Each commissioner is to provide the list to the chairmen  
26 of the Senate and General Assembly standing reference committees  
27 with jurisdiction over human services.

28 The bill would also provide greater flexibility to nonprofit  
29 corporations or associations to institute eviction proceedings, by  
30 exempting a hotel, motel, or established guesthouse operated by a  
31 nonprofit corporation or association offering living or sleeping  
32 accommodations in conjunction with a general program of community  
33 facilities at the same location, from compliance with provisions  
34 concerning eviction without due cause established by section 6 of  
35 P.L.1979, c.496 (C.55:13B-6). In addition, under the bill, the  
36 operator of a rooming or boarding house would be permitted to live  
37 off-site, provided that the Commissioner of Community Affairs has  
38 approved an alternate arrangement which adequately protects the  
39 health, safety and welfare of the residents of the rooming or boarding  
40 house.

41 This bill also ensures that congregate living facilities meet municipal  
42 zoning standards.

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3 Amends "Rooming and Boarding House Act of 1979"; adds definition  
4 of congregate living arrangement.