

[First Reprint]
ASSEMBLY, No. 271

STATE OF NEW JERSEY

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:

6

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

9 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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted May 8, 1997.

1 dwelling made available for occupancy by not more than six guests,
2 where the primary purpose of the occupancy is to provide charitable
3 assistance to the guests and where the owner derives no income from
4 the occupancy. A dwelling shall be deemed "owner-occupied" within
5 the meaning of this section if it is owned or operated by a nonprofit
6 religious or charitable association or corporation and is used as the
7 principal residence of a minister or employee of that corporation or
8 association. For any such dwelling, however, fire detectors shall be
9 required as determined by the Department of Community Affairs.

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

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

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

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

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

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

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

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

45 j. "Unit of dwelling space" means any room, rooms, suite, or
46 portion thereof, whether furnished or unfurnished, which is occupied

1 or intended, arranged or designed to be occupied for sleeping or
2 dwelling purposes by one or more persons.

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

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

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

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

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

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

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

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

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

1 during the term of a license, an additional endorsement is required or
2 an existing one is no longer required, an amended application for
3 licensure shall be submitted.

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

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

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

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

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

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

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

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

1 to clients of the department. Each commissioner shall compile the list
2 by type of facility, broken down by the county in the which the facility
3 is located.

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

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8 ¹6. (New section) The Commissioner of Community Affairs shall
9 create a new class of boarding home license for transitional housing
10 programs, and shall promulgate regulations regarding such a license
11 and to effectuate the purposes of this act pursuant to the
12 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
13 seq.).¹

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15 ¹[6.] 7.¹ This act shall take effect immediately.

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