

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:*

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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:

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
32 dwelling made available for occupancy by not more than six guests,
33 where the primary purpose of the occupancy is to provide charitable
34 assistance to the guests and where the owner derives no income from

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 the occupancy. A dwelling shall be deemed "owner-occupied" within
2 the meaning of this section if it is owned or operated by a nonprofit
3 religious or charitable association or corporation and is used as the
4 principal residence of a minister or employee of that corporation or
5 association. For any such dwelling, however, fire detectors shall be
6 required as determined by the Department of Community Affairs.

7 b. "Commissioner" means the Commissioner of the Department of
8 Community Affairs.

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

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

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

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

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

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

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

42 j. "Unit of dwelling space" means any room, rooms, suite, or
43 portion thereof, whether furnished or unfurnished, which is occupied
44 or intended, arranged or designed to be occupied for sleeping or
45 dwelling purposes by one or more persons.

46 k. "Congregate living arrangement" means a single family house or

1 apartment that is under the control of an entity organized or
2 established for the purpose of creating a therapeutic environment for
3 residents, except for those facilities specifically excluded from the
4 definition of a boarding house pursuant to subsection a. of this section.

5 (cf: P.L.1987, c.112, s.8)

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

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

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

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

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

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

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

39 c. Only one license shall be required to own a rooming or boarding
40 house, but an endorsement thereto shall be required for each separate
41 building owned and operated or intended to be operated as a rooming
42 or boarding house. Each application for licensure or renewal shall
43 indicate every such building for which an endorsement is required. If,
44 during the term of a license, an additional endorsement is required or
45 an existing one is no longer required, an amended application for
46 licensure shall be submitted.

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

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

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

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

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

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

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

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

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

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5 6. This act shall take effect immediately.

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