

ASSEMBLY, No. 2380

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 26, 1996

By Assemblymen KELLY, ROMANO,  
Assemblywoman J. Smith, Assemblymen Weingarten,  
Green and Gregg

1 AN ACT concerning the licensing of rooming and boarding homes and  
2 amending P.L.1993, c.290 and 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 2 of P.L.1993, c.290 (C.40:52-10) is amended to read  
8 as follows:

9 2. The governing body of a municipality may, by ordinance, elect  
10 to license rooming and boarding houses located in the municipality in  
11 accordance with the provisions of this act. If the governing body  
12 elects to license such facilities, the governing body shall so notify the  
13 Commissioner of Community Affairs or his designee. A rooming or  
14 boarding house licensed by a municipality pursuant to this act shall not  
15 be required to be licensed by the Department of Community Affairs  
16 pursuant to the "Rooming and Boarding House Act of 1979,"  
17 P.L.1979, c.496 (C.55:13B-1 et seq.). The governing body of a  
18 municipality that elects to license rooming and boarding houses may  
19 adopt, by ordinance, such regulations as it deems appropriate and  
20 necessary to enforce the provisions of P.L.1993, c.290, provided that  
21 those regulations shall not be inconsistent with the rules and  
22 regulations promulgated by the commissioner pursuant to P.L.1979,  
23 c.496 (C.55:13B-1 et seq.), to which all rooming and boarding houses  
24 shall remain subject.

25 (cf: P.L.1993, c.290, s.2.)

26

27 2. Section 5 of P.L.1993, c.290 (C.40:52-13) is amended to read  
28 as follows:

29 5. It shall be the duty of the licensing authority to receive  
30 applications made pursuant to section 4 of this act and to conduct such  
31 investigations as may be necessary to establish:

32 a. With respect to the premises for which a license is sought (1)

**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 that they are in compliance with all applicable building, housing, health  
2 and safety codes and regulations; (2) that the location of the premises  
3 will not, in conjunction with the proximity of other rooming and  
4 boarding houses, lead to an excessive concentration of such facilities  
5 in the municipality or a particular section thereof;

6 b. With respect to the owner or owners of the premises: (1) if a  
7 natural person or persons, that he or they are 21 years of age or older,  
8 [citizens of the United States and residents of the State of New  
9 Jersey,] and never convicted, in this State or elsewhere, of a crime  
10 involving moral turpitude, or of any crime under any law of this State  
11 licensing or regulating a rooming or boarding house, and have never  
12 had a license required pursuant to P.L.1979, c.496 (C.55:13B-1 et al.)  
13 revoked; (2) if a corporation, that all officers and members of the  
14 board of directors, and every stockholder holding 10% or more of the  
15 stock of the corporation, directly or indirectly having a beneficial  
16 interest therein, have the same qualifications as set forth in this  
17 subsection for an applicant who is a natural person;

18 c. With respect to the operator or proposed operator, that he  
19 meets the requirements for licensure by the Department of Community  
20 Affairs; and

21 d. That the owner and operator, either individually or jointly, have  
22 established sufficient guarantee of financial and other responsibility to  
23 assure appropriate relocation of the residents of the rooming or  
24 boarding house to suitable facilities in the event that the license is  
25 subsequently revoked or its renewal denied. The Department of  
26 Community Affairs shall determine, in the case of each type of  
27 rooming and boarding house under its jurisdiction, what constitutes  
28 suitable facilities for this purpose.

29 (cf: P.L.1993, c.290, s.5)

30

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

33 a. No person shall own or operate a rooming or boarding house,  
34 hold out a building as available for rooming or boarding house  
35 occupancy, or apply for any necessary construction or planning  
36 approvals related to the establishment of a rooming or boarding house  
37 without a valid license to own or operate such a facility, issued by the  
38 municipality, if the rooming or boarding house is located in a  
39 municipality which has elected to issue such licenses pursuant to  
40 P.L.1993, c.290 (C.40:52-10 et seq.), or by the commissioner.

41 Any person found to be in violation of this subsection shall be liable  
42 for a civil penalty of not more than \$5,000.00 for each building so  
43 owned or operated, which penalty shall be payable to the appropriate  
44 licensing entity.

45 b. The commissioner shall establish separate categories of licensure  
46 for owning and for operating a rooming or boarding house, provided,

1 however, that an owner who himself operates such a facility need not  
2 also possess an operator's license.

3 If an owner seeking to be licensed is other than an individual, the  
4 application shall state the name of an individual who is a member,  
5 officer or stockholder in the corporation or association seeking to be  
6 licensed, and the same shall be designated the primary owner of the  
7 rooming or boarding house.

8 Each application for licensure shall contain such information as the  
9 commissioner may prescribe and shall be accompanied by a fee  
10 established by the commissioner which shall not be less than \$75.00  
11 nor more than \$150.00. If, upon receipt of the fee and a review of the  
12 application, the commissioner determines that the applicant will  
13 operate, or provide for the operation of, a rooming or boarding house  
14 in accordance with the provisions of this act, he shall issue a license to  
15 him.

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

19 c. Only one license shall be required to own a rooming or boarding  
20 house, but an endorsement thereto shall be required for each separate  
21 building owned and operated or intended to be operated as a rooming  
22 or boarding house. Each application for licensure or renewal shall  
23 indicate every such building for which an endorsement is required. If,  
24 during the term of a license, an additional endorsement is required or  
25 an existing one is no longer required, an amended application for  
26 licensure shall be submitted.

27 d. A person making application for, or who has been issued, a  
28 license to own or operate a rooming or boarding house who conceals  
29 the fact that the person has been denied a license to own or operate a  
30 residential facility, or that the person's license to own or operate a  
31 residential facility has been revoked by a department or agency of state  
32 government in this or any other state is liable for a civil penalty of not  
33 more than \$5,000.00, and any license to own or operate a rooming or  
34 boarding house which has been issued to that person shall be  
35 immediately revoked.

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

37

38 4. This act shall take effect immediately.

39

40

41

#### STATEMENT

42

43 This bill would eliminate the dual licensing of rooming and boarding  
44 houses in those municipalities which have elected, pursuant to  
45 P.L.1993, c.290, to license such establishments.

46 Under the bill's provisions, owners of rooming and boarding houses

1 which are located in municipalities which have elected to license them  
2 shall only be required to obtain a municipal license and will not be  
3 required to obtain a license from or pay a license fee to the  
4 Department of Community Affairs.

5 The bill also clarifies the rights of municipalities to regulate by  
6 ordinance those rooming and boarding houses it licenses, as long as  
7 the ordinances do not conflict with the regulations of the Department  
8 of Community Affairs governing rooming and boarding houses. All  
9 rooming and boarding houses will remain subject to State regulations,  
10 however, regardless of the licensing entity.

11 The bill also deletes a requirement in the municipal licensing  
12 statutes that rooming and boarding house owners be United States  
13 Citizens and New Jersey residents. State regulations on rooming and  
14 boarding homes have never contained such requirements, and their  
15 inclusion in the municipal licensing statutes raised issues of fairness  
16 and constitutionality.

17

18

19

20

21 Eliminates dual municipal and State licensing of rooming and boarding  
22 houses.