

[First Reprint]
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. ¹[A] An owner
14 or operator of a¹ rooming or boarding house licensed by a municipality
15 pursuant to this act shall not be required to ¹[be licensed by] pay an
16 annual licensing fee to¹ the Department of Community Affairs
17 pursuant to the "Rooming and Boarding House Act of 1979,"
18 P.L.1979, c.496 (C.55:13B-1 et seq.) ¹if such owner or operator does
19 not own any other rooming or boarding house that is not licensed by
20 a municipality¹ . The governing body of a municipality that elects to
21 license rooming and boarding houses may adopt, by ordinance, such
22 regulations as it deems appropriate and necessary to enforce the
23 provisions of P.L.1993, c.290, provided that those regulations shall
24 not be inconsistent with ¹and shall be at least as restrictive as¹ the
25 rules and regulations promulgated by the commissioner pursuant to
26 P.L.1979, c.496 (C.55:13B-1 et seq.), to which all rooming and
27 boarding houses shall remain subject.
28 (cf: P.L.1993, c.290, s.2.)

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 AHO committee amendments adopted November 7, 1996.

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

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

6 a. With respect to the premises for which a license is sought (1)
7 that they are in compliance with all applicable building, housing, health
8 and safety codes and regulations; (2) that the location of the premises
9 will not, in conjunction with the proximity of other rooming and
10 boarding houses, lead to an excessive concentration of such facilities
11 in the municipality or a particular section thereof;

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

24 c. With respect to the operator or proposed operator, that he meets
25 the requirements for licensure by the Department of Community
26 Affairs; and

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

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

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

39 a. No person shall own or operate a rooming or boarding house,
40 hold out a building as available for rooming or boarding house
41 occupancy, or apply for any necessary construction or planning
42 approvals related to the establishment of a rooming or boarding house
43 without a valid license to own or operate such a facility, issued ¹[by
44 the municipality, if the rooming or boarding house is located in a
45 municipality which has elected to issue such licenses pursuant to
46 P.L.1993, c.290 (C.40:52-9 et seq.), or]¹ by the commissioner ¹unless

1 the facility is licensed by the municipality, if the rooming or boarding
2 house is located in a municipality which has elected to issue such
3 licenses pursuant to P.L.1993, c.290 (C.40:52-9 et seq.)¹.

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

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

12 If an owner seeking to be licensed is other than an individual, the
13 application shall state the name of an individual who is a member,
14 officer or stockholder in the corporation or association seeking to be
15 licensed, and the same shall be designated the primary owner of the
16 rooming or boarding house.

17 Each application for licensure shall contain such information as the
18 commissioner may prescribe and ¹,unless the license is to be used
19 solely to own or operate a rooming or boarding house licensed by a
20 municipality pursuant to P.L.1993, c.290 (C.40:52-9 et seq.)¹ shall be
21 accompanied by a fee established by the commissioner which shall not
22 be less than \$75.00 nor more than \$150.00. If, upon receipt of the fee
23 and a review of the application, the commissioner determines that the
24 applicant will operate, or provide for the operation of, a rooming or
25 boarding house in accordance with the provisions of this act, he shall
26 issue a license to him.

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

30 c. Only one license shall be required to own a rooming or boarding
31 house, but an endorsement thereto shall be required for each separate
32 building owned and operated or intended to be operated as a rooming
33 or boarding house. Each application for licensure or renewal shall
34 indicate every such building for which an endorsement is required. If,
35 during the term of a license, an additional endorsement is required or
36 an existing one is no longer required, an amended application for
37 licensure shall be submitted.

38 d. A person making application for, or who has been issued, a
39 license to own or operate a rooming or boarding house who conceals
40 the fact that the person has been denied a license to own or operate a
41 residential facility, or that the person's license to own or operate a
42 residential facility has been revoked by a department or agency of state
43 government in this or any other state is liable for a civil penalty of not
44 more than \$5,000.00, and any license to own or operate a rooming or
45 boarding house which has been issued to that person shall be

1 immediately revoked.
2 (cf: P.L.1988, c.113, s.1)

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

6 9. The commissioner shall ensure that each rooming or boarding
7 house whose owner possesses a valid license is inspected and its
8 records reviewed at least once each year for the purpose of
9 determining whether the owner or operator is complying with
10 standards promulgated pursuant to the provisions of this act. If the
11 commissioner determines, as a result of any such inspection and review
12 of records, that an owner or operator is in violation of such standards,
13 he shall serve the owner or operator of the facility with a written
14 notice thereof, which shall fix a date by which the owner or operator
15 shall enter into compliance. The commissioner shall not be required
16 to perform annual inspections of facilities licensed and inspected by a
17 municipality pursuant to P.L. 1993, c. 290 (C.40:52-9 et seq.), but
18 shall have the authority to oversee and ensure the enforcement of the
19 "Rooming and Boarding House Act of 1979," P.L. 1979, c. 496
20 (C.55:13B-1 et seq.), and the rules and regulations adopted pursuant
21 thereto in those facilities.¹

22 (cf: P.L. 1979, c. 496, s. 9)

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24 ¹[4.] 5.¹ This act shall take effect immediately.

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29 Eliminates dual municipal and State licensing fees for rooming and
30 boarding houses.