

[Passed Both Houses]

SENATE COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2628

STATE OF NEW JERSEY

ADOPTED JUNE 23, 1997

Sponsored by Assemblywoman VANDERVALK, Assemblymen
ROONEY and Felice

1 AN ACT concerning rooming and boarding houses and amending
2 and 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
11 related structure, accessory building, any land appurtenant thereto, and
12 any 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

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

Matter underlined thus is new matter.

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

13 b. "Commissioner" means the Commissioner of the Department
14 of Community Affairs.

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

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

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

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

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

35 h. "Rooming house" means a boarding house wherein no personal
36 or financial services are provided to the residents.

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

45 j. "Unit of dwelling space" means any room, rooms, suite, or

1 portion thereof, whether furnished or unfurnished, which is occupied
2 or intended, arranged or designed to be occupied for sleeping or
3 dwelling purposes by one or more persons.

4 k. "Alzheimer's disease and related disorders" means a form of
5 dementia characterized by a general loss of intellectual abilities of
6 sufficient severity to interfere with social or occupational functioning.

7 l. "Dementia" means a chronic or persistent disorder of the mental
8 processes due to organic brain disease, for which no curative treatment
9 is available, and marked by memory disorders, changes in personality,
10 deterioration in personal care, impaired reasoning ability and
11 disorientation.

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

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14 2. Section 6 of P.L.1979, c.496 (C.55:13B-6) is amended to read
15 as follows:

16 6. The commissioner shall establish standards to ensure that every
17 rooming and boarding house in this State is constructed and operated
18 in such a manner as will protect the health, safety and welfare of its
19 residents and at the same time preserve and promote a homelike
20 atmosphere appropriate to such facilities, including, but not limited to,
21 standards to provide for the following:

22 a. Safety from fire;

23 b. Safety from structural, mechanical, plumbing and electrical
24 deficiencies;

25 c. Adequate light and ventilation;

26 d. Physical security;

27 e. Protection from harassment, fraud and eviction without due
28 cause;

29 f. Clean and reasonably comfortable surroundings;

30 g. Adequate personal and financial services rendered in boarding
31 houses;

32 h. Disclosure of owner identification information;

33 i. Maintenance of orderly and sufficient financial and occupancy
34 records;

35 j. Referral of residents, by the operator, to social service and
36 health agencies for needed services;

37 k. Assurance that no constitutional, civil or legal right will be
38 denied solely by reason of residence in a rooming or boarding house;

39 l. Reasonable access for employees of public and private
40 agencies, and reasonable access for other citizens upon receiving the
41 consent of the resident to be visited by them; [and]

42 m. Opportunity for each resident to live with as much
43 independence, autonomy and interaction with the surrounding
44 community as he is capable of; and

45 n. Assurance that the needs of residents with special needs,

1 including, but not limited to, persons with Alzheimer's disease and
2 related disorders or other forms of dementia, will be met in accordance
3 with standards adopted by regulation of the commissioner, which shall
4 be promulgated no later than 90 days after the effective date of this
5 act, which shall include, at a minimum, the following:

- 6 (1) staffing levels;
- 7 (2) staff qualifications and training;
- 8 (3) special dietary needs of residents;
- 9 (4) special supervision requirements relating to the individual needs
10 of residents;
- 11 (5) building safety requirements appropriate to the needs of
12 residents;
- 13 (6) special health monitoring of residents by qualified, licensed
14 health care professionals, including a requirement that a medical
15 assessment be performed on a resident with special needs as described
16 in this subsection, as determined necessary by the commissioner, prior
17 to admission and on a quarterly basis thereafter to ensure that the
18 facility is appropriate to the needs of the resident; and
- 19 (7) criteria for discharging residents which shall be set forth in the
20 admission agreement which shall be provided to the resident or the
21 resident's representative prior to or upon admission. The
22 commissioner may revoke the license of any provider who violates the
23 criteria for discharging residents.

24 (cf: P.L.1979, c.496, s.6)

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

28 7. a. (1) No person shall own or operate a rooming or boarding
29 house, hold out a building as available for rooming or boarding house
30 occupancy, or apply for any necessary construction or planning
31 approvals related to the establishment of a rooming or boarding house
32 without a valid license to own or operate such a facility, issued by the
33 commissioner.

34 (2) No person shall own or operate a rooming or boarding house
35 that offers or advertises or holds itself out as offering personal care
36 services to residents with special needs, including, but not limited to,
37 persons with Alzheimer's disease and related disorders or other forms
38 of dementia, hold out a building as available for rooming or boarding
39 house occupancy for such residents, or apply for any necessary
40 construction or planning approvals related to the establishment of a
41 rooming or boarding house for such residents without a valid license
42 to own or operate such a facility, issued by the commissioner.

43 (3) Any person found to be in violation of this subsection shall be
44 liable for a civil penalty of not more than \$5,000.00 for each building
45 so owned or operated.

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

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

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

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

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

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

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

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40 4. (New section) No person who owns or operates a rooming or
41 boarding house shall provide health care services in that facility.
42 Nothing in this section shall be construed to prohibit a licensed health
43 care professional acting within the scope of that person's license from
44 providing health care services to a resident of a rooming or boarding
45 house in that facility.

1 5. This act shall take effect immediately.

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7 Regulates rooming and boarding houses which serve residents with
8 Alzheimer's disease and related disorders or other forms of progressive
 dementia.