

P.L. 1997, CHAPTER 260, *approved October 9, 1997*  
Senate Committee Substitute for  
Assembly, No. 2628

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  
29 contract with, any State department or agency, upon the written  
30 authorization of the commissioner, and any owner-occupied,  
31 one-family residential dwelling made available for occupancy by not  
32 more than six guests, where the primary purpose of the occupancy is

**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 to provide charitable assistance to the guests and where the owner  
2 derives no income from the occupancy. A dwelling shall be deemed  
3 "owner-occupied" within the meaning of this section if it is owned or  
4 operated by a nonprofit religious or charitable association or  
5 corporation and is used as the principal residence of a minister or  
6 employee of that corporation or association. For any such dwelling,  
7 however, fire detectors shall be required as determined by the  
8 Department of Community Affairs.

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

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

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

23 e. "Operator" means any individual who is responsible for the  
24 daily 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  
28 to be furnished by an owner or operator to a resident, other than  
29 shelter, 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 boarding house wherein no personal  
32 or financial services are provided to the residents.

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

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

45 k. "Alzheimer's disease and related disorders" means a form of

1 dementia characterized by a general loss of intellectual abilities of  
2 sufficient severity to interfere with social or occupational functioning.

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

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

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

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

18 a. Safety from fire;

19 b. Safety from structural, mechanical, plumbing and electrical  
20 deficiencies;

21 c. Adequate light and ventilation;

22 d. Physical security;

23 e. Protection from harassment, fraud and eviction without due  
24 cause;

25 f. Clean and reasonably comfortable surroundings;

26 g. Adequate personal and financial services rendered in boarding  
27 houses;

28 h. Disclosure of owner identification information;

29 i. Maintenance of orderly and sufficient financial and occupancy  
30 records;

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

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

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

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

41 n. Assurance that the needs of residents with special needs,  
42 including, but not limited to, persons with Alzheimer's disease and  
43 related disorders or other forms of dementia, will be met in accordance  
44 with standards adopted by regulation of the commissioner, which shall  
45 be promulgated no later than 90 days after the effective date of this

1 act, which shall include, at a minimum, the following:

2 (1) staffing levels;

3 (2) staff qualifications and training;

4 (3) special dietary needs of residents;

5 (4) special supervision requirements relating to the individual needs  
6 of residents;

7 (5) building safety requirements appropriate to the needs of  
8 residents;

9 (6) special health monitoring of residents by qualified, licensed  
10 health care professionals, including a requirement that a medical  
11 assessment be performed on a resident with special needs as described  
12 in this subsection, as determined necessary by the commissioner, prior  
13 to admission and on a quarterly basis thereafter to ensure that the  
14 facility is appropriate to the needs of the resident; and

15 (7) criteria for discharging residents which shall be set forth in the  
16 admission agreement which shall be provided to the resident or the  
17 resident's representative prior to or upon admission. The  
18 commissioner may revoke the license of any provider who violates the  
19 criteria for discharging residents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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43 5. This act shall take effect immediately.

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3 Regulates rooming and boarding houses which serve residents with

4 Alzheimer's disease and related disorders or other forms of progressive

5 dementia.