

CHAPTER 27**REGULATIONS GOVERNING ROOMING
AND BOARDING HOUSES****Authority**

N.J.S.A. 55:13B-4.

Source and Effective Date

R.1995 d.280, effective May 12, 1995.
See: 27 N.J.R. 1346(a), 27 N.J.R. 2188(a).

Executive Order 66(1978) Expiration Date

Chapter 27, Regulations Governing Room and Boarding Houses,
expires on May 12, 2000.

Chapter Historical Note

Chapter 27, Regulations Governing Room and Boarding Houses,
became effective August 28, 1980, as R.1980 d.376. See: 12 N.J.R.
452(a), 12 N.J.R. 569(b). The provisions of the chapter were readopt-
ed, effective June 14, 1985, as R.1985 d.350. See: 17 N.J.R. 341(b), 17
N.J.R. 1759(a). Chapter 27 was readopted by R.1990 d.275, eff. May
2, 1990. See: 21 N.J.R. 3871(a), 22 N.J.R. 1720(a). Chapter 27
expired May 2, 1995 and was subsequently readopted as new rules by
R.1995 d. 280. See: Source and Effective Date.

See subchapter and section annotations for specific rulemaking activi-
ty.

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. ADMINISTRATION AND
ENFORCEMENT**

- 5:27-1.1 Title
- 5:27-1.2 Purpose
- 5:27-1.3 Administration and enforcement
- 5:27-1.4 Continuation of lawful existing use
- 5:27-1.5 Construction and alteration; change of use
- 5:27-1.6 Licenses
- 5:27-1.7 License applications
- 5:27-1.8 Administrative hearings
- 5:27-1.9 Exceptions and exemptions
- 5:27-1.10 Search warrants
- 5:27-1.11 Tense, gender and number
- 5:27-1.12 Separability clause

SUBCHAPTER 2. DEFINITIONS

- 5:27-2.1 Definitions

SUBCHAPTER 3. RIGHTS OF RESIDENTS

- 5:27-3.1 Enumeration of rights
- 5:27-3.2 House rules
- 5:27-3.3 Harassment; fraud; eviction without due cause
- 5:27-3.4 Access to agency representatives
- 5:27-3.5 Appropriate placement
- 5:27-3.6 Independence and community interaction
- 5:27-3.7 Violation by licensee
- 5:27-3.8 Employees
- 5:27-3.9 Disclosure of licensee identity
- 5:27-3.10 Disclosure of rates and services
- 5:27-3.11 Security deposits
- 5:27-3.12 Limited tenure hotel guests

**SUBCHAPTER 4. GENERAL BUILDING
REQUIREMENTS**

- 5:27-4.1 Water supply
- 5:27-4.2 Facilities
- 5:27-4.3 Garbage and rubbish storage
- 5:27-4.4 Lighting and electrical service
- 5:27-4.5 Ventilation
- 5:27-4.6 Heating
- 5:27-4.7 Maintenance
- 5:27-4.8 Use and occupancy of space
- 5:27-4.9 Matters not covered

SUBCHAPTER 5. (RESERVED)**SUBCHAPTER 6. SECURITY**

- 5:27-6.1 Control of access
- 5:27-6.2 Protection of valuables
- 5:27-6.3 Criminal acts

SUBCHAPTER 7. RESIDENTS' COMFORT

- 5:27-7.1 Housekeeping
- 5:27-7.2 Bedrooms
- 5:27-7.3 Living and dining rooms
- 5:27-7.4 Outdoor facilities and recreation

SUBCHAPTER 8. MAINTENANCE OF RECORDS

- 5:27-8.1 Resident records
- 5:27-8.2 Financial records
- 5:27-8.3 Additional requirements
- 5:27-8.4 Record retention

SUBCHAPTER 9. FOOD AND LAUNDRY SERVICES

- 5:27-9.1 Applicability
- 5:27-9.2 Diet and menu
- 5:27-9.3 Food service
- 5:27-9.4 Food sanitation
- 5:27-9.5 Laundry services

SUBCHAPTER 10. OTHER PERSONAL SERVICES

- 5:27-10.1 Applicability
- 5:27-10.2 Assistance in dressing
- 5:27-10.3 Assistance in bathing and personal hygiene
- 5:27-10.4 Transportation to health services
- 5:27-10.5 Monitoring of medication
- 5:27-10.6 Supervision of self-administration of medicine

SUBCHAPTER 11. FINANCIAL SERVICES

- 5:27-11.1 Applicability
- 5:27-11.2 Check cashing
- 5:27-11.3 Holding of personal funds
- 5:27-11.4 Assistance in purchasing
- 5:27-11.5 Ledgers
- 5:27-11.6 Personal needs allowances
- 5:27-11.7 Home energy assistance payments

SUBCHAPTER 12. FIRE SAFETY LOANS

- 5:27-12.1 Purpose; delegation to Bureau
- 5:27-12.2 Rental assistance agreements
- 5:27-12.3 Casino Revenue Fund rental assistance eligibility

**SUBCHAPTER 13. ADDITIONAL RULES REGARDING
PERSONS WITH ALZHEIMER'S DISEASE OR
RELATED DISORDERS OR OTHER FORMS OF
DEMENTIA**

- 5:27-13.1 Appropriate placement and care
- 5:27-13.2 Referrals

5:27-13.3 Training and staffing requirements
5:27-13.4 Building safety requirements

SUBCHAPTER 14. CARBON MONOXIDE ALARMS

5:27-14.1 Carbon monoxide alarms

SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT

5:27-1.1 Title

This chapter, promulgated pursuant to N.J.S.A. 55:13B-1 et seq., shall be known and may be cited as the "Regulations Governing Rooming and Boarding Houses".

Case Notes

Boarding house operator was ineligible for license due to history of failing to comply with licensing laws. *Johnson v. Bureau of Rooming and Boarding House Standards*, 96 N.J.A.R.2d (CAF) 66.

5:27-1.2 Purpose

(a) This chapter is promulgated for the purpose of establishing standards to ensure that every rooming and boarding house in the State of New Jersey is constructed, maintained and operated in such a manner as will protect the health, safety and welfare of its residents and at the same time preserve and promote a home-like atmosphere appropriate to such facilities.

(b) The Bureau shall have discretion not to enforce any standard hereby established if it determines that strict compliance with such standard is not necessary in a particular case in order to accomplish the purpose set forth in (a) above.

(c) In the event that the Bureau determines that any rooming or boarding house, or any part thereof, because of its partial use for other than single room occupancy should more appropriately be evaluated under applicable standards contained in the regulations for the Maintenance of Hotels and Multiple Dwellings (N.J.A.C. 5:10), the Bureau shall have discretion to enforce the standards contained in N.J.A.C. 5:10 in lieu of the standards contained in N.J.A.C. 5:27-4, 5, and 6.

Amended by R.1981 d.359, effective October 8, 1981.
See: 13 N.J.R. 393(a), 13 N.J.R. 704(c).
(c) added.

5:27-1.3 Administration and enforcement

(a) The Bureau shall administer and enforce this chapter.

(b) The Bureau may authorize any municipality or county, through its appropriate housing, health or social services agencies, to perform inspections for the Bureau. Any authorization to perform inspections given to any municipality or county shall contain such terms and conditions as the Bureau may deem necessary and proper.

(c) The local enforcing agency, as the term is defined in N.J.A.C. 5:18, authorized to enforce the Uniform Fire Code in each municipality is hereby designated as the agent of the Bureau for the purpose of inspecting existing buildings in order to enforce all provisions of the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., and the Uniform Fire Code, N.J.A.C. 5:18, applicable to rooming and boarding houses.

1. If, in the course of inspecting any rooming or boarding house, any inspector performing inspections for the Bureau finds any condition which is, or appears to be, in violation of the Uniform Fire Code, the inspector shall promptly give notice of such condition to the Bureau, which shall notify the Division of Fire Safety.

2. The maintenance requirements set forth in the Uniform Fire Code, N.J.A.C. 5:18, shall supersede the standards for fire safety set forth in N.J.A.C. 5:27-5, with regard to all boarding houses as of December 19, 1988 and shall be the sole fire safety maintenance requirements applicable to all rooming and boarding houses on and after June 16, 1989.

3. Any retrofit work required to be done in any rooming or boarding house shall be done in accordance with the Uniform Fire Code, N.J.A.C. 5:18. All buildings in compliance with the Uniform Fire Code shall be deemed to be in compliance with the fire safety standards set forth in this chapter.

4. Every licensee shall keep valid proof of compliance with the Uniform Fire Code on the premises and shall make it available to representatives of the Bureau upon request.

Amended by R.1988 d.572, effective December 19, 1988 (operative June 16, 1989).

See: 20 N.J.R. 2126(a), 20 N.J.R. 3122(a).

Deleted "fire prevention" in (a); added (c).

Amended by R.1991 d.288, effective June 17, 1991.

See: 23 N.J.R. 932(a), 23 N.J.R. 1925(a).

Requirement to keep proof of compliance on premises added at (c)4. Administrative Correction.

See: 25 N.J.R. 5928(b).

Case Notes

Communal living arrangement of four elderly women qualified as boarding house subject to licensing regulations. In the Matter of Frank Gialanella, 96 N.J.A.R.2d (CAF) 40.

Allowing residents, including a high percentage of mental patients, to remain in hazardous living quarters warranted imposition of civil penalty against rooming house. *Community Affairs v. Sea Phoenix*, 95 N.J.A.R.2d (CAF) 21.

Unlicensed premises operated as a boarding house; closure and a fine. *Levin v. Bureau of Rooming and Boarding House Standards*, 92 N.J.A.R.2d (CAF) 12.

Multiple violations of fire safety regulations as basis for order to vacate. *Dept. of Community Affairs v. St. Jude's Boarding Home*, 2 N.J.A.R. 432 (1981).

(i) In the event the assessment determines that a transfer to a facility providing a higher level of care is required, the transferring facility shall:

1. Verbally notify the resident, the resident's family, care giver or responsible agency of the assessment results within 24 hours of completion, with written notification to follow within 72 hours of assessment completion;
2. In consultation with the resident and the resident's family, arrange for and/or assist in the orderly transfer of the resident within 15 days; this shall include facility assistance in seeking out and securing an appropriate placement for the resident; and
3. Arrange for the provision of all necessary services for the appropriate care of the resident until the resident is discharged.

5:27-13.2 Referrals

The facility owner or operator shall maintain a list of licensed New Jersey long term care facilities and Department of Health and Senior Services licensed alternative care facilities and provide it to the resident, the resident's family, care giver or responsible agency when a resident needs a higher level of care.

5:27-13.3 Training and staffing requirements

(a) All staff who are employed in the facility and are regularly in direct contact with residents shall complete the applicable courses and training programs set forth in (a)1 through 4 below and approved by the Bureau, at such time as such courses and training programs are available, in the care of persons with Alzheimer's disease and related disorders and other forms of dementia. Any such course shall provide all information concerning these diseases and accepted methods of care and treatment with which the Bureau shall deem it appropriate that persons providing care be familiar.

1. All operators shall obtain certification for having successfully completed the basic boarding home training course (75 hours) given by the Department of Human Services. All other employees who are regularly in direct contact with residents shall successfully complete the home health aide course (75 hours) given by a home health agency approved by the State Board of Nursing.
2. All employees who are regularly in direct contact with residents shall complete a five-day course given by a Registered Nurse or other professional approved by the Bureau which shall include orientation to the facility and specific training regarding Alzheimer's disease. The course shall be divided as follows:

i. Day One: Mission; policies and procedures; rules for residents; rules for staff; scheduling of meals and activities; documentation requirements; residents' rights; confidentiality; and ethical behavior;

ii. Day Two: Safety issues; preventing falls and accidents; fire training and evacuation; infection controls and universal precautions; and OSHA, Right-to-Know and related issues;

iii. Day Three: Didactic information concerning Alzheimer's disease; audiovisuals; role plays; definition of dementia; associated behaviors of dementia (such as rummaging, wandering, impulsiveness, etc.); distinctive characteristics of individuals with dementia; and use of Assisted Living University or similar tapes;

iv. Days Four and Five: Structured observation at a dementia-specific adult day care program or at a dementia unit of an assisted living facility; trainees to observe a multidisciplinary team in action with clients with dementia and to be given structured worksheets to complete; and trainees to participate in discussion sessions with their supervisor each day.

3. During the first 30 days on the job, a new employee shall be paired with an employee with more than one year of work experience, so that there will be role-modeling and instant feedback for problem-solving.

4. Home health aides shall have a minimum of 12 hours per year of continuing education. This shall be accomplished through required monthly support group meetings with their peers and the supervising Registered Nurse or a social worker. The purpose of these meetings shall be to provide new information, shared information and validation of feelings for participants. Such meetings may be organized jointly for staff of more than one facility.

(b) At least two staff persons capable of providing assistance to residents shall be awake and on duty at all times.

Amended by R.1998 d.481, effective September 21, 1998.
See: 30 N.J.R. 2329(a), 30 N.J.R. 3465(a).
Rewrote the section.

5:27-13.4 Building safety requirements

In addition to being maintained in accordance with the requirements of N.J.A.C. 5:27-1.3(c) and 5:27-4, all facilities subject to this subchapter shall have, on each floor above the ground floor to which one or more persons with Alzheimer's disease or a related disorder or other form of dementia has access, a designated area, approved by the Bureau, to which such persons may be brought, in which they may reasonably be expected to be safe, pending their evacuation, in an emergency situation.