

(c) At signalized intersections, street signs shall be located on the overhead arm supporting the traffic signal, or otherwise suitably suspended over the intersection. Roadway clearance shall be a minimum of 15 feet from the bottom of any sign or supporting equipment and the top of the paved surface.

5:21-4.14 Parking: number of spaces

(a) An adequate number of on-street and off-street parking spaces shall be required in all developments to accommodate residents and visitors. For projects containing dwelling units required by the New Jersey Uniform Construction Code's Barrier Free Subcode (N.J.A.C. 5:23-7) to be accessible, accessible parking spaces for people with disabilities shall be provided in accordance with the requirements of the Barrier Free Subcode and shall be considered part of the total number of required spaces.

(b) For residential developments, parking shall be provided, as set forth in Table 4.4 below. If applicant does not specify the number of bedrooms per unit, note "c" for each category in Table 4.4 shall apply for the parking requirement.

(c) Alternative parking standards to those shown in Table 4.4 shall be accepted if the applicant demonstrates these standards better reflect local conditions. Factors affecting minimum number of parking spaces include household characteristics, availability of mass transit, urban versus suburban location, and available off-site parking resources.

(d) Garage and driveway combinations shall be counted as follows:

1. Each garage car space shall be counted as 1.0 off-street parking space regardless of the dimensions of the driveway.
2. A one-car garage and driveway combination shall count as 2.0 off-street parking spaces, provided the driveway measures a minimum of 18 feet in length between the face of the garage door and the right-of-way.
3. A two-car garage and driveway combination shall count as 3.5 off-street parking spaces, provided a minimum parking width of 20 feet is provided for a minimum length of 18 feet as specified for a one-car garage and driveway combination.

(e) When housing is included in mixed-use development, a shared parking approach to the provision of parking shall be permitted.

(f) When, in the judgment of the local approving authority, on-street parking is available, then only that proportion of the parking requirement which is not available on the street shall be provided in off-street parking facilities. A length of 23 feet per on-street parking space shall be used in calculating the number of available on-street parking spaces.

TABLE 4.4
PARKING REQUIREMENTS FOR
RESIDENTIAL LAND USES^a

Housing unit type/size ^b	Parking requirement per dwelling unit
Single-Family Detached	
2 Bedroom	1.5
3 Bedroom	2.0
4 Bedroom	2.5 ^c
5 Bedroom	3.0
Two Family (Duplex)	"Single-Family Detached" values shall apply to each unit
Garden Apartment	
1 Bedroom	1.8
2 Bedroom	2.0 ^c
3 Bedroom	2.1
Townhouse	
1 Bedroom	1.8
2 Bedroom	2.3 ^c
3 Bedroom	2.4
High Rise	
1 Bedroom	0.8
2 Bedroom	1.3 ^c
3 Bedroom	1.9
Mobile Home	
1 Bedroom	1.8
2 Bedroom	2.0 ^c
Retirement Community	Values shall be commensurate with the most appropriate housing unit type and size noted above that the retirement community resembles.
Recreational Homes (owner occupied)	Values shall be commensurate with the most appropriate housing unit type and size noted above that the recreational homes (owner occupied) resemble.
Mid-Rise Apartment Assisted living	"Garden Apartment" values shall apply 0.50

Notes:
^a When determination of the required number of parking spaces results in a fractional space for the entire development, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
^b Requirements for attached units (apartment/condominium/townhouse) include provisions for guest parking (0.5 spaces per dwelling unit). Guest parking must either be provided for on street or in common parking areas.
^c If applicant does not specify the number of bedrooms per unit, this parking requirement shall apply.
 Source: Modified and adapted from U.S. Department of Commerce, Bureau of the Census, Public Use File—New Jersey (cross-tabulation of vehicles by housing unit for units constructed 1975 to 1980).

Amended by R.1999 d.374, effective November 1, 1999 (operative May 1, 2000).
 See: 31 N.J.R. 477(a), 31 N.J.R. 3259(a).
 Rewrote (d); and in Table 4.4, deleted "offstreet" preceding "parking" in Note c.
 Administrative correction.
 See: 32 N.J.R. 684(b).
 Amended by R.2000 d.480, effective December 4, 2000 (operative June 3, 2001).
 See: 32 N.J.R. 2670(b), 32 N.J.R. 4277(a).
 In Table 4.4, amended column headings and inserted requirement for assisted living.
 Amended by R.2002 d.399, effective December 16, 2002.
 See: 34 N.J.R. 2615(a), 34 N.J.R. 4412(a).
 In Table 4.4, added "Two Family (Duplex)" and rewrote footnote b.

Public Notice: Notice regarding the Publication of two Notices of Adoption in the December 16, 2002 New Jersey Register. See: 34 N.J.R. 4343(a), 4412(a), 35 N.J.R. 219(b). Administrative change. See: 35 N.J.R. 1663(a).

5:21-4.15 Parking space size

Each off-street parking space shall measure nine feet in width by 18 feet in length. Parking spaces for people with disabilities shall be in accordance with the New Jersey Uniform Construction Code (N.J.A.C. 5:23) or the Americans with Disabilities Act, as applicable.

5:21-4.16 Parking lots

(a) Off-street parking lots shall be oriented to, and within a reasonable walking distance of, the buildings they are designed to serve.

(b) Access to parking lots shall be designed so as not to induce queues on travel ways, and to provide adequate pedestrian circulation and safety. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance, and safety of vehicles and pedestrians.

(c) The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements specified in Table 4.5 below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than 90 degrees.

TABLE 4.5

PARKING ANGLES AND AISLE WIDTHS

Parking angle (degrees)	Aisle width (feet)
30	12
45	13
60	18
90	24

(d) Where sidewalks occur in parking areas, parked vehicles shall not overhang or extend over the sidewalk unless an additional two feet of sidewalk width are provided to accommodate such overhang.

(e) Where sole access to dwelling units is via a parking lot, the following features shall be provided:

1. Designated fire lanes a minimum of 18 feet in width shall be required as provided for in the Uniform Fire Code.

2. Parking lots shall be provided with turning bays or other means of turning at intervals of not greater than 1,200 feet. Turning bays, such as hammerheads or other configurations, shall measure at least 18 feet by 60 feet, or provide equivalent maneuvering space.

3. Parking lots having more than 100 spaces shall have a minimum of two means of ingress and egress, or be provided with a divided-type entrance.

Amended by R.2002 d.399, effective December 16, 2002.

See: 34 N.J.R. 2615(a), 34 N.J.R. 4412(a).

In (a), substituted "lots" for "areas" following "Off-street parking"; added (e).

Public Notice: Notice regarding the Publication of two Notices of Adoption in the December 16, 2002 New Jersey Register.

See: 34 N.J.R. 4343(a), 4412(a), 35 N.J.R. 219(b).

5:21-4.17 Curb construction standards

(a) Construction specifications for acceptable curb types of granite block and concrete are shown in Figure 4.1 below.

1. Where granite block curb is used, a transition from granite block to concrete shall be provided at all accessible sidewalk ramps or curb cuts.

2. Concrete gutters with a minimum width of four inches may be installed to separate the curb from the pavement.

(b) The standard concrete curb section used shall be a maximum of 20 feet in length, with a scored joint every 10 feet. All concrete used for curbs or combination curbs and gutters shall be prepared in accordance with the requirements, by class of concrete, of the New Jersey Department of Transportation, *Standard Specifications for Road and Bridge Construction*, effective at the time of preparation. Where bituminous concrete pavement is used for the road surface, the curb and/or gutter shall be constructed first.

(c) Where drainage inlets are constructed but curbs are not required, curbing must be provided at least 10 feet on each side of the inlet, set back one foot from the extension of the pavement edge.

(d) Where mountable curb is used, vertical curbing shall be provided at least 10 feet on each side of drainage inlets.

CHAPTER 27
REGULATIONS GOVERNING ROOMING
AND BOARDING HOUSES

Authority

N.J.S.A. 55:13B-4, 6, and 6.1.

Source and Effective Date

R.2010 d.204, effective September 2, 2010.
See: 42 N.J.R. 986(a), 42 N.J.R. 2321(c).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 27, Regulations Governing Rooming and Boarding Houses, expires on September 2, 2017. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 27, Regulations Governing Rooming and Boarding Houses, was adopted as R.1980 d.376, effective August 28, 1980. See: 12 N.J.R. 452(a), 12 N.J.R. 569(b).

Subchapter 12, Life Safety Loans, was adopted as new rules by R.1982 d.387, effective November 1, 1982. See: 14 N.J.R. 496(a), 14 N.J.R. 1210(b).

Chapter 27, Regulations Governing Rooming and Boarding Houses, was readopted as R.1985 d.350, effective June 14, 1985. See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a).

Subchapter 5, Fire Safety, was repealed 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).

Chapter 27, Regulations Governing Rooming and Boarding Houses, was readopted as R.1990 d.275, effective May 2, 1990. See: 21 N.J.R. 3871(a), 22 N.J.R. 1720(a).

Pursuant to Executive Order No. 66(1978), Chapter 27, Regulations Governing Rooming and Boarding Houses, expired on May 2, 1995 and was subsequently readopted as new rules by R.1995 d. 280, effective May 12, 1995. See: 27 N.J.R. 1346(a), 27 N.J.R. 2188(a).

Subchapter 13, Additional Rules Regarding Persons with Alzheimer's Disease or Related Disorders or Other Forms of Dementia, was adopted as new rules by R.1998 d.298, effective July 6, 1998. See: 30 N.J.R. 509(a), 30 N.J.R. 2433(a).

Subchapter 14, Carbon Monoxide Alarms, was adopted as new rules by R.1999 d.259, effective August 16, 1999. See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

Pursuant to Executive Order No. 66(1978), Chapter 27, Regulations Governing Rooming and Boarding Houses, was readopted as R.2000 d.231, effective May 9, 2000. See: 31 N.J.R. 3248(a), 32 N.J.R. 2049(a).

Chapter 27, Regulations Governing Rooming and Boarding Houses, was readopted as R.2005 d.404, effective October 24, 2005. See: 37 N.J.R. 566(a), 37 N.J.R. 4400(a).

Chapter 27, Regulations Governing Rooming and Boarding Houses, was readopted as R.2010 d.204, effective September 2, 2010. See: Source and Effective Date.

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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. 5:70, 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. 5:70, 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. 5:70, 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. 5:70. 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.

5:27-7.4 Outdoor facilities and recreation

(a) In every boarding house having a lawn, deck or porch or other outdoor area suitable for use by residents, sufficient chairs shall be available to accommodate as many residents as can comfortably be seated there.

(b) Where feasible in boarding houses, recreational equipment suitable for use by the residents shall be provided.

(c) Every licensee shall take such action as may be reasonable to encourage the use by residents of recreational facilities available in the community.

As amended, R.1981 d.359, eff. October 8, 1981.

See: 13 N.J.R. 393(a), 13 N.J.R. 704(c).

(a): "rooming or" deleted.

(b): "in boarding houses" added.

SUBCHAPTER 8. MAINTENANCE OF RECORDS**5:27-8.1 Resident records**

(a) It shall be the duty of each licensee to maintain an orderly file with respect to each resident containing at least the following information:

1. Full name of resident;
2. Date of birth;
3. Last previous address;
4. Name and address of the persons and/or agencies, if any, responsible for referring the resident to the rooming or boarding house and maintaining contact with him;
5. Name, address and telephone number of personal physician, if any;
6. Name, address and telephone number of next of kin or other person interested in the resident's well-being;
7. Date of commencement of occupancy;
8. Last date of occupancy and copy of death certificate if occupancy was terminated by the resident's death;
9. Any complaints made by or about the resident, the date of such complaint and action taken by the licensee.

(b) Each resident's file shall contain at least the following documents:

1. Certification issued by a licensed physician, or by a licensed nurse practitioner or licensed clinical nurse specialist legally authorized to issue such certification, as to general state of health and any illnesses or disabilities and medication required.
2. Copy of a lease or other occupancy agreement, signed by both the licensee and the resident, clearly

stating the services to be provided by the licensee and the charge to the resident for such services, said agreement to be witnessed, in the case of a resident at least 62 years of age or having any mental or physical disability, by a representative of the county welfare board or of any other social service agency having responsibility for such resident;

3. Acknowledgement by the resident that he or she has received a copy of the rules and regulations of the rooming or boarding house and agrees to abide by them;

4. A record of all property of the resident entrusted to the licensee, including, in the case of any resident receiving financial services, a ledger as required pursuant to N.J.A.C. 5:27-11;

5. Any other written agreement between the licensee and the resident.

(c) No resident's file shall be made available without the resident's consent to any person other than the licensee, the resident, or a duly authorized representative of the Bureau, the county welfare board or other public agency having reasonable cause to have access to the file, all of whom shall have access to the file at any reasonable time.

(d) In a rooming house, a licensee need only maintain the items listed in (a)1 and 7 above for residents under 62 years of age and items listed in (a)1, 2, 5, 6, and 7, and (b)3 above for residents 62 years of age or over.

(e) An owner or operator of a boarding house owned and operated under a Class D or E license shall be permitted to develop and follow a method that will permit that the resident may remain anonymous when it is necessary to do so for rehabilitative purposes.

As amended, R.1981 d.359, eff. October 8, 1981.

See: 13 N.J.R. 393(a), 13 N.J.R. 704(c).

(d) added.

Amended by R.1990 d.274, effective June 4, 1990.

See: 22 N.J.R. 912(a), 22 N.J.R. 1720(b).

Anonymity provisions added at (e).

Amended by R.1995 d.280, effective May 12, 1995.

See: 27 N.J.R. 1346(a), 27 N.J.R. 2188(a).

Amended by R.1996 d.165, effective April 1, 1996.

See: 28 N.J.R. 23(a), 28 N.J.R. 1833(b).

In (b)1 inserted licensed nurse practitioner and clinical nurse specialist.

Administrative correction.

See: 35 N.J.R. 4862(a).

Case Notes

Free exercise right did not support challenge to state statute that was not expressly directed to religion. *Salvation Army v. Department of Community Affairs of State of N.J.*, C.A.3 (N.J.) 1990, 919 F.2d 183.

Religious group could claim violation of its right to associate for free speech purposes if it could demonstrate that statutory reporting requirements hindered its activity. *Salvation Army v. Department of Community Affairs of State of N.J.*, C.A.3 (N.J.) 1990, 919 F.2d 183.

Group did not have viable establishment clause claim. *Salvation Army v. Department of Community Affairs of State of N.J.*, C.A.3 (N.J.) 1990, 919 F.2d 183.

5:27-8.2 Financial records

(a) Every licensee shall keep orderly and complete records of the source and amount of all funds received in connection with the operation of each rooming and boarding house and the nature and amount of each expenditure made in connection therewith. Payments made to or profits retained by licensees shall be clearly stated.

(b) All financial records maintained by any licensee in connection with any rooming or boarding house shall be made available by the licensee to the Bureau upon request of any duly authorized representative of the Bureau.

5:27-8.3 Additional requirements

(a) The Bureau, upon determining that records maintained by a licensee are disorderly or inadequate in any way, or that violations of the act or of these regulations exist which have not been terminated within the period of time allowed by the Bureau for such termination, may order the licensee to maintain such additional records, or maintain the records in such manner, as the Bureau may prescribe.

(b) It shall be the duty of any licensee to whom an order is issued pursuant to (a) above to comply with such order forthwith.

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

5:27-8.4 Record retention

(a) All required financial records shall be retained for a period of at least five years from the date of the record.

(b) All required resident records shall be retained for a period of at least five years after the resident ceases to reside at the rooming or boarding house.

(c) The Bureau shall have discretion to allow earlier disposal, or require longer retention, of specific records or categories of records in specific cases.

SUBCHAPTER 9. FOOD AND LAUNDRY SERVICES

5:27-9.1 Applicability

(a) The standards in this subchapter shall apply only to boarding houses operated under either a Class B or Class C license.

(b) Neither food services nor laundry services shall be provided or offered to be provided in any rooming house operated under a Class A license.

5:27-9.2 Diet and menu

(a) Every resident shall be provided with a nutritionally adequate diet that is of good quality food, correctly prepared, attractively and properly served in sufficient quantity and in a form and texture that will meet his or her nutritional needs, take into account his or her food preferences and be appetizing.

(b) The daily diet for each resident shall include servings from each of the following food groups in an amount that is nutritionally adequate in light of the resident's age, weight and physical condition:

1. Milk or milk products;
2. Vegetables and fruits, including at least one serving per day of citrus fruit or juice;
3. Whole grain, enriched, fortified or restored bread or cereal;
4. Meat, poultry, fish and eggs.

(c) Menus shall be prepared on a weekly basis. All menu items shall be specifically stated.

(d) All menu changes and substitutions shall be recorded. Records of foods served shall be retained for three weeks following the date of service.

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

5:27-9.3 Food service

(a) Each resident shall be served at least three well-balanced and appetizing meals per day on a regular schedule and at reasonable intervals.

(b) Food and beverages shall be available to residents in reasonable quantities for between-meal and evening snacks.

(c) Any modified diet prescribed by a physician shall be conscientiously followed.

(d) Adequate dishes, utensils and napkins shall be provided. Salt, pepper and sugar and other condiments shall be provided as appropriate and in suitable containers.

(e) A reasonable amount of time shall be allowed for each resident to eat his or her meal.

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

Case Notes

Remedy for violation of boarding home standards was not a food stamp application by resident therein, but an enforcement proceeding by Department of Community Affairs to correct violation. D.W. v. Union County. 95 N.J.A.R.2d (DEA) 13.

5:27-11.6 Personal needs allowances

No licensee shall retain for the licensee's own use, or require payment to the licensee of, any portion of the personal needs allowance required to be reserved to any resident pursuant to N.J.S.A. 44:7-87(h). Such personal needs allowance shall not be less than \$40.00 unless otherwise provided by the Department of Human Services.

5:27-11.7 Home energy assistance payments

Moneys paid to or on behalf of any resident pursuant to the Home Energy Assistance Act of 1980 or the Low-Income Home Energy Assistance Act of 1981 shall be the sole property of such resident. No licensee shall, in any manner whatsoever, directly or indirectly, coerce or induce any resident to give over such moneys to the licensee or to any other person.

R.1983 d.628, effective January 17, 1984.
See: 15 N.J.R. 1622(a), 16 N.J.R. 130(a).

SUBCHAPTER 12. FIRE SAFETY LOANS**5:27-12.1 Purpose; delegation to Bureau**

(a) The regulations in this subchapter are promulgated for the purpose of facilitating the discharge by the Department of Community Affairs of the functions assigned to it by the Boarding House Life Safety Improvement Act of 1981 (P.L.1981, c.515; N.J.S.A. 5:14J-52 et seq.).

(b) The functions assigned to the Department of Community Affairs by the Boarding House Life Safety Improvement Act of 1981 shall be discharged by the Bureau.

5:27-12.2 Rental assistance agreements

(a) No rental assistance shall be paid by the Bureau to any owner except pursuant to a rental assistance agreement signed by the owner and the Chief of the Bureau. In the case of a corporation or association, the primary owner shall sign the agreement and an appropriate resolution of the corporation or association shall be submitted.

(b) The agreement shall provide that payment of the rental assistance funds shall be made by the Bureau directly to the HMFA, for credit to the owner's loan account.

(c) Pursuant to statute, the agreement shall require that the owner remit to the Bureau, upon demand by the Bureau, an amount equal to any rental assistance payment made by the Bureau on behalf of any resident having an income in excess of the maximum amount established by the HMFA at any time during the period of time covered by the rental assistance payment.

(d) The agreement shall require the owner to submit to the Bureau quarterly reports setting forth the names, ages, and incomes of all residents and whether or not they are disabled. This information shall be verified by the Bureau at least once annually.

(e) The agreement shall provide that payments on behalf of a resident who leaves the facility shall continue so long as such resident's place is taken within 90 days by another resident.

1. If the place of a resident receiving assistance is not taken by another such eligible resident within 90 days, all rental assistance payments made for the period after the departure of the eligible resident shall be returned to the Bureau upon demand. Such determination shall be made by the Bureau upon review of consecutive quarterly reports.

(f) In the event that the owner commits, or allows to be committed, any violation of the Act or of this chapter or, in the case of a residential health care facility, of applicable Department of Health regulations, and continues to do so after being ordered by the Bureau or Department of Health, as the case may be, to terminate such violation, the Bureau may suspend or terminate rental assistance payments.

(g) No owner shall, without the written permission of the Bureau, fail to comply with any provision of a rental assistance agreement between such owner and the Bureau.

Amended by R.1983 d.251, effective June 20, 1983.
See: 15 N.J.R. 587(b), 15 N.J.R. 1015(c).

Added (g).
Administrative Correction.
See: 25 N.J.R. 5928(b).

5:27-12.3 Casino Revenue Fund rental assistance eligibility

(a) The following standards are established for the purpose of determining eligibility of residents for rental assistance made with funds appropriated from the Casino Revenue Fund:

1. A person 65 years of age or older shall be deemed to be a "senior citizen".
2. A person having his or her principal residence within the State of New Jersey who is totally and permanently unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment shall be deemed to be a "disabled resident of the State."

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

**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

(a) A resident with a diagnosis of probable Alzheimer's disease, other dementia, or other cognitive impairments

shall be transferred from a licensed Class C boarding home to a facility which offers a higher level of care, if the resident exhibits one or more of the following characteristics:

1. The resident is consistently and totally dependent in eating and toileting. "Consistently and totally dependent in eating" means being unable to swallow and/or requiring a feeding tube. "Consistently and totally dependent in toileting" means requiring a colostomy bag and/or catheter.
 2. The resident is unable to self-administer medications (oral, topical, injectable) even when monitored; provided, however, that residents who are unable to self-administer medication shall be permitted to remain in the facility provided the facility owner or operator has a certified medication aide on-site, who is under the supervision of a registered nurse, full time.
 3. The resident requires treatment of a stage two, three or four pressure sore.
 4. The resident exhibits behaviors and/or has cognitive impairments of such severity as to be a danger to self or others.
 5. The resident is in need of a therapeutic diet that cannot be accommodated at the facility and requires nursing monitoring. For example, monitoring of blood sugar, food and fluid intake, monitoring of skin integrity and possible dehydration.
 6. The resident is in need of any type of feeding tube or other artificial feeding apparatus.
 7. The resident is bed bound or requires repositioning due to his or her disease progression or due to a medically disabling condition.
- (b) Each resident's weight shall be taken at least monthly at the facility and recorded appropriately. Weight information shall be provided to the assessing professional for quarterly review, in accordance with (g) below. If a resident loses more than five percent of his or her weight in a one-month period (and is not on a prescribed weight reduction plan), the facility must immediately notify the resident's attending physician.

(c) The provision of hospice services in a facility is only allowed with prior notice to the Bureau and with the development of a care plan by a physician, physician's assistant, registered professional nurse or clinical nurse specialist/nurse practitioner. Once the Bureau is notified and the care plan is in place, the facility, in collaboration with the family, must arrange for 24-hour private duty nursing care to supplement hospice services.

(d) Services such as those provided by a visiting nursing or home health aide agency are permitted for short term, intermittent nursing care only.

(e) Absent an emergency, physical or chemical restraints that are being used for the purpose of restricting a person's mobility within the facility are not permitted. Whenever a physical or chemical restraint is being considered for use in a facility, it must be approved in writing by the resident's attending physician with an accompanying rationale for use of same.

(f) Even if a resident has a "Do Not Resuscitate" (DNR) order, staff must call 911 for appropriate assistance in the event of an emergency, so that appropriate medical staff can assist the resident and act, if appropriate.

(g) Each resident shall be assessed prior to admission, and at least quarterly thereafter, to determine if the resident exhibits one or more of the characteristics for transfer listed in (a) above. Such assessment shall be performed by a physician, physician's assistant, registered professional nurse, or clinical nurse specialist/nurse practitioner licensed to practice in the State of New Jersey. The assessment shall be conducted in person, and a signed, original copy of the assessment report shall be kept on-site at the facility. The licensed professional who carries out this assessment shall be the person's personal health care professional and shall be financially independent of the facility.

(h) Prior to admission, and at least annually thereafter, the facility shall notify the resident and the resident's family, care giver, or responsible agency in writing of the transfer characteristics in (a) above.

(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.

Amended by R.2000 d.202, effective May 15, 2000.

See: 32 N.J.R. 739(a), 32 N.J.R. 1763(b).

In (a)2, substituted a reference to certified medication aides for a reference to licensed practical nurses.

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.

Amended by R.1999 d.425, effective December 6, 1999.

See: 31 N.J.R. 2318(a), 31 N.J.R. 4011(a).

Added (c).

Amended by R.2000 d.202, effective May 15, 2000.

See: 32 N.J.R. 739(a), 32 N.J.R. 1763(b).

Deleted a former (c).

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.

5:27-13.5 Administration of medications

(a) All medications administered by qualified persons shall be administered in accordance with prescriber orders, facility policy and all Federal and State laws, rules and regulations.

(b) Administration of medications is within the scope of practice and remains the responsibility of the registered professional nurse. A registered professional nurse may choose to delegate the task of administering medications in accordance with N.J.A.C. 13:37-6 to certified medication aides. When the registered professional nurse delegates the task of administering medications to certified medication aides, this delegation is based upon individual residents' needs and circumstances within specific limits. These limits shall include, but not be limited to, the following:

1. The administration of oral, ophthalmic, inhalant, nasal, rectal, vaginal, topical and injectable (subcutaneous) medications may be delegated. Residents receiving short-term scheduled medications (II-IV) for analgesia, and injections other than predrawn insulin, shall be reassessed by the registered professional nurse at least every 72 hours, in order to determine if the medication is still required;

2. The delegating registered professional nurse shall review with the certified medication aide medication actions and untoward effects for each drug to be administered. Pertinent information about medications' adverse effects, side effects, and potential interactions shall be incorporated into the care plan for each resident, with interventions to be implemented by the certified medication aide and other caregiving persons; and

3. A unit of use distribution system shall be developed and implemented.

(c) Each resident shall be identified prior to drug administration.

(d) Drugs prescribed for one resident shall not be administered to another resident.

(e) The certified medication aide shall report drug errors and adverse drug reactions immediately to the registered professional nurse who shall report the drug error or adverse drug reaction to the prescriber, and to the pharmacist, and who shall document the incident in the resident's record.

(f) At least weekly, the registered nurse shall review and sign off on any medications or additions to the medication administration record which were made by the certified medication aide at the request of and under the delegation of the registered nurse.

New Rule, R.1999 d.425, effective December 6, 1999.
See: 31 N.J.R. 2318(a), 31 N.J.R. 4011(a).
Amended by R.2000 d.202, effective May 15, 2000.
See: 32 N.J.R. 739(a), 32 N.J.R. 1763(b).
Added (f).

5:27-13.6 Storage of medications

(a) For those residents who do not self-administer medications, the administrator shall provide an appropriate and safe medication storage area, either in a common area or in the resident's unit for the storage of medications. The storage area requirement may be satisfied through the use of a locked medication cart.

1. The storage area shall be kept locked when not in use.

2. The storage area shall be used only for storage of medications and medical supplies.

3. The key to the storage area shall be kept on the person of the employee on duty who is responsible for resident supervision.

4. Each resident's medications shall be kept separated within the storage area, with the exception of large volume medications which may be labeled and stored together in the storage area.

5. Medications shall be stored in accordance with manufacturer's instructions and with U.S.P. (United States Pharmacopoeia) requirements at USP 23, NF18, published by U.S. Pharmacopoeia Convention, 12601 Twinbrook Parkway, Rockville, MD 20852, incorporated herein by reference.

(b) All medications shall be kept in their original containers and shall be properly labeled and identified.

1. The label of each resident's prescription medication container shall be permanently affixed and contain the resident's full name, physician's name, prescription number, name and strength of drug, lot number, quantity, date of issue, expiration date, manufacturer's name if generic, directions for use, and cautionary and/or accessory labels. If a generic substitute is used, the drug shall be labeled according to the Drug Utilization Review Council requirements at N.J.S.A. 24:6E-1 et seq. and N.J.A.C. 8:70. Required information appearing on individually packaged drugs or within an alternate medication delivery system need not be repeated on the label.

2. All over-the-counter (OTC) medications repackaged by the pharmacy shall be labeled with an expiration date, name and strength of the drug, lot number, date of issue, manufacturer's name if generic, and cautionary and/or accessory labels, in accordance with U.S.P. requirements cited in (a)5 above. Original manufacturer's containers shall be labeled with at least the resident's name, and the name label shall not obstruct any of the aforementioned information.

3. If a unit of use drug distribution system is used, each dose of medication shall be individually packaged in a hermetically sealed, tamper-proof container, and shall carry full manufacturer's disclosure information on each discrete dose. Disclosure information shall include, but not be limited to, the following: product name and strength, lot number, expiration date, and manufacturer's or distributor's name.

(c) Single use and disposable items shall not be reused.

(d) No stock supply of prescription medications shall be maintained, unless prior approval is obtained from the Bureau.

(e) Discontinued or expired medications shall be destroyed within 30 days in the facility, or, if unopened and properly labeled, returned to the pharmacy. All medication destruction in the facility shall be witnessed and documented by two persons, each of whom shall be either the administrator, the registered nurse or the pharmacist.

New Rule, R.2000 d.202, effective May 15, 2000.
See: 32 N.J.R. 739(a), 32 N.J.R. 1763(b).

SUBCHAPTER 14. CARBON MONOXIDE ALARMS

5:27-14.1 Carbon monoxide alarms

(a) Carbon monoxide alarms shall be installed and maintained in full operating condition in the following locations:

1. Single station carbon monoxide alarms shall be installed and maintained in the immediate vicinity of every sleeping room in buildings that contain a fuel-burning appliance or that have an attached garage.

2. As an alternative to the requirements above, carbon monoxide alarms may be installed in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23-3.20) with the approval of the Bureau.

(b) Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this subchapter and NFPA 720. Carbon monoxide alarms shall be battery-operated, hard-wired or of the plug-in type.

(c) At the request of a resident who is deaf or hearing-impaired, the owner shall provide and install a visual alarm type carbon monoxide detector for that resident's sleeping area.

Amended by R.2006 d.74, effective February 21, 2006.
See: 37 N.J.R. 3877(a), 38 N.J.R. 1182(a).
Added (c).