

## CHAPTER 123

SOCIAL SERVICES PROGRAMS FOR  
INDIVIDUALS AND FAMILIES

## Authority

N.J.S.A. 30:1-12.

## Source and Effective Date

R.1995 d.361, effective June 12, 1995.  
See: 27 N.J.R. 1123(a), 27 N.J.R. 2616(b).

## Executive Order No. 66(1978) Expiration Date

Chapter 123, Social Services Programs for Individuals and Families,  
expires June 12, 2000.

## Historical Note

Chapter 123, Social Services Programs for Individuals and Families, became effective September 26, 1973, as R.1973 d.279. See: 5 N.J.R. 306(a), 5 N.J.R. 379(a). Subsequent revisions were filed and became effective March 29, 1974, as R.1974 d.85. See: 6 N.J.R. 116(a), 6 N.J.R. 195(d). Further revisions were filed and became effective August 20, 1974, as R.1974 d.232. See: 6 N.J.R. 351(b). Further revisions were filed and became effective December 26, 1974, as R.1974 d.355. See: 7 N.J.R. 59(a). Further revisions were filed September 24, 1975, as R.1975 d.283 to become effective October 1, 1975. See: 7 N.J.R. 467(c). Pursuant to Executive Order No. 66(1978), Chapter 123 was readopted as R.1990 d.388, eff. July 13, 1990. See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b). Chapter 123 was readopted as R.1995 d.361, effective June 12, 1995. See: Source and Effective Date.

See subchapter and section annotations for specific rulemaking activity.

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SUBCHAPTER 1. SOCIAL SERVICES BLOCK  
GRANT PROVISIONS

## Authority

N.J.S.A. 44:7-87.

## Source and Effective Date

R.1990 d.229, effective May 7, 1990.  
See: 22 N.J.R. 2438(a), 22 N.J.R. 1377(a).

## Historical Note

This subchapter formerly contained rules entitled "General Provisions" which were filed and became effective September 26, 1973, as R.1973 d.279. See: 5 N.J.R. 306(a), 5 N.J.R. 379(a). As amended, R.1975 d.35, effective February 19, 1975. See: 7 N.J.R. 105(a). Repealed, R.1983 d.587, effective December 19, 1983. See: 15 N.J.R. 208(a), 15 N.J.R. 2125(a).

## 10:123-1.1 Purpose and scope

This subchapter contains the rules of the Division of Youth and Family Services regarding the social services programs for individuals and families which are supported by Federal Social Services Block Grant funds.

Amended by R.1990 d.388, effective August 6, 1990.  
See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Text on financial eligibility and income schedule recodified to 4.1; purpose and scope added.

## 10:123-1.2 Pre-Expenditure Report availability

The Federal Omnibus Reconciliation Act of 1981, P.L. 97-35, which amended Title XX of the Social Security Act to establish a Social Services Block Grant (SSBG), requires the State to submit a Pre-Expenditure Report which outlines how the State plans to expend funds allocated to it for the program to furnish social services to individuals and families in accordance with the provisions of the annual Pre-Expenditure Report, and with Title XX of the Social Security Act. The Division of Youth and Family Services' social services programs which are supported by Federal SSBG revenues are included in the Department of Human Services' annual Pre-Expenditure Report, which is available from the Department, CN 700, Trenton, New Jersey 08625.

New Rule, R.1990 d.388, effective August 8, 1990.  
See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

## 10:123-1.3 Agreement with Federal requirements

The Department of Human Services, Division of Youth and Family Services, hereby agrees to administer the Social Services Block Grant Program to furnish social services to individuals and families in accordance with the provisions of the annual Pre-Expenditure Report, and with Title XX of

the Social Security Act and all applicable Federal regulations.

New Rule, R.1990 d.388, effective August 8, 1990.  
See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

## SUBCHAPTER 2. BOARDING HOMES

### Authority

N.J.S.A. 44:7-87 and 55:13B-1 et seq.

### Source and Effective Date

R.1984 d.417, effective August 29, 1984.  
See: 16 N.J.R. 1450(a), 16 N.J.R. 2444(a).

### Historical Note

Previous rules on this subject were filed as R.1979 d.350, effective August 31, 1979. See: 11 N.J.R. 132(a), 11 N.J.R. 519(a). This subchapter was filed and became effective for readoption August 15, 1980 as R.1980 d.371. See: 12 N.J.R. 415(a), 12 N.J.R. 586(c). Amendments were filed and became effective October 3, 1983 as R.1983 d.420. See: 15 N.J.R. 1168(a), 15 N.J.R. 1665(a). This subchapter was readopted effective August 29, 1984, with amendments effective September 17, 1984 as R.1984 d.417. See: 16 N.J.R. 1450(a), 16 N.J.R. 2444(a). See chapter and section levels for further amendments.

### 10:123-2.1 Purpose and scope

(a) The purpose of this subchapter is to delineate the responsibility of the Division of Youth and Family Services and the County Welfare Agencies in accordance with P.L. 1979, c.496, the Rooming and Boarding House Act of 1979.

(b) The purpose of the law is to:

1. Provide for the health, safety and welfare of all those who reside in rooming houses, boarding houses, and residential health care facilities in this State;
2. Ensure that all agencies of this State work in unison for the protection and care of the residents of rooming houses, boarding houses and residential health care facilities; and
3. Ensure that needed social and remedial services are made available to the residents of such facilities through the efforts of County Welfare Agencies;
4. Promote the growth and continued improvement of residential health care facilities.

(c) The provisions of this subchapter apply to all rooming houses, boarding houses and residential health care facilities in the State of New Jersey, and all the residents of such facilities.

As amended by R.1984 d.417, effective September 17, 1984.  
See: 16 N.J.R. 1450(a), 16 N.J.R. 2444(a).

Deleted (b)2; changed 3.-4. to 2.-3.; added new 4.  
Amended by R.1990 d.388, effective August 6, 1990.  
See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Scope added at (c).

### 10:123-2.2 Authority

(a) All provisions of this subchapter, unless otherwise expressly noted, were adopted pursuant to authority of Section 3 of P.L. 1973, c.256 (c.44:7-87) and Title 30 of the Revised Statutes as amended and supplemented by the Rooming and Boarding House Act of 1979 (P.L. 1979, c.496).

(b) The Commissioner of the Department of Human Services hereby authorizes and directs the Division of Youth and Family Services to act on behalf of the Department with all the authority thereof, as the official designated lead agency in taking the necessary and appropriate action in accord with the provisions of Section 3 of P.L. 1973, c.256 (c.44:7-87) and Title 30 of the Revised Statutes as amended and supplemented by the Rooming and Boarding House Act of 1979 (P.L. 1979, c.496, effective September 1, 1980), Sections 34, 35, and 36, except for Subsection (d)4. Section 35(d)4 pertains to the provision of mental health and mental retardation services.

(c) The Division of Youth and Family Services is thus specifically authorized and directed to assist and supervise the County Welfare Agencies in their provision of services to eligible residents of rooming houses, boarding houses, and residential health care facilities.

### 10:123-2.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Abuse” means the willful infliction of physical pain, injury or mental anguish, unreasonable confinement, or the willful deprivation of services which are necessary to maintain a person’s physical or mental health.

“Boarding house” means any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single-room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement, but excluding any hotel, motel, or established guest house wherein a minimum of 85 percent of the units of dwelling space are offered for limited tenure only, any foster home as defined in N.J.S.A. 30:4C-26.1, and community residence for the developmentally disabled as defined in N.J.S.A. 30:11B-2, any dormitory owned or operated on behalf of any nonprofit institution of primary, secondary, or higher education for the use of its students, any building arranged for single-room occupancy wherein the units of dwelling space are occupied exclusively by students enrolled in a full-time course of study at an institution of higher education approved by the Department of Higher Education, and any facility or living arrangement operated by, or under contract with, any State department or agency, upon the written authorization of the Commissioner of the Department of Community Affairs.

“Department” means the Department of Human Services.

“Eligible resident” means a resident of a rooming house, boarding house, or residential health care facility who receives services under the latest New Jersey Social Services Block Grant Pre-Expenditure Report for the use of funds appropriated under Title XX of the Federal Social Security Act, and as otherwise defined in P.L. 1979, c.496 (the Rooming and Boarding House Act of 1979), N.J.S.A. 30:1A and 11A.

“Exploitation” means the act or process of using a person or his or her resources for another person’s profit or advantage.

“Full and free access” means the lawful authority to enter any rooming house, boarding house, or residential health care facility without notice to meet with the residents and employees in private and, after notifying a person in charge, to inspect the premises and operations of any such facility and inspect any books, files, medical records, or other records that pertain to the residents of the facility and which are required by law or regulation to be maintained by the facility.

“Limited tenure” means residence at a rooming or boarding house on a temporary basis for a period lasting no more than 90 days, when a resident either maintains a primary residence at such a location and does so within 90 days after taking up original residence at the rooming or boarding house.

“Residential health care facility” means a facility, whether in single or multiple dwellings, whether public or private, whether incorporated or unincorporated, whether for profit or nonprofit, operated at the direction of or under the management of an individual or individuals, corporation, partnership, society, or association which furnishes food and shelter to four or more persons 18 years of age or older who are unrelated to the proprietor, and which provides dietary services, recreational activities, supervision of self-administration of medications, supervision of and assistance in activities of daily living and assistance in obtaining health services to any one or more of such persons, excluding, however, any community residence for the developmentally disabled as defined in N.J.S.A. 30:11B-2, any facility or living arrangement operated by or under contract with any State department or agency, upon the written authorization of the Commissioner of the Department of Health, and any privately operated establishment licensed under N.J.S.A. 30:11.

“Rooming house” means a boarding house wherein no personal or financial services are provided to the residents.

“Single-room occupancy” means an arrangement of dwelling space which does not provide a private, secure dwelling space arranged for independent living, which contains both the sanitary and cooking facilities required in dwelling

spaces pursuant to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq., and which is not used for limited tenure occupancy in a hotel, motel, or established guest house, regardless of the number of individuals occupying any room or rooms.

“Units of dwelling space” means any room, rooms, suite, or portion thereof, whether furnished or unfurnished, which is occupied or intended, arranged, or designed to be occupied for sleeping or dwelling purposes by one or more persons.

Amended by R.1990 d.388, effective August 6, 1990.  
See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Text on DYFS responsibility and supervision recodified to 2.4; text on definitions recodified from 2.9.

#### **10:123-2.4 Division of Youth and Family Services responsibility and supervision**

(a) It shall be the responsibility of the Division of Youth and Family Services, in supervising the County Welfare Agency, to:

1. Maintain a statewide Central Registry to all reports received concerning abuse, exploitation, unsafe conditions, unsanitary conditions, and violations of P.L. 1979, c.496 (the Rooming and Boarding House Act of 1979) in rooming houses, boarding houses, and residential health care facilities;
2. Provide statistical data for all involved State and local agencies regarding reports made to the statewide Central Registry;
3. Maintain a record of:
  - i. The State and local agencies to which reports have been referred by County Welfare Agencies for remedial action;
  - ii. Follow up on all such reports to determine whether appropriate remedial action has been taken.
4. Develop appropriate standards, policy, and procedures for services to eligible residents;
5. Periodically monitor and evaluate services provided to eligible residents by County Welfare Agencies;
6. Maintain a 24-hour seven day-per-week, toll-free hotline (800-792-8672) for the receipt of all reports of violations of the law and abuse and exploitation in rooming houses, boarding houses, and residential health care facilities.
  - i. Reports received through the hotline will be referred to the County Welfare Agency for investigation, coordination, and/or follow-up.

(b) In order to effectively implement the provisions of P.L. 1979, Chapter 496, the Division of Youth and Family Services and County Welfare Agencies will publicize the County Welfare Agency service provision in rooming hous-

es, boarding houses, and residential health care facilities, and the toll-free hotline.

Amended by R.1990 d.388, effective August 6, 1990.

See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Text on CWA responsibility recodified to 2.5; text on DYFS responsibility and supervision recodified from 2.3.

### 10:123-2.5 County Welfare Agency responsibility

(a) Under the supervision of the Division of Youth and Family Services, County Welfare Agencies shall provide services to eligible residents of rooming houses, boarding houses, and residential health care facilities which shall include, but not be limited to, the following.

1. Outreach: The County Welfare Agency shall visit boarding houses and residential health care facilities at a minimum of two visits per year. Rooming houses shall be visited at a minimum of once per year. This does not prohibit county welfare agencies from more frequent visits to these facilities, if they are deemed necessary. These visits shall be for the purpose of:

- i. Providing information and referral to residents regarding services they may need and be eligible for;
- ii. Determining whether residents are receiving needed services and appropriate levels of care.

2. Investigation of reports:

i. County Welfare Agencies shall investigate and evaluate reports of abuse or exploitation. This investigation and evaluation responsibility includes reports initiated by the County Welfare Agency as well as reports received from other sources. The County Welfare Agency shall, independently or in conjunction with other agencies:

- (1) Evaluate the situation in terms of the allegations specified in the report and also in terms of other risk of danger to the resident;
- (2) Explore alternatives for removing or limiting danger and determine the necessary steps and services needed to assure the resident's well being;
- (3) Provide needed services or make arrangements for the provision of such services, as available.

ii. The investigation and evaluation shall begin within 24 hours of County Welfare Agency receipt of a report when it is alleged that:

- (1) A resident is currently being physically abused;
- (2) A resident has been physically injured by abuse and may need medical treatment;
- (3) A resident is without supervision and may not be competent to provide for his/her own care.

iii. For all other reports of abuse or exploitation, the investigation and evaluation shall begin within 72 hours of County Welfare Agency receipt.

iv. If there is a question regarding the severity of a referral situation, an investigation should be conducted within 24 hours.

3. Coordination: The County Welfare Agency shall coordinate all services provided to eligible residents with services provided by other State and local agencies. This coordination includes, but is not limited to, the following activities:

i. The receipt and compilation of reports from other involved agencies including reports of abuse, exploitation, unsafe conditions, unsanitary conditions, and other violations of P.L. 1979, c.496 (the Rooming and Boarding House Act of 1979);

ii. Notification and referral of reports to the appropriate agencies (the Department of Community Affairs, the Department of Health, and other Divisions within the Department of Human Services, etc.) with legal jurisdiction and responsibility for the investigation and follow-up;

iii. The development of a plan for investigation in cooperation with other agencies as necessary;

iv. Cooperative on-site visits as deemed appropriate;

v. Follow-up with agencies when a report has been referred until the matter has been resolved.

4. Personal needs allowance: The personal needs allowance is a monthly amount intended to meet the personal expenses of Supplemental Security Income recipients. The Commissioner of the Department of Human Services has the responsibility for establishing a monthly personal needs allowance which shall be no less than \$25.00 per month as per P.L. 1979, Chapter 496. The County Welfare Agencies shall assist eligible residents in the receipt or use of their personal needs allowance. In situations where the County Welfare Agency is unable to resolve personal needs allowance (PNA) problems, possible violation of licensure standards shall be referred to the Department of Health, the Department of Community Affairs, and/or the Office of the Ombudsman as appropriate.

5. Additional services:

i. Services provided by the County Welfare Agencies, as available, may include, but are not limited to the following:

- (1) Information and referral;
- (2) Adult protective services;
- (3) Case management services;
- (4) Housing-related services;
- (5) Health-related services;
- (6) Transportation;

- (7) Legal services;
- (8) Recreational services;
- (9) Companionship services.

ii. Such services may only be provided with the resident's consent. Where the resident refuses to accept services and the situation warrants, the County Welfare Agency may initiate legal action to obtain legal protection and appropriate services for the resident.

iii. Eligible residents will be referred to State, county, and local agencies and organizations for any services which the County Welfare Agency cannot provide. The County Welfare Agency shall follow up on referrals to determine whether the service(s) are being provided.

(b) County Welfare Agency reporting:

1. The County Welfare Agencies shall compile all reports, including those received from other agencies, regarding abuse, exploitation, unsafe conditions, unsanitary conditions, and violations of P.L. 1979, c.496 (the Rooming and Boarding House Act of 1979). These reports shall be forwarded to the Central Registry of the Division of Youth and Family Services.

2. The County Welfare Agencies shall report findings in writing to the County Prosecutor when a determination is made that a resident may have suffered abuse or exploitation. The County Welfare Agencies and the County Prosecutor's Office should establish agreements for instances in which such findings are reported to the County Prosecutor.

3. The County Welfare Agencies, upon receiving a report that a resident of a rooming house, boarding house, or residential health care facility may be suffering or may have suffered abuse or exploitation, shall promptly notify the Ombudsman for the Institutionalized Elderly when the report involves an elderly person as defined in Section 2 of P.L. 1977, c.239 (C.52:27G-2). Similarly, cooperation and coordination provisions of P.L. 1979, c.496 (the Rooming and Boarding House Act of 1979) require that the Ombudsman for the Institutionalized Elderly shall, at a minimum, refer all reports received concerning services and conditions at rooming houses, boarding houses, and residential health care facilities to the Division of Youth and Family Services, through the County Welfare Agency.

As amended, R.1983 d.420, effective October 3, 1983.  
See: 15 N.J.R. 1168(a), 15 N.J.R. 1665(a).

Required outreach services by CWAs reduced from once every six months to once annually.

Amended by R.1990 d.388, effective August 6, 1990.  
See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Text on full and free access recodified to 2.6; text on CWA responsibility recodified from 2.4.

**10:123-2.6 Full and free access**

(a) In order to fulfill their responsibilities under P.L. 1979, c.496 (the Rooming and Boarding House Act of

1979), the County Welfare Agencies and the Division of Youth and Family Services shall be entitled to receive full and free access to rooming houses, boarding houses, and residential health care facilities from the owners and operators of such facilities. The County Welfare Agencies shall receive cooperation and assistance from State and local law enforcement officials as needed.

(b) Where such access cannot be obtained by the County Welfare Agency on a voluntary basis or in cooperation with other government agencies as deemed appropriate, the County Welfare Agency shall obtain access pursuant to legal process. In accord with existing law, regulations, and applicable court rules, the County Welfare Agency shall seek administrative/civil search warrants as necessary to be executed in conjunction with appropriate law enforcement officials such that lawful access can be obtained.

Amended by R.1990 d.388, effective August 6, 1990.  
See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Text on confidentiality recodified to 2.7; text on full and free access recodified from 2.5.

**10:123-2.7 Confidentiality**

(a) The County Welfare Agencies and the Division of Youth and Family Services shall maintain confidentiality with respect to the Central Registry and all matters in relation to any report or investigation and evaluation. The identities of the complainants, witnesses, residents, and other involved parties and all evaluations, findings, recommended actions and all the information received and compiled, shall not be a public record and shall not be disclosed or released. This confidentiality provision is in accordance with P.L. 1979, c.496 (the Rooming and Boarding House Act of 1979), N.J.S.A. 30:4-24.3, Department of Human Services Administrative Order 2:01, 45 CFR 205.50, and other applicable State and federal laws and regulations. Exceptions to prohibited disclosure are limited to situations where:

1. The individual identified or his legal guardian has consented to the release of information in writing; or

2. The disclosure or release is necessary to enable the County Welfare Agency or the Division of Youth and Family Services to perform its duties, coordinate investigations, and to support any opinions or recommendations that may result from a report of investigation; or

3. A court, upon its determination, directs that disclosure is necessary for the conduct of proceedings before it and that failure to make such disclosure would be contrary to the public interest.

Amended by R.1990 d.388, effective August 6, 1990.  
See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Text on general reporting recodified to 2.8; text on confidentiality recodified from 2.5.

**10:123-2.8 General reporting**

(a) In accord with the provisions of P.L. 1979, c.496 (the Rooming and Boarding House Act of 1979):

1. Any person including any government, public, or private agency who has reasonable cause to suspect that a resident of a rooming house, boarding house, or residential health care facility is suffering or has suffered abuse or exploitation shall report such information in a timely manner to the appropriate County Welfare Agency or the toll-free hotline (number 800-792-8672) of the Division of Youth and Family Services. Reports may be made by calling the County Welfare Agency, the toll-free hotline, in person, or by mail. Such reports shall contain the name and address of the resident, information regarding the nature of the suspected abuse or exploitation and any other information which might be helpful in an investigation of the case and the protection of the resident.

2. Any governmental agency shall report unsafe and unsanitary conditions in rooming houses, boarding houses, and residential health care facilities and any suspected violations of the provisions of P.L. 1979, c.496 (the Rooming and Boarding House Act of 1979) directly to the County Welfare Agency.

Amended by R.1990 d.388, effective August 6, 1990.  
See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Text on immunity recodified to 2.9; text on general reporting recodified from 2.5.

### 10:123-2.9 Immunity

Any person, including any complainant or employee of the County Welfare Agency or the Division of Youth and Family Services, who acts in accord with the provisions of P.L. 1979, c.496 (the Rooming and Boarding House Act of 1979) and any regulations promulgated pursuant thereto, acting in good faith without malicious purpose, shall have immunity from any civil or criminal liability on account of such action.

Amended by R.1990 d.388, effective August 6, 1990.  
See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Definitions recodified to 2.3 with minor revisions; text on immunity recodified from 2.8.

## SUBCHAPTER 3. PERSONAL NEEDS ALLOWANCE

### Authority

N.J.S.A. 44:7-87.

### Source and Effective Date

R.1985 d.426, effective July 29, 1985.  
See: 17 N.J.R. 1526(b), 17 N.J.R. 2046(b).

### Historical Note

All provisions of this subchapter were filed and became effective August 27, 1980 as R.1980 d.358. See: 12 N.J.R. 536(e). Amendments became effective November 2, 1981 as R.1981 d.423. See: 13 N.J.R. 595(a), 13 N.J.R. 774(b). Further amendments became effective September 7, 1982 as R.1982 d.301. See: 14 N.J.R. 699(a), 14 N.J.R. 981(b). Further amendments became effective December 19, 1983 as R.1983 d.588. See: 15 N.J.R. 1735(a), 15 N.J.R. 2172(b). Further amendments became effective March 18, 1985 as R.1985 d.134. See: 17 N.J.R. 39(b), 17 N.J.R. 707(a). See chapter and section levels for further amendments.

### 10:123-3.1 Purpose

The purpose of this subchapter is to ensure that each eligible resident of a boarding house or residential health care facility has reserved to him or her a monthly amount as a personal needs allowance.

Amended by R.1990 d.388, effective August 6, 1990.  
See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Definitions recodified to 3.3; text on purpose added.

Amended by R.1991 d.215, effective April 15, 1991 (operative May 1, 1991).

See: 23 N.J.R. 382(a), 23 N.J.R. 1191(a).

Deleted reference to "rooming house".

### 10:123-3.2 Scope

This subchapter applies to all eligible residents, as defined in this subchapter, of all boarding houses and residential health care facilities in the State of New Jersey as such are defined in this subchapter.

Amended by R.1990 d.388, effective August 6, 1990.  
See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Text on amount recodified to 3.4; text on scope added.

Amended by R.1991 d.215, effective April 15, 1991 (operative May 1, 1991).

See: 23 N.J.R. 382(a), 23 N.J.R. 1191(a).

Deleted reference to "rooming houses".

### Case Notes

Regulations adopted as emergency rules valid, but remanded for public notice and opportunity for public to be heard; submission of rule adoption prior to effective date of enabling act proper as Commissioner has implied authority to propose regulations to be effective concurrently with the enabling act. *New Jersey Assn. of Health Care Facilities v. Klein*, 182 N.J.Super. 252, 440 A.2d 476 (App.Div.1981).

### 10:123-3.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings.

"Boarding house" means any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single-room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement, but excluding any hotel, motel, or established guest house wherein a minimum of 85 percent of the units of dwelling space are offered for limited tenure only, any foster home as defined in Section 1 of N.J.S.A. 30:4C-26-1, and community residence for the developmentally disabled as defined in N.J.S.A. 30:11B-2, any dormitory owned or operated on behalf of any nonprofit institution of primary, secondary, or higher education for the use of its students, any building arranged for single-room occupancy wherein the units of dwelling space are occupied exclusively by students enrolled in a full-time course of study at any institution of higher education approved by the Department of Higher Education, and any facility or living arrangement operated by, or under contract with any State department or agency upon the written authorization of the Commissioner of the Department of Community Affairs.

“Eligible resident” means a resident of a boarding house or residential health care facility who receives Supplemental Security Income or General Assistance, and as otherwise defined in the Rooming and Boarding House Act of 1979, N.J.S.A. 30:1A and 11A.

“General Public Assistance” means assistance rendered to needy persons not otherwise provided for under the laws of this State, where such persons are willing to work but are unable to secure employment due either to physical or mental disabilities or inability to find employment, and includes what is commonly called relief or emergency relief (see N.J.S.A. 44:8-107 et seq. and N.J.A.C. 10:85).

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

“Operator” means any individual who is responsible for the daily operation of any residential health care facility or boarding house.

“Owner” means any person who owns, purports to own, or exercises control of any residential health care facility or boarding house.

“Personal needs allowance” means a monthly amount of money intended to meet those personal and incidental expenses or needs of Supplemental Security Income recipients in residential health care facilities or boarding houses which are not included among those services provided by the facility in accord with the respective licensure standards.

“Residential health care facility” means a facility, whether in single or multiple dwellings, whether public or private, whether incorporated or unincorporated, whether for profit or nonprofit, operated at the direction of or under the management of an individual or individuals, corporation, partnership, society, or association which furnishes food and shelter to four or more persons 18 years of age or older who are unrelated to the proprietor, and which provides dietary services, recreational activities, supervision of self-administration of medications, supervision of and assistance in activities of daily living and assistance in obtaining health services to any one or more of such persons, excluding, however, any community residence for the developmentally disabled as defined in N.J.S.A. 30:11B-2, any facility of living arrangement operated by or under contract with any State department or agency, upon the written authorization of the Commissioner of the Department of Health, and any privately operated establishment licensed under N.J.S.A. 30:11A.

“Single-room occupancy” means an arrangement of dwelling space which does not provide a private, secure dwelling

space arranged for independent living, which contains both the sanitary and cooking facilities required in dwelling spaces pursuant to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq. and which is not used for limited tenure occupancy in a hotel, motel, or established guest house, regardless of the number of individuals occupying any room or rooms.

“Units of dwelling space” means any room, rooms, suite, or portion thereof, whether furnished or unfurnished, which is occupied or intended, arranged, or designed to be occupied, for sleeping or dwelling purposes by one or more persons.

Amended by R.1981 d.423, effective November 2, 1981.

See: 13 N.J.R. 595(a), 13 N.J.R. 774(b).

“General Public Assistance” and “Supplemental Security Income/Social Security Income Disregard (SSI/SSA)” added.

Amended by R.1982 d.301, effective September 7, 1982.

See: 14 N.J.R. 699(a), 14 N.J.R. 981(b).

Definition of SSI/SSA Income Disregard deleted.

Amended by R.1990 d.388, effective August 6, 1990.

See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Definitions recodified from 3.1 with minor revisions.

Amended by R.1991 d.215, effective April 15, 1991 (operative May 1, 1991).

See: 23 N.J.R. 382(a), 23 N.J.R. 1191(a).

Revised “Eligible resident” to clarify covered clientele.

#### 10:123-3.4 Amount

(a) The owner or operator of each residential health care facility or boarding home shall reserve to each Supplemental Security Income (SSI) recipient residing therein, and the owner or operator of each residential health care facility shall reserve to each General Public Assistance recipient residing therein, a personal needs allowance in the amount of at least \$68.50 per month, set according to (b) below, and noticed in the New Jersey Register and otherwise publicized, in accordance with (c) below. No owner or operator or agency thereof shall interfere with the recipient’s retention, use, or control of the personal needs allowance.

(b) The personal needs allowance shall be adjusted annually based on the following calculations: the Federal portion of the current total SSI rate multiplied by the Federal Cost of Living Adjustment (COLA) to be applied to the succeeding year equals the actual dollar increase (rounded to the nearest dollar); the actual dollar increase divided by the current total SSI rate equals the adjusted COLA for the succeeding year; the adjusted COLA multiplied by the current annualized base PNA equals the monthly PNA increase for the succeeding year. For the purposes of this rule, the COLA means the cost of living adjustment published annually in the Federal Register, in accordance with 42 U.S.C. 415i and 1382f.

(c) The personal needs allowance for each calendar year shall be noticed in the New Jersey Register on or about January 1 of that year, and shall be considered the current personal needs allowance for that calendar year. Additional notice shall be provided in at least three newspapers of

general circulation in the State of New Jersey before January 1 of that year, and by other means reasonably calculated to inform those persons most likely to be affected by or interested in the personal needs allowance increase for that calendar year.

Amended by R.1983 d.588, effective December 19, 1983.

See: 15 N.J.R. 1735(a), 15 N.J.R. 2172(b).

Personal needs allowance increased from \$46.00 to \$50.00 per month.

Amended by R.1985 d.134, effective March 18, 1985.

See: 17 N.J.R. 39(b), 17 N.J.R. 707(a).

Personal needs allowance raised from \$50.00 to \$52.00 per month.

Amended by R.1986 d.42, effective February 18, 1986.

See: 17 N.J.R. 2995(a), 18 N.J.R. 419(a).

Personal needs allowance raised from \$52.00 to \$53.00 per month.

Amended by R.1988 d.201, effective May 2, 1988.

See: 20 N.J.R. 225(b), 20 N.J.R. 985(b).

Raised personal needs allowance from \$53.00 to \$55.00 per month.

Amended by R.1989 d.171, effective February 28, 1989.

See: 21 N.J.R. 788(a).

Emergency amendment, R.1989 d.171, effective February 28, 1989.

(expires April 29, 1989).

See: 21 N.J.R. 788(a).

Raised personal needs allowance from \$55.00 to \$57.00 per month.

Amended by R.1989 d.285, effective April 28, 1989.

See: 21 N.J.R. 788(a), 21 N.J.R. 1575(a).

Raised personal needs allowance from \$55.00 to \$57.00 per month.

Amended by R.1990 d.137, effective February 20, 1990 (operative March 1, 1990).

See: 21 N.J.R. 3912(a), 22 N.J.R. 661(a).

Raised personal needs allowance from \$57.00 to \$59.00 per month.

Recodified by R.1990 d.388, effective August 6, 1990.

See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Text on amount recodified from 3.2.

Amended by R.1991 d.215, effective April 15, 1991 (operative May 1, 1991).

See: 23 N.J.R. 382(a), 23 N.J.R. 1191(a).

\$62.00 per month was \$59.00 per month.

Amended by R.1992 d.177, effective April 20, 1992 (operative May 1, 1992).

See: 24 N.J.R. 330(a), 24 N.J.R. 1503(a).

Increased personal needs allowance from \$62.00 to \$65.00.

Amended by R.1993 d.152, effective April 5, 1993 (operative May 1, 1993).

See: 25 N.J.R. 229(a), 25 N.J.R. 1515(a).

Increased personal needs allowance from \$65.00 to \$66.50.

Amended by R.1993 d.489, effective October 4, 1993.

See: 25 N.J.R. 2684(a), 25 N.J.R. 4598(a).

Administrative Change: Personal needs allowance, effective January 1, 1994.

See: 25 N.J.R. 5705(b).

Administrative Change: Personal needs allowance, effective January 1, 1995.

See: 26 N.J.R. 5023(b).

## SUBCHAPTER 4. FINANCIAL ELIGIBILITY

### Source and Effective Date

R.1990 d.388, effective August 6, 1990.

See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

### 10:123-4.1 Financial eligibility: income schedule

(a) Financial eligibility for services provided by the county welfare agencies and funded through the Social Services Block Grant program of the Social Security Act shall be determined using the following income schedule:

#### INCOME SCHEDULE

Family Size	Maximum Allowable Per Month	Gross Income Per Year
1	\$1,264	\$15,162
2	2,652	19,927
3	2,041	24,493
4	2,430	29,158
5	2,819	33,823
6	3,207	38,489
7	3,280	39,362
8	3,353	40,238
9	3,426	41,112
10	3,499	41,987
11	3,572	42,862
12	3,645	43,737

For each family member over 12, add \$73.00 to the maximum allowable gross income per month.

(b) Persons whose gross monthly or annual family income does not exceed the maximums established in (a) above shall be eligible for services provided by the county welfare agency and funded by the Social Services Block Grant program.

(c) Persons who wish to appeal a determination of ineligibility for services based upon the income guidelines in (a) above shall proceed in accordance with N.J.A.C. 10:120-3.

Recodified by R.1990 d.388, effective August 6, 1990.

See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Text on financial eligibility recodified from 1.1.

## APPENDIX

### Appendices Historical Note

Appendices A through I were deleted by R.1990 d.388, effective August 6, 1990.

See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).