



N.J. 11 STATE OF NEW JERSEY
DEPARTMENT OF INSTITUTIONS AND AGENCIES,
BUREAU OF COMMUNITY INSTITUTIONS,
TRENTON.

STANDARDS
FOR
BOARDING HOMES

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COPY NO. 2 REGULATION SHELF

I. INTRODUCTION

- A. The Department of Institutions and Agencies has responsibility for inspection and approval of homes and institutions providing sheltered care to persons not residing in their own homes and under Chapter 212, Public Laws 1953, is empowered to establish standards for the construction, maintenance and operation of such residences.

The purpose of these standards is to establish basic principles and minimum requirements to assure safe living for persons requiring personal services beyond room, board and laundry.

The Department is well aware of the need for such establishment and its policy is to be as helpful as possible. Representatives will visit and confer with operators of homes and institutions and due consideration will be given to the special problems in individual situations.

The major objective of the program is to assist operators in providing reasonable substitutes for family homes.

The Department (with the assent of the Approval Committee) reserves the right to change or modify these standards as may be necessary from time to time in order to protect the public interest.

B. Legal Definition

An Act requiring the approval, inspection and regulation of certain types of boarding homes and other homes for the sheltered care of four or more adult persons, which provide personal care or service beyond food, shelter and laundry; providing for standards and regulations and penalties for violation thereof, and supplementing Title 30 of the Revised Statutes.

- C. A boarding home shall be construed to be any establishment in which, for compensation, four or more adult persons unrelated to the proprietor are given room and board, including heat, light, toilet and bath facilities and in which there is an agreement by the proprietor to give a minimum amount of personal care or supervision to any one or more such boarders.

II. PHYSICAL PLANT

The building shall be a well-maintained residence-type structure. It shall be kept in good repair and free from serious fire hazards and other hazards to health and safety at all times.

A. Heat

1. Central heating shall be provided unless some alternate heating system is specifically approved.
2. The heating plant shall be adequate to maintain a temperature of 75° F during the coldest weather, so that the temperature shall always be kept at 72° F or above, between the hours of 6 A. M. and 10 P. M.
3. Portable heaters burning solid, liquid or gaseous fuels shall not be used except by express permission of the Department.
4. Open fireplaces shall be protected with metal screens when in use.

B. Lighting

Artificial lighting shall be by electricity only.

The individual rooms used for sleeping purposes by boarders shall have sufficient natural light and suitable artificial lighting.

All quarters used by boarders including hallways and stairways shall be well lighted by natural light or by electricity at all times.

Night lights shall be provided in bathrooms, hallways, stairways and other passageways.

Battery-type emergency lights shall be available at all times.

C. Ventilation

All sleeping rooms used by boarders shall be ventilated by windows sufficient to prevent objectionable odors and in such a manner as to avoid direct drafts on the occupants.

All inside toilets and bathrooms without direct outside ventilation shall be properly ventilated by other means.

D. Sanitary Condition

All rooms occupied or used by boarders shall be kept in a sanitary condition at all times.

E. Living Room

A suitable living room, comfortably furnished, well heated and lighted, shall be provided.

F. Dining Room

A dining area, large enough to meet the needs of the boarders shall be provided.

G. Passageways, Stairways, etc.

Stairways and open platforms shall be provided with suitable handrails or banisters if practicable. Such handrails and banisters shall be securely attached and of sufficient height to guard against accidents.

If tread coverings are used on stairs, they shall be of the non-skid type.

Passageways and stairways in existing boarding homes will be acceptable if they are 30 inches wide. However, passageways and stairs in newly established boarding homes shall be at least 36 inches wide. Passageways and stairs shall be provided with natural or artificial lighting at all times. All passageways and stairways shall be kept free from refuse and shall not be used for storage space.

H. Occupancy Limitations

Except in buildings of fireproof construction, no occupancy by boarders above the third floor will be permitted.

A first floor is defined as a story where the floor level is above the curb level.

Third floor quarters will be reviewed on an individual basis to determine whether they are suitable for occupancy by boarders and approval of such third floor quarters will be granted or denied after review of the individual situation.

Under certain conditions, basement occupancy may be permitted. However, no such occupancy will be allowed if more than one-half the height of the room or rooms in question is below curb level and if there are other conditions which might militate against the health, safety or welfare of the boarder.

I. Multiple Room Limitations

No sleeping room accommodation shall exceed four persons.

In no instance shall persons of opposite sexes be permitted to be housed in the same room unless they are husband and wife. In the case of husband

and wife, double beds may be used but in no other instance.

J. Local Approvals

The following approvals must be secured and filed with the Department.

1. Zoning Authority (if such local authority exists). A written statement attesting that the use of the present structure is not in conflict with zoning regulations.
2. Building Inspector. A written statement attesting to the structural safety of the building or a written statement to the effect that this is not the responsibility of the building inspector.
3. Fire Department*. A written statement from local fire authorities to the effect that, in their opinion, the building is satisfactory for the purpose and occupancy.
4. Local or District Health Department. A written statement attesting that the building and its facilities meet local or district health requirements.
5. State Department of Health. If the home or institution is not serviced by a public water supply, written approval for this service must be secured from the State Department of Health, Division of Environmental Sanitation. After original approval, further approvals may be required annually, or as often as the need is indicated.

III. FIRE PROTECTION

Prevention is the keynote of fire protection. The operator should make every effort to safeguard against the existence of serious fire hazards.

Representatives of the Department will cooperate in every way to assist the boarding home operator in establishing a fire prevention program.

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*The Department of Institutions and Agencies reserves the right to recommend additional fire protection measures beyond requirements of local communities.

A. Stairways and Exits **

If boarders are housed above the second floor*, in non-fireproof buildings, all occupied floors above the second floor shall have two satisfactory and easily available means of egress remote from each other unless local fire departments will accept responsibility for approval of some alternate arrangement.

If it is necessary to construct a fire escape to conform with the provision listed above, such fire escape shall be so constructed as to provide a second means of egress from the second floor also.

These exits should lead directly to the exterior of the building and shall be kept free and clear at all times. Exit doors to such stairways shall be clearly marked. Direction signs and markings for Air Raid Shelters shall be in conformity with the local plan.

B. Heating Unit Protection

The ceiling over the heating unit shall be protected by metal lath and plaster or other material at least of one-hour resistance rating. This covering shall extend at least three feet beyond the heating unit on all sides.

C. Kitchen

Since kitchens constitute hazardous areas they shall be protected by doors.

D. Fire Extinguishers

Fire extinguishers of suitable types shall be hung in conspicuous places on all floors and in the basement. They shall be inspected annually.

E. Fire Evacuation Plans

The operator shall be responsible for instruction of all boarders and personnel in fire prevention. Employees shall be instructed in the use of fire protection equipment and devices and procedures to be followed in emergency. Such instruction should be reviewed once a month.

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*See page 3 for other limitations upon occupancy by boarders above the second floor. **Section A, Paragraphs 1 and 2 revised April 21, 1954.

It is advisable for boarding home operators to seek the advice and help of the local fire department in this regard.

F. Wiring

In any instance where electrical wiring is replaced or where new installations are made, the wiring shall be in BX cable or equivalent.

IV. GENERAL SANITATION

A. Water Supply

Water supply shall be of safe and sanitary quality suitable for drinking purposes. (If water is obtained from a public water system, this will be conclusive proof that the water supply is satisfactory.)

B. Plumbing

Plumbing should be maintained in good repair and should warrant approval by local health departments. If there are no local authorities available to approve plumbing, and if it appears to be in bad condition, approval of State authorities should be sought.

C. Sewage Disposal

Sewage shall be disposed of in accordance with the requirements of local ordinances and standards of the local health department. Methods of sewage disposal, other than a public disposal system, must conform to the standards of local health departments. If there are no local authorities available to approve sewage disposal, approval of State authorities should be sought.

D. Garbage Disposal

Garbage shall be stored in covered, water-tight metal containers and shall be collected and disposed of at least weekly.

E. Screens

Outside doors, windows and other openings shall be protected against flies and other insects by seasonal use of screens. Vermin, rodent and insect control must be maintained at all times.

V. BOARDER ACCOMMODATIONS

A. Bed Space

Sleeping rooms in which there is one boarder must have a minimum of 70 square feet of floor area. Sleeping rooms in which there is more than one boarder must have a minimum of 50 square feet of floor area per person with at least 3 feet between beds to insure general comfort and safety of boarders.

B. Furnishings

Each boarder shall be provided with the following items:

1. A standard household bed, studio couch or daybed not less than 30 inches wide. Folding beds, cots and davenports shall not be used for sleeping purposes.
2. A mattress not less than 4 inches thick, clean and in good repair.
3. A bed spring in good repair.
4. At least one pillow made of hair, feathers or foam rubber.
5. Provision shall be made in the boarder's room for lockers, assigned drawers, dressers or closets for the storage of personal possessions of each boarder. Bedside tables or cabinets are desirable.
6. A separate drinking glass, cup or mug.
7. A comfortable chair.

C. Linen

Each bed shall be equipped at all times with the following linen:

1. At least one sheet or sheet blanket.
2. A pillowcase for each pillow.
3. One blanket. Additional blankets shall be available to meet the individual boarder's needs.
4. A mattress cover which can be removed for cleaning or laundering is desirable.

Each boarder shall at all times have the following personal linen:

1. One bath towel.
2. One washcloth.

There shall be enough household linen to provide at least one change every week and more often as is necessary.

D. Toilet and Bath Facilities

Toilet and bath facilities shall be located so as to be reasonably accessible from a common hall or passageway to all persons. Such facilities should be available in the following ratios:

1. Toilets, one to eight boarders.
2. Wash basins, one to eight boarders.
3. Tubs or showers, one to fifteen boarders.

NOTE: Toilets and wash basins, as well as showers and tubs, should be provided within the building and in adequately heated areas. Plumbing of other types cannot be used except with special approval.

VI. BOARDER SERVICES

- A. The operator of the Boarding Home shall not regulate or control the personal life of a boarder beyond reasonable requirements for adherence to meal schedules and other elements of orderly group living.
- B. Boarders must be allowed individual freedom to attend the church of their choice, movies, go for walks and engage in other outside activities.

It is recommended that radios, television, reading material, etc., be available to boarders.

- C. Telephone service should be available in the boarding home.
- D. Boarders shall be permitted to receive visitors.
- E. Some arrangement shall be made to provide personal laundry service for boarders.

VII. FOOD SERVICE

The food provided must meet the basic nutritional requirements as recommended by the Department.

Food should be well prepared and three well balanced meals per day served on a regular schedule. There shall be a lapse of at least 10 hours between breakfast and supper. At least one hot dish shall be served at two of the three meals. Coffee, tea or other beverages shall not be construed to be a hot dish.

Food served shall be adjusted to meet the physical needs of the boarders and provision should be made for special diets when prescribed by a physician.

The kitchens shall be adequately equipped to serve properly prepared food. Kitchens, pantries and all storage space shall be free from vermin and maintained in sanitary condition at all times.

There shall be adequate provision for proper refrigeration of food.

Dishes shall be washed by an approved sanitary method.

Daily menus shall be planned ahead and a record kept of the food served daily. The record of food served shall be kept current and shall be held available at all times for the month preceding.

VIII. PERSONNEL

There shall be one person in charge who is of good moral character, physically and temperamentally suited for the supervision of boarders. Such person shall be on the premises at all times unless a satisfactory arrangement is made for coverage during his or her absence.

Additional personnel shall be employed as necessary.

Persons employed in the boarding home shall be in reasonably good health. All persons other than members of the operator's family shall be at least 16 years of age.

IX. HEALTH PROGRAM

A written statement signed by a licensed physician stating that the boarder is free from communicable disease, and is not in need of nursing, shall be kept on file by the operator.

At the time of admission, arrangements should be made between the operator and the boarder or sponsor regarding the physician and dentist to be called in case of illness or the person to be called for a boarder who because of his religious affiliation is opposed to medical treatment and the transfer to a hospital or similar institution in the event of major illness, or other appropriate arrangements for care elsewhere if because of the boarder's religious affiliation, he is opposed to hospital or similar care.

A physician shall be called at the onset of illness of any boarder, or other person designated as appropriate for a boarder opposed to medical treatment because of his religious affiliation.

When the boarder no longer meets the eligibility requirements determined by the Department, supported by the attending physician's statement, the operator, person or interested agency shall be notified immediately so that arrangements can be made to transfer the boarder to a hospital or nursing home until such time as the boarder is again in relatively good health.

Bed care shall be provided in the event of emergency and as necessary in case of temporary illness not to exceed one week.

X. RECORDS

The following records shall be kept and readily available to representatives of the Department of Institutions and Agencies.

A. Admission Record

This shall include the name of the boarder, last address, date of birth, name and address of sponsor or interested agency, date of admission, date of discharge or death, the name, address and telephone number of physician to be called and the name and address of nearest relative or friend together with any other information the boarder wishes to have recorded.

B. Health Record

The health record shall include the written statement of the physician's examination on admission and subsequent examinations and visits, date of discharge or death.

C. Record of Deaths

For his own protection, whenever a boarder dies while residing in a boarding home, the operator shall obtain a certificate from the physician giving date, time and cause of death, and such information should be recorded in a ledger or in some other manner so as to be readily available at all times.

COPY

STATE OF NEW JERSEY
DEPARTMENT OF INSTITUTIONS AND AGENCIES

CHAPTER 212, P. L. 1953
(Effective July 1, 1953)

AN ACT requiring the approval, inspection and regulation of certain types of boarding homes and other homes for the sheltered care of four or more adult persons, which provide personal care or service beyond food, shelter and laundry; providing for standards and regulations and penalties for violation thereof, and supplementing Title 30 of the Revised Statutes.

1. For purposes of this act, a boarding home or other home for the sheltered care of adult persons is defined as any establishment, 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 adult persons unrelated to the proprietor and which provides any personal care or service beyond food, shelter and laundry, to any one or more of such persons, excluding, however, any privately operated establishment licensed under chapter eleven of Title 30 of the Revised Statutes.

2. Boarding homes or other homes for the sheltered care of adult persons, as defined in section one, shall operate within this State pursuant to certificate of approval first had and obtained for that purpose from the Department of Institutions and Agencies. No such certificate of approval shall be issued unless the commissioner shall be satisfied that the institution in question is adequately prepared to furnish facilities, care and service complying with standards relating thereto, except that provisional certificates of approval, valid for a period not exceeding six months and not subject to renewal, may be issued under the circumstances specified in section six of this act. Boarding and rooming houses and similar establishments, which furnish food or shelter or both to fewer than four persons, and those which do not provide any personal care or service beyond food, shelter and laundry, shall not be construed to be within the provisions of this act.

3. The State Board of Control of the Department of Institutions and Agencies shall adopt, promulgate and enforce such rules, regulations and standards with respect to the boarding homes and other establishments to be approved hereunder as it may deem necessary to assure that persons living in such establishments are afforded minimum standards of care and service, and reasonable protection against fire, and other hazards to health and safety. Such rules, regulations and standards shall become effective when approved by a committee of three appointed annually, one by the governor, one by the President of the Senate, and one by the speaker of the General Assembly, and may with like approval, be amended from time to time. The State Board of Control may determine that the various establishments covered by this act are appropriately and reasonably classified into two or more classes, and may establish separate rules, regulations and standards for each such class. Such rules, regulations and standards shall in any event include, but need not be limited to, all requirements and limitations legally imposed upon any such establishment by any other municipal, county, or State office or officer having inspection, approval, licensing or regulatory authority with respect to such establishment.

4. Application for a certificate of approval shall be made upon forms furnished by the department, and the applicant shall be required to furnish any evidence which the department may require, as part of or in support of such application, relating to the applicant's ability and intention to comply with prescribed standards of facilities and operation.

5. Upon receipt of an application for a certificate of approval, the department shall cause an investigation to be made of the applicant and the facilities, and shall issue a certificate of approval if it is found that the applicant is of good moral character and that the facilities comply with the provisions of this act and with the regulations and standards required by the department pursuant hereto. The certificate of approval shall not be transferable or assignable or applicable to any premises or proprietor other than those specified therein. The certificate shall be available to be produced for inspection at all times.

6. Any boarding home or other home for the sheltered care of adult persons which is in operation on the effective date of this act, or at the time of promulgation of any applicable rules, regulations or standards under this act, may be given a reasonable time, not to exceed six months, within which to comply with such rules, regulations and standards, or subsequent amendments or supplements thereto.

7. A certificate of approval shall be valid for one year from date of issue, unless sooner revoked or suspended for cause.

8. The State Board of Control may deny, revoke or suspend any and all certificates of approval granted under the authority of this act, because of violation of or failure to comply with the provisions of this act or the rules, regulations and standards promulgated hereunder.

Prior to the revocation, suspension or denial of any certificate of approval hereunder, the department, if requested, shall afford the establishment an opportunity for a prompt and fair hearing before the department. The procedure governing such hearings shall be in accordance with rules and regulations of the department adopted for that purpose. Either party may subpoena witnesses and compel their attendance on forms furnished by the department.

Notice of revocation, suspension or denial of a certificate of approval shall be sent to the establishment by registered mail and the notice shall set forth the particular reasons for the denial, suspension or revocation of the certificate. Such denial, suspension or revocation shall become effective thirty days after mailing, unless the establishment, within such thirty-day period shall meet the requirements of the department or shall give written notice to the department of its desire for a hearing, in which case the denial, suspension or revocations shall be held in abeyance until the hearing has been concluded and a final decision rendered.

The Commissioner of the Department of Institutions and Agencies is hereby empowered to arrange for prompt and fair hearings on all such cases and to render written decisions stating conclusions and reasons therefor upon each matter so heard, and to enter orders of denial, suspension or revocation consistent with the circumstances in each case.

9. The department shall make or cause to be made such inspections of the premises of any boarding home or other home for the sheltered care of adult persons, from time to time as it may deem necessary to be assured that any such establishment is at all times complying with the provisions of this act and with the rules, regulations and standards promulgated hereunder. Any approved establishment prior to making any alterations, additions or improvements to its facilities or prior to the construction of new facilities shall, before commencing such work, submit plans and specifications to the department for preliminary inspection and approval or recommendations with respect thereto.

10. Any person, firm corporation, partnership, society or association who shall operate or conduct a boarding home or other home for the sheltered care of adult persons without first obtaining the certificate of approval required by this act, or who shall operate such establishment after revocation or suspension of a certificate of approval, shall be liable to a penalty of ten dollars (\$10.00) for each day of operation in violation hereof for the first offense and for any subsequent offense shall be liable to a penalty of twenty dollars (\$20.00) for each day of operation in violation hereof.

The penalties authorized by this section shall be recovered in a civil action, brought in the name of the State of New Jersey in the Superior Court or County Court of any County, which court shall have jurisdiction of all actions to recover such penalties. Money penalties, when recovered, shall be payable to the Department of Institutions and Agencies for its use in connection with the administration of this act.

The department may, in the manner provided by law, maintain an action in the name of the State of New Jersey for injunctive relief against any person, firm, corporation, partnership, society or association, continuing to conduct, manage or operate a boarding home or other home for the sheltered care of adult persons without a certificate of approval, or after suspension or revocation of such certificate.

The practice and procedure in actions instituted under authority of this section shall conform to the practice and procedure in the court in which the action is instituted.

No officer or agent of any municipal or county agency having responsibility for making payments of any form of public assistance under the provisions of Title 44 of the Revised Statutes, shall make such payments to or on behalf of a person residing in a boarding home or other home for sheltered care of adult persons as defined in this act, unless such establishment is, at the time of such payment, approved or provisionally approved pursuant to this act.

11. The issuance of a certificate of approval pursuant to this act shall not preclude a subsequent determination by the department that the establishment so approved is subject to licensing and other requirements of chapter eleven of Title 30 of the Revised Statutes, and shall not exempt such establishment from any requirements or penalties resulting from such determination, nor from any requirements or penalties imposed by any other law of this State.

12. Nothing in this act shall vest authority or be construed to vest authority in the Department of Institutions and Agencies to deny any application for a certificate of approval on the sole ground that adequate boarding home

facilities or other facilities for the sheltered care of adult persons are already available in the vicinity or area for which the certificate of approval is sought.

Nothing in this act shall be so construed as to give authority to supervise or regulate or control the remedial care or treatment of individuals who are adherents of any well-recognized church or religious denomination which subscribes to the art of healing by prayer and the principles of which are opposed to medical treatment and who are living in any home or institution operated by a member or members, or by an association or corporation composed of members of such well-recognized church or religious denomination; provided, that such home or institution admits only adherents of such church or denomination and is so designated; nor shall the existence of any of the above conditions alone militate against granting a certificate of approval to such establishment; and provided further, that such establishment shall comply with all rules, regulations and standards relating to sanitation and safety of the premises and be subject to inspection therefor.

13. The department is authorized, directed and empowered to employ, in compliance with the provisions of Title 11 of the Revised Statutes, such additional officers and employees as may be necessary to carry out the provisions of this act. The costs of administration of this act shall be provided for in the annual appropriation law.

14. Section thirteen of this act shall take effect immediately, and all other sections of this act shall take effect July first, one thousand nine hundred and fifty-three.