

CHAPTER 27

**REGULATIONS GOVERNING ROOMING
AND BOARDING HOUSES**

Authority

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

Source and Effective Date

R.1990 d.275, effective May 2, 1990.
See: 21 N.J.R. 3871(a), 22 N.J.R. 1720(a).

Executive Order 66(1978) Expiration Date

Chapter 27, Regulations Governing Room and Boarding Houses,
expires on May 2, 1995.

Chapter Historical Note

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

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

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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".

5:27-1.2 Purpose

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

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

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

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

5:27-1.3 Administration and enforcement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Case Notes

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

5:27-1.4 Continuation of lawful existing use

The lawful occupancy and use of any rooming or boarding house existing on the effective date of the act may be continued unless a change is required by the provisions of this chapter and unless it is owned or operated by a person who has not obtained a license from the Bureau on or before December 31, 1980.

Administrative Correction.

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

5:27-1.5 Construction and alteration; change of use

(a) No rooming or boarding house may be constructed or altered except in accordance with the Uniform Construction Code, except that alterations required by this chapter shall be made in accordance with this chapter and higher requirements of any adopted subcode of the Uniform Construction Code shall be inapplicable unless the Bureau shall otherwise direct.

(b) No building which is not lawfully occupied and used as a rooming or boarding house on August 27, 1980 shall be used as a rooming or boarding house unless the owner and any operator thereof has been licensed by the Bureau and unless a certificate of occupancy allowing use as a rooming or boarding house, as the case may be, for the number of residents accommodated or intended to be accommodated has been obtained from the construction official having jurisdiction, if a certificate of occupancy is required as a result of change of use group or as a result of construction or alteration.

(c) A certificate of occupancy shall be required in the event of any change in use other than a conversion from a one or two-unit dwelling to a rooming or boarding house occupied or intended to be occupied by five or fewer residents.

(d) A certificate of occupancy shall be required in the event of any change in occupancy or intended occupancy that will increase the number of residents from five or fewer to six or more or from 20 or fewer to 21 or more.

(e) The construction official having jurisdiction in each municipality is hereby designated as an agent of the Bureau for the purpose of inspecting newly constructed, converted or altered rooming and boarding houses in order to enforce the provisions of this chapter dealing with the construction and maintenance of the building. Copies of all permits and certificates of occupancy issued by the construction official for rooming and boarding houses shall be provided by him to the Bureau.

(f) Nothing in this chapter shall be construed to impair the power of the construction official to enforce all provisions of the Uniform Construction Code pertaining to rooming and boarding houses, including, without limitation, provisions concerning hazardous conditions in existing buildings.

Amended by R.1983 d.342, effective September 6, 1983.

See: 15 N.J.R. 821(a), 15 N.J.R. 1468(b).

In (c), deleted exemption of certificate of occupancy for conversion from multiple dwelling to rooming or boarding house occupied by six and not more than 20 residents and conversion from hotel to rooming house occupied by more than 20 residents.

Amended by R.1985 d.16, effective February 4, 1985.

See: 16 N.J.R. 3073(b), 17 N.J.R. 275(a).

(a) added text: "except that alterations ... shall otherwise direct".

5:27-1.6 Licenses

(a) No person shall own or operate a rooming or boarding house without a license from the Bureau allowing him to own or operate a rooming or boarding house providing the services therein provided and housing the number of residents therein housed.

(b) There shall be five classes of licenses, which shall be as follows:

1. Class A license: Valid for rooming houses only;

2. Class B license: Valid only for rooming houses and for boarding houses offering no financial services and no personal services other than meals and other food services and laundry;

3. Class C license: Valid for all rooming and boarding houses;

4. Class D license: Valid only for facilities operated under contract with an agency of the State of New Jersey; and

5. Class E license: Valid only for alcohol and drug rehabilitation facilities owned and operated by non-profit religious organizations.

(c) The annual fees for licenses shall be as follows:

1. Class A license: \$80.00 plus the amount determined in accordance with (c)6 below;

2. Class B license: \$90.00 plus the amount determined in accordance with (c)6 below;

3. Class C or Class D license: \$100.00 plus the amount determined in accordance with (c)6 below;

4. Class E license: \$75.00;

5. Any license, regardless of class, issued to a corporation, partnership or association: \$150.00.

6. Except as otherwise provided in (c)6 below, the fee for any license other than a license issued to a corporation, partnership or association shall include the following additional fee if the facility (or facilities) is (or are) occupied by, intended to be occupied by, six or more residents:

i. Six-10 residents—\$25.00;

ii. Eleven-15 residents—\$50.00;

iii. Sixteen or more residents—\$70.00.

7. The total fee for any license shall in no case exceed \$150.00.

(d) The licensee shall specify whether the licensee is licensed as an operator or as an owner and shall identify the property or properties, including occupied accessory buildings, operated or owned by the licensee. A separate endorsement shall be required for each building occupied by residents which is not an accessory building.

(e) Except as otherwise provided in the Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.), no license shall be issued to any person who has at any time been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud, crimes against the person or other like offense or offenses, or to any partnership of which such person is a member, or to any association or corporation of which said person is an officer, director or employee or in which as a stockholder such person has or exercises a controlling interest either directly or indirectly.

(f) No license shall be issued to any person if the Bureau determines that the issuance of a license to such person would be contrary to the best interests of the residents of any rooming or boarding house or of the public generally.

(g) No owner shall employ any person not licensed as an operator to operate any rooming or boarding house. A separate operator shall be required for every building occupied by residents other than an accessory building.

(h) No license shall be issued to any person who has previously been denied a license by either the Department of Health or the Department of Human Services for reason of personal unfitness or who has had a license revoked by either the Department of Health or the Department of Human Services.

(i) No license shall be issued to, or shall continue to be held by, any person, who, in a final adjudication by a court of record or by the Division on Civil Rights, has been found to have discriminated against any resident or prospective resident on the basis of race, color, creed, national origin or ancestry.

(j) A Class D license shall specify the type of facility for which it is issued. Except as otherwise provided in this chapter, any service which may be provided under a Class C license may be provided under a Class D license and any facility operated under a Class D license shall conform to all standards that would be applicable to the facility were it operated under a Class C license.

(k) On or after July 1, 1987, no license to own or operate a boarding house shall be issued to, or shall be continued to be held by, any person who has not completed a training course approved by the Department of Community Affairs. This subsection shall not apply to persons holding or applying for only Class A (rooming house) licenses and shall only be effective so long as there exists a training program funded by the Department of Human Services.

(l) No license to operate a rooming or boarding house shall be issued by the Bureau prior to receipt from the local enforcing agency responsible for enforcement of the Uniform Fire Code in the municipality in which the rooming or boarding house to be operated by the applicant is located of certification that the building does not have any outstanding violations of the Uniform Fire Code N.J.A.C. 5:18.

(m) No license to operate a rooming or boarding house shall be issued until the applicant has provided proof of local zoning approval. No increase in the number of residents living in a rooming or boarding house shall be permitted without the applicant first providing proof of local zoning approval.

As amended, R.1981 d.359, effective October 8, 1981.
See: 13 N.J.R. 382(a), 13 N.J.R. 393(a), 13 N.J.R. 704(c).

(e) Substantially amended.

As amended, R.1981 d.435, effective November 16, 1981.
See: 13 N.J.R. 562(b), 13 N.J.R. 842(c).

(h) and (i) added.

As amended, R.1982 d.422, effective December 6, 1982.
See: 14 N.J.R. 1075(a), 14 N.J.R. 1365(a).

Added occupied accessory buildings and last sentence to (d). Added last sentence to (g).

As amended, R.1983 d.60, effective March 7, 1983.

See: 15 N.J.R. 7(a), 15 N.J.R. 330(c).

Class A license increased from \$75.00 to \$80.00 and added plus amounts of (c)5; Class B license added plus amounts of (c)5; Class license reduced from \$120.00 to \$100.00 and added plus amounts of (c)5; added new (c)5 and 6.

As amended, R.1984 d.154, effective May 7, 1984.

See: 16 N.J.R. 181(a), 16 N.J.R. 1071(a).

(b)4, "Class D license" added.

(j) added.

Amended by R.1985 d.300, effective June 17, 1985.

See: 17 N.J.R. 777(a), 17 N.J.R. 1543(b).

(k) added.

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

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

Added (l).

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

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

Class E license and fee provisions added; local zoning approval requirement added at (m).
Administrative Correction.

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

5:27-1.7 License applications

(a) Applicant information to be provided by an individual shall include the following:

1. Name, plus any other names ever used;
2. Present address, last previous address and any other addresses within the last two years, including dates of residency;
3. Telephone number, if any;
4. Social security number;
5. Date of birth;
6. Bank or other credit reference;
7. Any criminal convictions;
8. Education and work experience;
9. Class of license for which application is made.

(b) Applicant information to be provided by a corporation, association or partnership shall include the following:

1. Names and addresses of all officers, directors, stockholders, members and partners and any registered agent;
2. Designation of primary owner and all information required pursuant to (a) above with respect to such primary owner.

(c) Building information shall be provided for each building owned, operated, or intended to be owned or operated by an applicant and used or intended to be used as a rooming or boarding house and shall include the following:

1. Street address and lot and block designation of the building;
2. Whether or not a license was ever previously issued by the Bureau for the use of the building as a rooming or boarding house;
3. The number of stories;
4. The number of sleeping rooms to be used to accommodate residents;
5. The maximum number of residents intended to be accommodated;
6. The year, or approximate year, of construction;
7. The construction class;
8. Whether or not the building was previously registered with the Bureau of Housing Inspection as a hotel or multiple dwelling and, if so, the registration number;
9. Whether or not the property was ever licensed by the New Jersey Department of Health, and if so, the license number;
10. Date of transfer of the property to the present owner;
11. The name and address of any mortgage or other lien holder.

(d) In the event that any person who is licensed as an owner subsequently acquires another building which he intends to use as a rooming or boarding house, he shall submit to the Bureau a supplemental application containing the building information required pursuant to (c) above.

(e) In the event of a change in any information provided to the Bureau pursuant to this section, the licensee shall notify the Bureau of such change within 14 days.

5:27-1.8 Administrative hearings

(a) Any person aggrieved by any ruling, action or order of the Bureau shall be entitled to an administrative hearing in accordance with the Administrative Procedure Act.

(b) The administrative hearing shall be conducted by a judge of the Office of Administrative Law and the final decision shall be issued by the Director.

(c) The application for such hearing must be filed with the Director within 15 days of the receipt of the applicant of notice of the ruling, action or decision complained of. The Director shall have authority to waive this requirement when the interests of justice so require.

5:27-1.9 Exceptions and exemptions

(a) Pursuant to N.J.S.A. 55:13B-5(b), an owner may request an exception waiving, modifying or postponing the application of any regulation to any owner's rooming or boarding house.

(b) Requests for exceptions shall be made to the Chief of the Bureau, who shall have authority to approve or deny such requests in accordance with the standards set forth in N.J.S.A. 55:13B-5(b). Requests shall be made in triplicate upon forms to be supplied by the Bureau.

(c) A request for an exception shall be submitted within 30 days of the receipt by the owner of notice of the ruling, action or decisions at issue and no request submitted thereafter shall be considered unless the owner advised the Bureau of his desire to file an exception request within 15 days of his receipt of notice of filing, action or decision at issue and was unable to submit the application within the 30 day period allowed because of the Bureau's failure to provide him with the required forms in a timely manner. The Chief of the Bureau shall have authority to waive these time requirements when the interests of justice so require.

(d) Upon the request of a State agency which has a contractual relationship with the owner of a facility operated under a Class D license, the Bureau shall waive application of any regulation contained in subchapters six through eleven of this chapter, unless the Bureau finds that harm to residents or the public generally would thereby result.

(e) Owners and operators who have been issued Class E licenses are, with respect to drug or alcohol rehabilitation facilities owned or operated under such licenses, exempt from the following requirements of this chapter:

1. N.J.A.C. 5:27-1.6(i), with respect to creed only;
2. N.J.A.C. 5:27-1.7(a)5 through 8;
3. N.J.A.C. 5:27-3.1(a)1 through 4, 9, 13 and 14;
4. N.J.A.C. 5:27-3.2(d);
5. N.J.A.C. 5:27-3.3(c);
6. N.J.A.C. 5:27-3.4(b);
7. N.J.A.C. 5:27-3.10;
8. N.J.A.C. 5:27-8.1(b)2;
9. N.J.A.C. 5:27-8.2;
10. N.J.A.C. 5:27-8.3;
11. N.J.A.C. 5:27-8.4(a); and
12. N.J.A.C. 5:27-9.2(a).

As amended, R.1984 d.154, eff. May 7, 1984.

See: 16 N.J.R. 181(a), 16 N.J.R. 1071(a).

(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).

Class E exemption provisions added at (e).

5:27-1.10 Search warrants

(a) In the event that any authorized representative of the Bureau is denied access to any rooming or boarding house, a search warrant shall be obtained by the Bureau in any court having jurisdiction.

(b) The application for the search warrant shall state that access to the premises is required in order to enforce the Act and shall specify whether the desired inspection is a regular annual inspection or a special inspection in response to information received by the Bureau indicating the possible existence of a condition violative of the Act or of these regulations.

5:27-1.11 Tense, gender and number

Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter, words used in the singular include the plural and those used in the plural include the singular, all except where the context clearly indicates otherwise.

5:27-1.12 Separability clause

If any provisions of these regulations shall be held invalid or ineffective in whole or in part, or inapplicable to any person or situation, it is the purpose and intent of these regulations that all other provisions thereof shall nevertheless be separately and fully effective.

SUBCHAPTER 2. DEFINITIONS**Authority**

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

Source and Effective Date

R.1985 d.350, effective June 14, 1985.
See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a).

Historical Note

All provisions of this subchapter were filed and became effective August 28, 1980 as R.1980 d.376. See: 12 N.J.R. 452(a), 12 N.J.R. 569(b). This subchapter was readopted pursuant to Executive Order 66(1978) effective June 14, 1985 as R.1985 d.350. See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a). See chapter and section levels for further amendments.

5:27-2.1 Definitions

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

"Accessory building" means a building, whether or not occupied by residents, the use of which is incidental to that of the main building of a rooming or boarding house and which is located on the same lot, or on a contiguous lot, or on a lot that would be contiguous but for the presence of a public street or other public right-of-way.

"Act" means the Rooming and Boarding House Act of 1979 (P.L.1979, c.496; N.J.S.A. 55:13B-1 et seq.).

"Alteration" means a change or rearrangement in the structural parts or in the egress facilities of any building or structure, or any enlargement thereof or the moving of such building or structure from one location to another.

"Ambulatory" means capable of walking up and down stairs without the assistance of another person.

"Approved" means approved by the Bureau.

"Assistive device" means any implement or mechanism which enables a person to be ambulatory who would not otherwise be ambulatory.

"Banking institutions" means and includes banks, trust companies, national banking associations, savings banks, savings and loan associations and Federal savings and loan associations.

"Boarding house". See N.J.S.A. 55:13B-3(a).

"BOCA" means the Building Officials and Code Administrators International, Inc.

"Bureau" means the Bureau of Rooming and Boarding House Standards in the Division of Housing of the Department of Community Affairs.

"Commercial center" means a place where commercial establishments and professional offices may be found.

"Commissioner". See N.J.S.A. 5:13B-3(b).

"Construction" means any and all work necessary or incidental to the erection, demolition, assembling, installing or equipping of buildings or any alterations and operations incidental thereto.

"Construction class" means the category in which a building or space is classified based on the fire-resistance ratings of its construction elements as set forth in the current edition of the BOCA Basic Building Code.

"County welfare board" means the welfare board or board of social services of the county in which the rooming or boarding house is located.

"dba" means decibels, which is the numerical expression of the loudness of a sound.

"Director" means the Director of the Division of Housing of the Department of Community Affairs.

"Egress" means a path by which ambulatory persons can travel safely and without assistance from a unit of dwelling space along a continuous and unobstructed line to an exterior open area.

"Exit" means a means of egress from the interior of a building to an open exterior space.

"Financial services". See N.J.S.A. 55:13B-3(c).

"Fire resistance ratings" means the time in hours or fractions thereof that materials or their assemblies will withstand fire exposure as determined by a fire test made in conformity with recognized standards.

"Garbage" means organic waste resulting from the preparation and consumption of food.

"Habitable room" means a residential room or space in which the ordinary functions of domestic life are carried on, including bedrooms, livingrooms, studies, recreation rooms, kitchens, dining rooms, and other similar spaces, but excluding closets, halls, stairways, laundry rooms, toilet rooms and bathrooms.

"HMFA" means the New Jersey Housing and Mortgage Finance Agency.

"Licensee" means any person licensed by the Bureau as either an owner or an operator.

"Local health agency" means any county, regional, municipal or other governmental agency organized for the purpose of providing health services, administered by a full-time health officer and conducting a public health program pursuant to law.

"Means of egress". See "egress".

"Monitoring of medication" means maintaining regular records of the type and amount of medication taken by a resident and the time at which such medication is taken.

"NFPA" means the National Fire Protection Association.

"Non-profit religious organization" means an organization that has tax-exempt status as a nonprofit religious organization in accordance with section 501(c)(3) of the Internal Revenue Code and that owns and operates a boarding house that is exempt from local property taxation.

"Occupant" means any person lawfully occupying or sharing occupancy of a unit of dwelling space on a regular basis.

"Operator". See N.J.S.A. 55:13B-3(e).

"Owner". See N.J.S.A. 55:13B-3(f).

"Partition" means a vertical unit or assembly of materials that separates one space from another within any story of a building.

"Personal services". See N.J.S.A. 55:13B-3(g).

"Primary owner" means the individual designated by an owner that is a corporation or association as personally responsible for compliance with the act and with these regulations.

"Resident" means a person residing in a rooming or boarding house exclusive of the owner and his family, and bona fide employees and the operator and his family.

"Rooming house". See N.J.S.A. 55:13B-3(h).

"Rooming unit" means a unit of dwelling space forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

"Rubbish" means all waste material other than garbage.

"Shall" as used in these regulations, is always to be construed as mandatory.

"Story, cellar" means any story below the first story.

"Story, first" means the lowest story which contains habitable or occupiable rooms and which is more than 50 percent above grade. A story shall be considered more than 50 percent above grade whenever the number of stair risers to grade at any required exit from the lowest story shall be equal to less than half the number of stair risers in any stair connecting the lowest story with the next above.

"Story, ground" means any first story which provides barrier free access to grade at each of its required means of egress.

"Story" means that portion of a building that is between a floor level and the next higher level or roof above.

"Supervision of self-administration of medication" means dispensing by a licensee to a resident of medication in the custody of the licensee, whether in a container or otherwise.

"Travel distance" means the maximum length of exitway access travel, measured from the most remote point to an approved exit along the natural and unobstructed line of travel.

"Uniform Construction Code" means N.J.S.A. 52:27D-119 et seq., N.J.A.C. 5:23-1.1 et seq., and the subcodes adopted pursuant thereto.

"Unit of dwelling space". See N.J.S.A. 55:13B-3(j).

"Unit of egress" means the maximum number of people by whom an egress is designed to be used.

Amended by R.1981 d.359, effective October 8, 1981.

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

Recodified "Ambulatory" and "resident", defined "exit", "means of egress", "travel distance" and "unit of egress".

Amended by R.1982 d.378, effective November 1, 1982.

See: 14 N.J.R. 496(b), 14 N.J.R. 1210(b).

Added definitions of "HFA", "Story, cellar", "Story, first" and "Story, ground".

Amended by R.1982 d.422, effective December 6, 1982.

See: 14 N.J.R. 1075(a), 14 N.J.R. 1365(a).

Added definition of "Accessory building".

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

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

Definition of non-profit religious organization added.

Administrative Correction.

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

SUBCHAPTER 3. RIGHTS OF RESIDENTS

5:27-3.1 Enumeration of rights

(a) Every resident shall have the following rights:

1. To manage his own financial affairs;
2. To wear his own clothing;
3. To determine his own dress, hairstyle, or other personal effects according to individual preference;
4. To retain and use his personal property in his immediate living quarters, so as to maintain individuality and personal dignity, except where the licensee can demonstrate that such would be unsafe, that it would be impractical or would infringe upon the rights of others and that mere convenience is not the licensee's motive in restricting this right;
5. To receive and send unopened correspondence;
6. To have unaccompanied access to a telephone at a reasonable hour (but not the right to make toll calls at any other person's expense) and to have a private telephone at his own expense;
7. To privacy;
8. To retain the services of his own personal physician at his own expense or under a health care plan and to confidentiality and privacy concerning his medical condition and treatment;
9. To unrestricted communication, including personal visitation, with any person of his choice, at any reasonable hour;
10. To make contacts with the community and to achieve the highest level of independence, autonomy and interaction with the community of which he is capable;
11. To present grievances on behalf of himself or others to the licensee, governmental agencies or other persons without reprisal or threat of reprisal in any form or manner whatsoever;

12. To a safe, healthful and decent living environment and considerate and respectful care that recognizes the dignity and individuality of the resident;

13. To refuse to perform services for the licensee except pursuant to a bona fide contract between resident and licensee, such contract, in the case of a resident who is at least 62 years of age or has any physical or mental disability, to be in writing and witnessed by a representative of the county welfare board or of any other social service agency having responsibility for such resident;

14. To practice the religion of his choice, including the right to have adequate substitutes provided for foods or combinations of foods which the resident's religious beliefs forbid him to eat, or to abstain from religious practice;

15. To not be deprived of any constitutional, civil or legal right solely by reason of residence in a rooming or boarding house.

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.

5:27-3.2 House rules

(a) In order to better protect the health, safety, welfare and rights of all residents, the licensee shall establish reasonable rules governing the conduct of persons within the rooming or boarding house.

(b) Such rules shall include provisions to ensure that residents exercise their rights in such a way as not to infringe upon the rights of or endanger other residents.

(c) Copies of all rules shall be prominently posted in the building, shall be given to all residents at the commencement of residence and shall be provided to the Bureau upon request.

(d) Any rule determined by the Bureau to be unreasonable shall not be enforced and shall be deleted from the house rules.

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 make out prima facie claim of violation of its right to associate for free speech purposes if it could demonstrate that complying with statutory reporting requirements hindered program. *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.

Statute neither unduly interfered with free exercise of religion nor created excessive state entanglement with religion. *Market Street Mission v. Bureau of Rooming and Boarding House Standards*, Dept. of Community Affairs, State of N.J., 110 N.J. 335, 541 A.2d 668 (1988), appeal dismissed 109 S.Ct. 209, 488 U.S. 882, 102 L.Ed.2d 201.

5:27-3.3 Harassment; fraud; eviction without due cause

(a) No licensee or employee or agent of a licensee shall engage in any conduct or permit residents or others to engage in any conduct, which is unreasonable under the circumstances and which tends to cause annoyance to any resident.

(b) No licensee or employee or agent of a licensee shall, in the course of his dealings with residents or with their property, engage in any conduct evidencing a lack of probity, integrity or trustworthiness.

(c) Unless otherwise directed or authorized by the Bureau no licensee shall cause any resident to be evicted from any rooming or boarding house except for good cause, as defined in N.J.S.A. 2A:18-61.1 et seq., and except in accordance with the procedural requirements of N.J.S.A. 2A:18-61.1 et seq.

1. A licensee may bring to the attention of the Bureau any situation in which the licensee believes that a directive from the Bureau, pursuant to this subsection, is necessary in order to facilitate appropriate placement of a resident, in accordance with N.J.A.C. 5:27-3.5(b), and to protect the right of all residents to a safe, healthful and decent living environment, in accordance with N.J.A.C. 5:27-3.1(a)12.

Amended by R.1981 d.435, effective November 16, 1981.
See: 13 N.J.R. 562(b), 13 N.J.R. 842(e).

(c): "Unless otherwise directed by the Bureau" added.
Amended by R.1989 d.526, effective October 16, 1989.
See: 21 N.J.R. 93(a), 21 N.J.R. 3295(b).

At (c) language added regarding the "authorizing" of eviction thereby insuring licensees have ability to initiate emergency removals.

5:27-3.4 Access to agency representatives

(a) Licensees shall not in any manner obstruct, and shall affirmatively facilitate, access for employees of public agencies and private social service and health agencies seeking to visit any resident or to have contact with the residents generally.

(b) A licensee who has reason to believe a resident to be in need of health or social services shall forthwith refer such resident to an appropriate agency.

(c) A licensee shall give notice the the county welfare board at least three working days prior to instituting any action to evict any resident or to any transfer of a resident initiated by a licensee, unless the county welfare board allows shorter notice.

(d) Every licensee shall provide to each resident or pose, as the case may be, copies of such documents as the Bureau or any other public agency may prepare, for distribution to residents or posting.

5:27-3.5 Appropriate placement

(a) No licensee shall accept as a resident in a boarding house a person who is not capable of self-evacuation with or without assistive devices, who is not certified by a physician to be free of communicable diseases and not in need of nursing care or who requires services not available in such boarding house.

(b) In the event that a resident ceases to be capable of self-evacuation, acquires a communicable disease or requires nursing care, supervision of self-administration of medication or services not available in the boarding house, it shall be the responsibility of the licensee to so notify the county welfare board forthwith so that the resident may be transferred to a facility suitable to his needs.

Amended by R.1982 d.379, effective November 1, 1982.
See: 14 N.J.R. 499(a), 14 N.J.R. 1211(a).

Added last sentence in (a).

Amended by R.1993 d.104, effective March 1, 1993.
See: 24 N.J.R. 4310(a), 25 N.J.R. 920(c).

Deleted references to rooming house; changed "ambulatory" to "capable of self-evacuation"; deleted exception for users of assistive devices or wheelchairs.

5:27-3.6 Independence and community interaction

A licensee shall take such affirmative action as may be necessary to assist each resident in living with as much independence and autonomy and with as high a degree of interaction with the community as may be reasonably possible.

5:27-3.7 Violation by licensee

No licensee shall violate or unreasonably restrict the rights of residents nor shall any licensee permit the violation of unreasonable restriction of residents' rights by any person employed by or otherwise under the control of the licensee or upon the premises with the knowledge of the licensee.

5:27-3.8 Employees

(a) No licensee shall employ or continue to employ any person known to the licensee to have engaged in conduct violative of the rights of residents or who the licensee has reason to believe would be likely to engage in such conduct.

(b) Every licensee shall have on duty at all times as many employees as may be needed to properly safeguard the health, safety and welfare of the residents, as required by these regulations. Such employees shall be adequately trained and supervised.

5:27-3.9 Disclosure of licensee identity

(a) A statement containing the following information shall be posted in a prominent place in every rooming and boarding house:

1. Name and address of the owner(s) of the property;
2. Name and address of any operator;
3. If the owner is a corporation, the name and address of each appropriate officer, of the registered agent and of the primary owner;
4. If the owner does not reside on the premises, a statement designating the operator as the owner's agent for purposes of accepting notices from residents, issuing receipts therefore and accepting service of process on behalf of the owner;
5. The name and address of any person other than the operator employed by the owner to provide regular maintenance service;
6. The name, address and telephone number of an individual authorized to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith;
7. The name and address of every holder of a recorded mortgage on the premises.

(b) Copies of the statement required pursuant to (a) above shall be given to each resident at the commencement of residence and provided to the Bureau, and to the county welfare board, marked with proof of filing in the office of the clerk of the municipality in which the rooming or boarding house is located.

(c) Revised statements shall be furnished within seven days of any change in the information required to be set forth.

(d) All statements and revised statements furnished pursuant hereto shall be signed by the owner or the duly authorized representative of the owner and shall stipulate the date of preparation.

5:27-3.10 Disclosure of rates and services

(a) Every licensee shall at all times maintain a schedule setting forth the rates charged for the rental of the various rooms in the rooming or boarding house and for each of the other services or combinations of services available.

(b) A copy of the schedule of rates shall be provided to, and shall be explained to, every present and prospective resident and at least one copy shall be prominently posted in the rooming or boarding house. Copies shall also be provided to the Bureau and to the county welfare board.

(c) In the event of any change in rates, a revised schedule shall be prepared indicating the change in rates. A copy thereof shall be prominently posted in the rooming and boarding house and copies shall be provided to all persons and agencies entitled to receive copies of the original schedule.

(d) No resident shall be charged for any services other than those which he has requested and which are actually provided to him.

5:27-3.11 Security deposits

No security deposit, however designated, shall be required or accepted by any licensee from any resident or prospective resident, or shall be held by any licensee, unless there is full compliance with the requirements of N.J.S.A. 46:8-19 through 46:8-26.

5:27-3.12 Limited tenure hotel guests

In the event that a hotel, motel or established guest house is classified as a rooming or boarding house for purposes of the Act by reason of having fewer than 85 percent of the dwelling units offered for limited tenure only, a resident occupying a unit on a limited tenure basis shall have the legal rights of a hotel guest and the rights set forth in section 3 of P.L.1979, c.500 (N.J.S.A. 55:13B-19) but shall not have any of the additional rights of residents established by this subchapter.

R.1983 d.157, eff. May 16, 1983.

See: 15 N.J.R. 375(b), 15 N.J.R. 804(a).

SUBCHAPTER 4. GENERAL BUILDING REQUIREMENTS

Authority

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

Source and Effective Date

R.1985 d.350, effective June 14, 1985.

See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a).

Historical Note

All provisions of this subchapter were filed and became effective August 28, 1980 as R.1980 d.376. See: 12 N.J.R. 452(a), 12 N.J.R. 569(b). This subchapter was readopted pursuant to Executive Order 66(1978) effective June 14, 1985 as R.1985 d.350. See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a). See chapter and section levels for further amendments.

5:27-4.1 Water supply

(a) Every rooming or boarding house shall be provided with a safe supply of potable water meeting the standards as set forth in the New Jersey Safe Drinking Water Act regulations (N.J.A.C. 7:10-1 et seq.) published by the New Jersey Department of Environmental Protection.

(b) The source of such water supply shall be approved by the New Jersey Department of Environmental Protection and/or the local health agency.

(c) The minimum rate of flow of hot or cold water issuing from a faucet or fixture shall be not less than one gallon per minute.

5:27-4.2 Facilities

(a) Every boarding house shall contain a kitchen sink of nonabsorbent impervious material.

(b) Every rooming or boarding house shall be provided with a minimum of one flush type water closet, lavatory, and a bathtub or shower for every eight persons or part thereof.

(c) Every water closet, lavatory, and bathtub or shower shall be accessible from within the building without passing through any part of any other rooming unit and shall be located no further than one floor above or below the rooming units served, provided that no resident shall be without ready access to any such facility by reason of physical disability. Such water, lavatory and bathtub or shower shall be contained in a room or rooms which are separated from all other rooms by walls, doors, or partitions that afford privacy.

(d) Every plumbing fixture shall be connected to water and sewer systems approved by the New Jersey Department of Environmental Protection and/or the local health agency, and shall be maintained in good working condition.

(e) Every kitchen sink, lavatory, and bathtub or shower required by this section shall be connected to both hot and cold water lines.

(f) Every rooming or boarding house shall have water heating facilities which are installed and maintained in good and safe working condition, connected with the hot water lines required under the provisions of (e) above, and capable of delivering water at a minimum temperature of not less than 120 degrees Fahrenheit and at a maximum temperature of not more than 160 degrees Fahrenheit at all times in accordance with anticipated needs.

5:27-4.3 Garbage and rubbish storage

(a) Garbage or other organic waste shall be stored in watertight receptacles of metal or other approved material. Such receptacles shall be provided with tight-fitting covers. A sufficient number of garbage receptacles shall be provided by the licensee.

(b) Rubbish shall be stored in receptacles of metal or other approved material. A sufficient number of rubbish receptacles shall be provided by the licensee.

5:27-4.4 Lighting and electrical service

(a) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window or skylight area measured between stops, for every habitable room shall be eight percent of the floor area of such room. Whenever walls or other portions of structures face a window of any habitable room and are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be included in calculating the required minimum total window area.

(b) Every rooming and boarding house shall be provided with electric service.

(c) Every habitable room shall contain sufficient wall type electric outlets and lamps or light fixtures to enable occupants to use the room for its intended function. Every such outlet and lamp shall be maintained in good and safe condition, and shall be connected to the source of electric power. No temporary wiring shall be used except extension cords which run directly from portable electrical fixtures to convenience outlets, and which do not lie under rugs or other floor coverings, nor extend through doorways, transoms, or other openings through structural elements.

(d) Every portion of each staircase, hall, cellar, basement, landing, furnace room, utility room, and all similar non-habitable space shall have either natural or artificial light available at all times, with an illumination of at least two lumens per square foot (two foot-candles) in the darkest portions.

(e) Every portion of any interior or exterior passageway or staircase shall be illuminated naturally or artificially at all times with an illumination of at least two lumens per square foot (two foot-candles) in the darkest portion of the normally traveled stairs and passageways.

(f) Every bathroom and water closet compartment shall have either natural or artificial light available at all times, with an illumination of at least three lumens per square foot (three foot-candles). Such light shall be measured 36 inches from the floor at the center of the room. Artificial lighting shall be controlled by a wall switch so located as to avoid danger of electrical hazards.

5:27-4.5 Ventilation

(a) Means of ventilation shall be provided for every habitable room. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least 50 percent of the minimum window area or minimum skylight area as required in N.J.A.C. 5:27-4.4(a), or by other means acceptable to the Bureau which will provide at least two air changes per hour.

(b) Means of ventilation shall be provided for every bathroom or water closet compartment. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least 50 percent of the minimum window area or minimum skylight area as required in N.J.A.C. 5:27-4.4(a), or by other means acceptable to the Bureau which will provide at least six air changes per hour.

5:27-4.6 Heating

(a) Every dwelling shall have heating facilities which are properly installed, maintained in good and safe working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 68 degrees Fahrenheit when the outside temperature is zero degrees Fahrenheit. The temperature shall be read at a height of three feet above floor level at the center of the room.

(b) Every space heater, except electrical, shall be properly vented to a chimney or duct leading to outdoors. Unvented portable space heaters, burning solid, liquid, or gaseous fuels, shall be prohibited.

(c) Every licensee shall supply heat adequate to maintain a minimum inside temperature in all habitable rooms, bathrooms, and water closet compartments of 68 degrees Fahrenheit from October 1 of each year to the next succeeding May 1.

5:27-4.7 Maintenance

(a) Every foundation, floor, wall, ceiling, door, window, roof, or other part of a rooming or boarding house shall be kept in good repair and capable of the use intended by its design, and any exterior part or parts thereof subject to corrosion or deterioration shall be kept well painted.

(b) Every inside and outside stairway, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair. Every stairway having three or more steps shall be properly banistered and safely balustraded.

(c) Every porch, balcony, roof, and/or similar place higher than 30 inches above the ground, used for egress or for use by occupants, shall be provided with adequate railings or parapets. Such protective railings or parapets shall be properly balustraded and be not less than three feet in height.

(d) Every roof, wall, window, exterior door, and hatchway shall be free from holes or leaks that would permit the entrance of water within a rooming or boarding house or be a cause of dampness.

(e) Every foundation, floor, and wall of a rooming or boarding house shall be free from chronic dampness.

(f) Every rooming and boarding house shall be free from rodents, vermin and insects. Rodent or vermin extermination and rodent proofing and vermin proofing may be required by the Bureau. Every openable window, exterior door, skylight, and other opening to the outdoors shall be supplied with properly fitting screens in good repair from May 1 until October 1 of each year. Such screens shall have a mesh of not less than No. 16.

(g) Every rooming and boarding house, including all exterior areas of the premises, shall be clean and free from garbage or rubbish and hazards to safety. Lawns, hedges and bushes shall be kept trimmed and shall not be permitted to become overgrown and unsightly. Fences shall be kept in good repair.

(h) The Bureau may order the licensee to clean, repair, paint, whitewash, or paper such walls or ceilings, when a wall or ceiling within a dwelling has deteriorated so as to provide a harborage for rodents or vermin, or when such a wall or ceiling has become stained or soiled, or the plaster, wallboard, or other covering has become loose or badly cracked or missing.

(i) Every water closet compartment floor and bathroom floor shall be so constructed and maintained as to be reasonably impervious to water so as to permit such floor to be kept in a clean condition.

(j) No licensee shall cause or permit any services, facilities, equipment, or utilities which are required under this subsection to be removed from, shut off, or discontinued in any rooming or boarding house or part thereof, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is authorized by the Bureau. In the event that any service or utility is discontinued, the licensee shall take immediate steps to cause the restoration of such service or utility.

(k) A licensee of a rooming or boarding house located in an area found by the Bureau to be infested by rats, insects, or other vermin shall carry out such rat stoppage, vermin proofing, or other means of preventing infestations of said dwellings as may be required by the Bureau.

(l) No licensee shall allow to be occupied or let to a prospective resident any vacant rooming unit unless it is clean and sanitary.

(m) Every licensee shall be responsible for maintaining in a clean and sanitary condition all areas of the rooming or boarding house.

(n) It shall be the responsibility of the licensee to provide for the orderly maintenance of the premises. The storage of objects or materials shall be done in an orderly manner so as to not constitute a health, safety, or fire hazard.

Case Notes

Debris removal violation. Dept. of Community Affairs v. St. Jude's Boarding Home, 2 N.J.A.R. 432 (1981).

5:27-4.8 Use and occupancy of space

(a) Every rooming or boarding house shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(b) Every rooming unit occupied for sleeping purposes by one occupant shall contain at least 80 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 60 square feet of floor space for each occupant.

(c) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floor area of that part of any room where the ceiling is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(d) A room located in part below the level of the ground may be used for sleeping provided that the walls and floor thereof in contact with the earth have been damp-proofed in accordance with a method approved by the Bureau; and provided that all requirements otherwise applicable to habitable rooms generally are satisfied.

As amended, R.1982 d.378, eff. November 1, 1982.

See: 14 N.J.R. 496(b), 14 N.J.R. 1210(b).
Deleted ... in whole or ... in (d).

Case Notes

Rooming and Boarding House Act applied to religious rescue mission which provided free food, shelter and therapeutic programs for recovering alcoholics and drug addicts. Market Street Mission v. Bureau of Rooming and Boarding House Standards, Dep't of Community Affairs, 217 N.J.Super. 56, 524 A.2d 1283 (App.Div.1987) reversed on other grounds 110 N.J. 335, 541 A.2d 668 (1988) appeal dismissed 109 S.Ct. 209, 488 U.S. 882, 102 L.Ed.2d 201.

5:27-4.9 Matters not covered

Any matter or requirement essential for the structural safety of a rooming or boarding house or essential for the safety or health of the residents thereof or of the public, and which is not covered by the provisions of these regulations shall be the subject of determination by the Bureau in specific cases.

SUBCHAPTER 5. (RESERVED)**Subchapter Historical Note**

Subchapter 5, Fire Safety, was filed and became effective August 28, 1980 as R.1980 d.376. See: 12 N.J.R. 452(a), 12 N.J.R. 569(b). Subchapter 5 was readopted pursuant to Executive Order No. 66(1978), effective June 14, 1985 as R.1985 d.350. See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a). Subchapter 5 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.

SUBCHAPTER 6. SECURITY

Authority

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

Source and Effective Date

R.1985 d.350, effective June 14, 1985.
See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a).

Historical Note

All provisions of this subchapter were filed and became effective August 28, 1980 as R.1980 d.376. See: 12 N.J.R. 452(a), 12 N.J.R. 569(b). This subchapter was readopted pursuant to Executive Order 66(1978) effective June 14, 1985 as R.1985 d.350. See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a). See chapter and section levels for further amendments.

5:27-6.1 Control of access

(a) Every exterior door shall be equipped with heavy duty dead latching locksets (series 161, FF-H-106a, minimum, with a minimum 7/8 inch by 5/8 inch with 1/2 inch minimum throw latch bolt with automatic dead-locking plunger).

(b) Every resident of every rooming house and of every boarding house operated under a Class B license shall be provided with a key to the main entrance door and, if applicable, to his rooming unit door free of charge. Replacement keys, when required, shall be provided at cost.

(c) All doors providing a means of egress shall be freely openable from the inside at all times.

(d) All exterior doors to common cellar or storage areas shall be lockable.

(e) Every entrance door to a rooming unit in every rooming house, and in every boarding house operated under a Class B license, shall be equipped with a medium duty dead latching lockset (series 160, FF-H-106a, minimum with a minimum 11/16 inch by 1/2 inch with 1/2 inch minimum throw latch bolt with automatic deadlocking plunger) or with a dead bolt lock separate from the latch set. Each such door shall also be equipped with a viewing device. In all rooming and boarding houses have locks on entrance doors to rooming units, a master key capable of opening all such locks shall be retained by the licensee and shall be readily available in event of any emergency.

(f) All openable windows, sliding doors, basement windows and windows opening onto areas affording easy access to the premises shall be equipped with a locking device of some kind. Grilles lockable from the inside only may be placed on the inside or outside of windows only if the windows do not serve to provide access to exits.

(g) Exposed hinges on exterior doors, and on entrance doors to rooming units where locks are required, shall have hinges with non-removable hinge pins.

(h) Every entrance door leading to living areas shall be kept locked at all times except when in actual use, except when a licensee or his employee is stationed nearby for the purpose of controlling or supervising entry or other reasonable provision has been made for entry control.

(i) The main entrance door shall be equipped with an exterior doorbell, audible throughout the building when in use. In every boarding house operated under a Class C license, the licensee or an employee of the licensee shall at all times be responsible for answering the doorbell.

5:27-6.2 Protection of valuables

(a) Every licensee shall have either an on-premises safe or a safe deposit box in a banking institution to be used to hold valuables belonging to residents which such residents request the licensee to hold. Valuables belonging to each resident shall be properly identified.

(b) A licensee to whom a resident's valuables have been entrusted shall prepare an itemized list of such valuables, which list shall be signed by both the licensee and the resident. A copy of the list shall be given to the resident and a copy shall be retained by the licensee.

5:27-6.3 Criminal acts

(a) It shall be the duty of every licensee, upon learning of a criminal act committed, or alleged to have been committed, against the person or property of a resident, to report all relevant information to the police agency having jurisdiction. A record of such report shall be retained and shall be available to the Bureau upon request.

(b) Whenever a resident is behaving in a disorderly manner and in any way endangering the security of any other resident, it shall be the duty of the licensee to give written notice to the disorderly resident to cease such behavior and to institute eviction proceedings if such behavior does not cease.

(c) Any licensee having knowledge of the abuse, neglect or exploitation of any resident shall provide all relevant information to the county welfare board.

SUBCHAPTER 7. RESIDENTS' COMFORT

Authority

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

Source and Effective Date

R.1985 d.350, effective June 14, 1985.
See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a).

Historical Note

All provisions of this subchapter were filed and became effective August 28, 1980 as R.1980 d.376. See: 12 N.J.R. 452(a), 12 N.J.R. 569(b). This subchapter was readopted pursuant to Executive Order 66(1978) effective June 14, 1985 as R.1985 d.350. See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a). See chapter and section levels for further amendments.

5:27-7.1 Housekeeping

(a) A licensee shall supply to every resident a fresh change of bed linen and towels, all of which shall be in good condition, at least once a week and whenever there is a change of occupancy. Soap and toilet paper shall also be provided.

(b) A licensee shall provide housekeeping and interior maintenance at least once weekly and whenever there is a change in occupancy.

(c) This section shall not apply to rooming house units for which the lease or other occupancy agreement expressly excludes such services.

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

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

(c) added.

5:27-7.2 Bedrooms

(a) Each resident shall be provided with a comfortable bed of adequate size and with sufficient blankets and other bedding of standard quality.

(b) Only spaces unobstructed by doors, windows and radiators shall be used for placement of beds.

(c) No person shall be housed in the same rooming units as another person not related by blood or marriage except by mutual consent, provided that a provision for general consent to sharing of a rooming unit may be included in a lease or other occupancy agreement.

(d) Each resident shall be provided with sufficient dresser and closet space within the rooming unit for the storage of his clothing and other personal articles.

5:27-7.3 Living and dining rooms

(a) At least one living room shall be provided for use by residents. Such living room(s) shall contain comfortable chairs sufficient to provide seating for at least two-thirds of the residents or intended residents at any one time.

(b) Living rooms shall have sufficient space for socializing and for such recreational activities as card playing, reading, letter writing and watching television.

(c) Smoking may be permitted in designated living room areas, but smoke-free living room areas shall also be provided. Smoking areas shall be inspected by the licensee for evidence of fire every evening after residents have retired to their bedrooms.

(d) Dining rooms shall be of sufficient size and properly equipped to comfortably seat all residents or intended residents at any one time.

(e) This section shall apply to boarding houses only.

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

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

(e) added.

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**Authority**

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

Source and Effective Date

R.1985 d.350, effective June 14, 1985.

See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a).

Historical Note

All provisions of this subchapter were filed and became effective August 28, 1980 as R.1980 d.376. See: 12 N.J.R. 452(a), 12 N.J.R. 569(b). This subchapter was readopted pursuant to Executive Order 66(1978) effective June 14, 1985 as R.1985 d.350. See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a). See chapter and section levels for further amendments.

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. Physician's 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. Acknowledgment by the resident that he 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. 5:27-8;

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).

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 his 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.

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

Authority

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

Source and Effective Date

R.1985 d.350, effective June 14, 1985.

See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a).

Historical Note

All provisions of this subchapter were filed and became effective August 28, 1980 as R.1980 d.376. See: 12 N.J.R. 452(a), 12 N.J.R. 569(b). This subchapter was readopted pursuant to Executive Order 66(1978) effective June 14, 1985 as R.1985 d.350. See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a). See chapter and section levels for further amendments.

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 nutritional needs, take into account his 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.

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 meal.

5:27-9.4 Food sanitation

(a) All food shall be clean, wholesome and free from spoilage, adulteration and contamination.

(b) Only pasteurized milk shall be used.

(c) All areas in which food is kept, prepared or served and all utensils, dishes, glasses, pots and equipment used in the preparation or serving of food shall be maintained in a sound and sanitary condition and free from any hazard to health.

(d) Refrigerators in which food is kept shall be maintained at a temperature of at least 32 degrees Fahrenheit and not more than 45 degrees Fahrenheit. Freezers and freezer compartments of refrigerators shall be maintained at a temperature of not more than 0 degrees Fahrenheit. Refrigerators and freezers shall be cleaned and defrosted regularly.

5:27-9.5 Laundry services

(a) A licensee providing laundry services may have clothes cleaned either on or off the premises of the boarding house.

(b) Each resident's laundry shall be properly identified to prevent loss.

(c) All clothing given to the licensee for cleaning shall be returned to the resident properly cleaned, folded or ironed as appropriate and in a condition where it can readily be stored in a drawer or closet.

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.

SUBCHAPTER 10. OTHER PERSONAL SERVICES**Authority**

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

Source and Effective Date

R.1985 d.350, effective June 14, 1985.

See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a).

Historical Note

All provisions of this subchapter were filed and became effective August 28, 1980 as R.1980 d.376. See: 12 N.J.R. 452(a), 12 N.J.R. 569(b). This subchapter was readopted pursuant to Executive Order 66(1978) effective June 14, 1985 as R.1985 d.350. See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a). See chapter and section levels for further amendments.

5:27-10.1 Applicability

(a) The standards in this subchapter shall apply only to boarding houses operated under a Class C license providing or offering to provide the personal services specified.

(b) No rooming house operated under a Class A license and no boarding house operated under a Class B license shall provide or offer to provide the personal services specified in this subchapter.

5:27-10.2 Assistance in dressing

(a) Assistance in dressing shall be provided only by a person whom the resident consents to have assist him.

(b) The resident's preferences in selection of clothing shall be respected.

(c) To the extent that the resident gives discretion in the choice of clothing to the person providing assistance in dressing, that discretion shall be exercised so as to dress the resident in comfortable clothing suitable to the season coordinated in a harmonious manner.

(d) Assistance in dressing and undressing shall be provided at reasonable times so that a resident is not unduly delayed in commencing his daily activities or in going to bed. Sufficient time shall be allowed in light of the resident's physical condition.

5:27-10.3 Assistance in bathing and personal hygiene

(a) Assistance in bathing and personal hygiene shall be provided only by a person whom the resident consents to have assist him.

(b) Assistance in bathing and personal hygiene shall be provided at reasonable times so that a resident is not unduly delayed in commencing his daily activities or in going to bed. Sufficient time shall be allowed in light of the resident's physical condition.

(c) Any bath or shower used by residents requiring assistance shall have handrails and treads.

(d) Assistance in personal hygiene shall include assistance in oral hygiene, hair washing and grooming, manicure, pedicure and shaving, as required.

5:27-10.4 Transportation to health services

(a) Transportation shall be provided to medical and dental offices and other health facilities as required for treatment and for check-ups at least once annually.

(b) Unless otherwise agreed by the licensee, transportation need not be provided to health facilities located further than the nearest commercial center in which such health facilities may be found, unless special care not obtainable at such commercial center is required.

(c) In any emergency requiring the transportation of a resident to a hospital, it shall be the duty of the licensee to promptly notify the nearest first aid or emergency squad.

5:27-10.5 Monitoring of medication

(a) A daily record shall be maintained of the type and amount of medication taken by the resident and the time at which such medication is taken.

(b) A licensee monitoring the taking of medication by a resident shall seek to insure compliance with the instructions of the physician who prescribed such medication and shall immediately report to such physician any deviation from such instructions or any use of other medication not prescribed or expressly allowed to be used by such physician.

(c) Any deviation from the instructions of a physician which results in a change in the resident's behavior shall be immediately reported to the county welfare board as well as to the physician.

5:27-10.6 Supervision of self-administration of medicine

(a) When necessary for the health, safety or welfare of a resident, a licensee providing supervision of self-administration of medication shall provide the following services:

1. Storage of medication in a locked cabinet to which only the licensee has access;
2. Notifying residents of the time of taking their medication; and

3. Presenting residents with bottles of medication, reminding them of the proper dosage and watching when they remove and take the medication by themselves.

(b) Supervision of self-administration of medicine shall not include the following services:

1. Placement or pouring of the dosage in a container for the resident;
2. Placing of medication in the mouth or the food of the resident;
3. Administration of injections.

(c) Supervision of self-administration of medicine shall be provided only with the prior approval of the Bureau.

R.1982 d.379, eff. November 1, 1982.

See: 14 N.J.R. 499(a), 14 N.J.R. 1211(a).

SUBCHAPTER 11. FINANCIAL SERVICES

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

Source and Effective Date
R.1985 d.350, effective June 14, 1985.
See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a).

Historical Note

All provisions of this subchapter were filed and became effective August 28, 1980 as R.1980 d.376. See: 12 N.J.R. 452(a), 12 N.J.R. 569(b). This subchapter was readopted pursuant to Executive Order 66(1978) effective June 14, 1985 as R.1985 d.350. See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a). See chapter and section levels for further amendments.

5:27-11.1 Applicability

(a) The standards in this subchapter shall apply only to boarding houses operated under Class C license providing or offering to provide the financial services specified.

(b) No rooming house operated under a Class A license and no boarding house operated under a Class B license shall provide or offer to provide the financial services specified in this subchapter.

5:27-11.2 Check cashing

(a) No check payable to a resident may be cashed by a licensee unless such check has been endorsed by the resident voluntarily and without coercion.

(b) Unless otherwise agreed by the resident, all proceeds of a check given by a resident to a licensee for cashing shall be promptly delivered to the resident by the licensee.

Administrative Correction to (a).
See: 22 N.J.R. 921(b).

5:27-11.3 Holding of personal funds

(a) With the consent of the resident, a licensee may hold personal funds of the resident in trust for the resident.

(b) All funds held in trust for a resident shall be kept separately from the funds of the licensee.

(c) Funds which are not to be disbursed to the resident within one month of receipt by the licensee shall be placed in an interest bearing custodial account at a banking institution having an office in the municipality in which the boarding house is located or in the nearest commercial center having a banking institution office. The resident shall be advised as to the name and address of the banking institution and the account number.

5:27-11.4 Assistance in purchasing

(a) With the consent of the resident, a licensee may use personal funds of the resident entrusted to the licensee for the purpose of purchasing goods and services desired by the resident.

(b) No licensee shall use personal funds of a resident to purchase goods and services agreed to be provided by the licensee pursuant to the lease or other occupancy agreement as part of the consideration for the rental or other service charge.

(c) Licensees assisting in purchasing shall provide residents with receipts for all purchases made with their personal funds.

5:27-11.5 Ledgers

(a) Every licensee to whom residents' personal funds are entrusted shall maintain a ledger setting forth the date on which each payment was received, the amount of each such payment, the date of each disbursement, the amount of each such disbursement, the person to whom each such disbursement was made and the purpose of each disbursement.

(b) The resident shall sign the ledger to acknowledge receipt of personal funds or of goods or services purchased with such personal funds.

5:27-11.6 Personal needs allowances

No licensee shall retain for his own use, or require payment to him 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 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".