

CHAPTER 27

REGULATIONS GOVERNING ROOMING AND BOARDING HOUSES

Authority

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

Source and Effective Date

R.2000 d.231, effective May 9, 2000.
See: 31 N.J.R. 3248(a), 32 N.J.R. 2049(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 27, Regulations Governing Room and Boarding Houses, expires on November 5, 2005. See: 37 N.J.R. 566(a).

Chapter Historical Note

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

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

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

Subchapter 2, Definitions, and Subchapter 4, General Building Requirements, and Subchapter 5, , and Subchapter 6, Security, and Subchapter 7, Residents' Comfort, and Subchapter 8, Maintenance of Records, and Subchapter 9, Food and Laundry Services, and Subchapter 10, Other Personal Services, and Subchapter 11, Financial Services, were readopted as R.1985 d.350, effective June 14, 1985. See: 17 N.J.R. 341(b), 17 N.J.R. 1759(a).

Subchapter 5, , was repealed by R.1988 d.572, effective December 19, 1988 (operative June 16, 1989).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().

Pursuant to Executive Order No. 66(1978), Subchapter 13, Additional Rules Regarding Persons with Alzheimer's Disease or Related Disorders or Other Forms of Dementia, was readopted as R.1998 d.298, effective July 6, 1998. See: 30 N.J.R. 509(a), 30 N.J.R. 2433(a).

Pursuant to Executive Order No. 66(1978), Subchapter 14, Carbon Monoxide Alarms, was readopted as R.1999 d.259, effective August 16, 1999. See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

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

Pursuant to Executive Order No. 66(1978), Chapter 27, Regulations Governing Rooming and Boarding Houses, was readopted as R.2000 d.231, effective May 9, 2000. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT

- 5:27-1.1 Title
- 5:27-1.2 Purpose
- 5:27-1.3 Administration and enforcement
- 5:27-1.4 Continuation of lawful existing use

- 5:27-1.5 Construction and alteration; change of use
- 5:27-1.6 Licenses
- 5:27-1.7 License applications
- 5:27-1.8 Administrative hearings
- 5:27-1.9 Exceptions and exemptions
- 5:27-1.10 Search warrants
- 5:27-1.11 Tense, gender and number
- 5:27-1.12 Separability clause

SUBCHAPTER 2. DEFINITIONS

- 5:27-2.1 Definitions

SUBCHAPTER 3. RIGHTS OF RESIDENTS

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

SUBCHAPTER 4. GENERAL BUILDING REQUIREMENTS

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

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. SECURITY

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

SUBCHAPTER 7. RESIDENTS' COMFORT

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

SUBCHAPTER 8. MAINTENANCE OF RECORDS

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

SUBCHAPTER 9. FOOD AND LAUNDRY SERVICES

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

SUBCHAPTER 10. OTHER PERSONAL SERVICES

- 5:27-10.1 Applicability
- 5:27-10.2 Assistance in dressing

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

SUBCHAPTER 11. FINANCIAL SERVICES

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

SUBCHAPTER 12. FIRE SAFETY LOANS

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

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

- 5:27-13.1 Appropriate placement and care
- 5:27-13.2 Referrals
- 5:27-13.3 Training and staffing requirements
- 5:27-13.4 Building safety requirements
- 5:27-13.5 Administration of medications
- 5:27-13.6 Storage of medications

SUBCHAPTER 14. CARBON MONOXIDE ALARMS

- 5:27-14.1 Carbon monoxide alarms

SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT

5:27-1.1 Title

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

Case Notes

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

5:27-1.2 Purpose

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

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

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

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

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

(c) added.

5:27-1.3 Administration and enforcement

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

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

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

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

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

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

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

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



(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

Rooming house with numerous fire and safety code violations was subject to being vacated as a hazard to health, safety and welfare of occupants. Department of Community Affairs v. M.C. Investment, 95 N.J.A.R.2d (CAF) 91.

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 6. SECURITY

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 or her 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 an employee of the licensee 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.

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

5:27-6.2 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

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 or her clothing and other personal articles.

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

5:27-7.3 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.