

**CHAPTER 70**

**CONGREGATE HOUSING SERVICES PROGRAM**

**Authority**

N.J.S.A. 52:27D-184.

**Source and Effective Date**

R.1992 d.214, effective April 22, 1992.  
See: 24 N.J.R. 513(c), 24 N.J.R. 1880(a).

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

Chapter 70, Congregate Housing Services Program, expires on April 22, 1997.

**Historical Note**

All provisions of this chapter became effective August 16, 1982, pursuant to authority of N.J.S.A. 52:27D-188, as R.1982 d.272. See: 14 N.J.R. 609(b), 14 N.J.R. 912(b). The chapter was substantially amended effective January 3, 1984 as R.1984 d.607. See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

This chapter was readopted pursuant to Executive Order No. 66(1978) effective July 9, 1987 (there were substantial amendments to the chapter effective August 3, 1987) as R.1987 d.315. See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a). The chapter was readopted with amendments effective May 18, 1992. See: Source and Effective Date.

See section annotations for additional rulemaking.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

- 5:70-1.1 Title
- 5:70-1.2 Purpose

**SUBCHAPTER 2. DEFINITIONS**

- 5:70-2.1 Definitions

**SUBCHAPTER 3. PROGRAM DEVELOPMENT**

- 5:70-3.1 Congregate housing services
- 5:70-3.2 Sponsor eligibility
- 5:70-3.3 Grant application and approval
- 5:70-3.4 Program plan

**SUBCHAPTER 4. PROVISION OF SERVICES**

- 5:70-4.1 General requirements
- 5:70-4.2 Administration
- 5:70-4.3 Meals
- 5:70-4.4 Housekeeping and personal services
- 5:70-4.5 (Reserved)

**SUBCHAPTER 5. PROGRAM COST**

- 5:70-5.1 Program costs
- 5:70-5.2, 5:70-5.3 (Reserved)

**SUBCHAPTER 6. SERVICE SUBSIDY**

- 5:70-6.1 General
- 5:70-6.2 Eligibility for service subsidy
- 5:70-6.3 Income, program costs, and service subsidy formula

- 5:70-6.4 Verification and documentation of income
- 5:70-6.5 (Reserved)

**SUBCHAPTER 7. PROCEDURES FOR DETERMINATION OF RESIDENTS' ELIGIBILITY**

- 5:70-7.1 Establishment of the Professional Assessment Committee (PAC)
- 5:70-7.2 Non-discrimination
- 5:70-7.3 Residents ineligible for service subsidy
- 5:70-7.4 through 5:70-7.6 (Reserved)

**SUBCHAPTER 8. PERFORMANCE REVIEW AND ASSESSMENT**

- 5:70-8.1 General
- 5:70-8.2 Monitoring
- 5:70-8.3 Evaluation
- 5:70-8.4 Self assessment

**SUBCHAPTER 9. MAINTENANCE OF RECORDS**

- 5:70-9.1 General
- 5:70-9.2 Reports
- 5:70-9.3 (Reserved)

**SUBCHAPTER 10. APPEAL PROCEDURE**

- 5:70-10.1 Appeal procedure

**SUBCHAPTER 11. ADMINISTRATION**

- 5:70-11.1 General

**SUBCHAPTER 1. GENERAL PROVISIONS**

**5:70-1.1 Title**

The rules and regulations in this subchapter shall be known and may be cited as the "Regulations Governing Congregate Housing Services."

**5:70-1.2 Purpose**

The purpose of the Congregate Housing Services Program is to provide a supportive environment for persons of low income or suffering economic hardships through the provision of selected services in order to avoid premature institutionalization in nursing homes or similar medically oriented facilities.

As amended, R.1983 d.607, eff. January 3, 1984.  
See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

Deleted old and added new text.  
Amended by R.1987 d.315, effective August 3, 1987.  
See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a).

Substituted "of low income or suffering economic hardships" for "certain low income frail elderly".

## SUBCHAPTER 2. DEFINITIONS

## 5:70-2.1 Definitions

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

"Act" shall mean the Congregate Housing Services Act of 1981 (P.L. 1981, c.553 A.3626 N.J.S.A. 52:27D-184).

"Adjusted income" means annual income minus the allowances determined in accordance with N.J.A.C. 5:70-6.3(b).

"Commissioner": See N.J.S.A. 52:27D-184(a).

"Community Kitchen" shall mean a kitchen which is accessible to the residents in a residential housing facility.

"Congregate housing facility": See N.J.S.A. 52:17D-184(b).

"Congregate meals" shall mean at least one hot or other nutritious meal served in a community dining room and conforming to the standards established in N.J.A.C. 5:70-4.3.

"Congregate services coordinator" shall mean the person who has the responsibility for the assessment of the eligibility of residents for the program, for designing individualized programs, and for the overall coordination of service delivery at each residential housing facility.

"Department": See N.J.S.A. 52:27D-184(c).

"Division" shall mean the Division on Aging of the Department of Community Affairs.

"Disabled person": See N.J.S.A. 52:27D-184(d).

"Disposable Income (DI)" is the income of a participant determined by deducting rent from the individual's adjusted income.

"Eligible participant": See N.J.S.A. 52:27D-184(e).

"Facility" shall mean any specially designed subsidized housing for the elderly and handicapped.

"Impairment" shall mean any physical, mental or emotional condition which limits an independent lifestyle.

"Low income": See N.J.S.A. 52:27D-184(f).

"Manager" shall mean any individual who is responsible for the daily operation of the Residential Housing Facility.

"O.M.B." shall mean the Office of Management and Budget.

"Project" shall mean a participating residential housing facility in which persons who are disabled or are 62 years of age and over reside (P.L. 1981 c.553).

"Project resident": See N.J.S.A. 52:27D-184(g).

"Qualified housing agency": See N.J.S.A. 52:27D-184(h).

"R.D.A." shall mean Recommended Dietary Allowance.

"Rent" shall mean the payment agreed to for the use of the tenant's living unit, including utilities other than telephone, and excluding any furnishings or service that may be provided.

"Resident" shall mean any person residing in a participating housing project who is impaired or socially isolated.

"Residential environment" or "residential housing facility" shall mean any specially designed subsidized housing for the elderly and handicapped.

"Service subsidy": See N.J.S.A. 52:27D-184(i).

"Socially isolated" shall mean subject to condition, including, without limitation, the death of a spouse, which may deprive an individual of services rendered by another in which the individual has never become proficient, such as meal preparation, and without which the individual's physical, emotional, and social well-being may be jeopardized.

"Sponsor" shall mean grantee.

"Supportive services": See N.J.S.A. 52:27D-184(j).

Amended by R.1987 d.315, effective August 3, 1987.

See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a).

Added definitions "facility" and "R.D.A." and amended "congregate meals" to at least one hot meal.

Amended by R.1992 d.214, effective May 18, 1992.

See: 24 N.J.R. 513(c), 24 N.J.R. 1880(a).

Definition for adjusted income added; disposable income amended.

## SUBCHAPTER 3. PROGRAM DEVELOPMENT

## 5:70-3.1 Congregate housing services

(a) Congregate housing services shall be an integral component of any eligible facility designed for independent living.

(b) For purpose of these regulations, an eligible project shall not include any type of medical facility, shared or group living arrangement.

(c) Enrollment in the congregate housing services program shall not exceed 25 percent of a project's resident population, in order to retain the independent nature of the environment.

(d) If space is provided in a project for a health clinic or other similar facility, no part of the cost establishing, maintaining or expanding the facility or its services will be borne by funds made available through the Congregate Housing Services Act.

As amended, R.1983 d.607, eff. January 3, 1984.  
See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).  
Deleted old and added new text.

**5:70-3.2 Sponsor eligibility**

Projects eligible for the congregate housing services program subsidies may include newly constructed facilities, facilities which have been the subject of substantial rehabilitation, or existing housing designed specifically for elderly independent living or congregate living as defined in P.L. 1981, c.553, N.J.S.A. 52:27D-182 et seq.

As amended, R.1983 d.607, eff. January 3, 1984.  
See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).  
Deleted old and added new text.

**5:70-3.3 Grant application and approval**

(a) As a precondition to approving a grant application for the implementation of a congregate housing services program, or the continuation of a program, the following information shall be submitted to the Division on Aging:

1. Description of services to be provided and the relationship of each service to the needs and characteristics of the project residents who are to receive the services, source of each service, and method of delivery;
2. Total projected program cost for congregate services per participant with a budget/cost breakdown; and other direct costs associated with the program;
3. Proof of satisfying the requirements of State and local health departments (for example, Chapter 12, State Sanitary Code, N.J.A.C. 8:24), including a copy of the "Sanitation Inspection Report", issued within the preceding 12 month period of time, which must have a "Satisfactory Rating";
4. The number of potential participants, and the number of current participants, if applying for program continuation;
5. The projected starting date of supportive services once the application has been approved;
6. Availability and adequacy of local social services in assisting project residents to maintain independent living and avoid unnecessary institutionalization.

As amended, R.1983 d.607, eff. January 3, 1984.  
See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).  
Deleted old and new text.  
Amended by R.1987 d.315, effective August 3, 1987.  
See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a).  
Amended (a)1 and added (a)5. and 6.

**5:70-3.4 Program plan**

(a) The Congregate Services Coordinator, who shall be appointed prior to the program's inception, shall ensure that a sufficient number of potential participants are identified and that services are available to make the program cost effective.

(b) Service needs, methods for delivery of service, meal provisions, staffing, itemized program costs, and number of potential participants shall be prepared for review by the Division of Aging.

(c) A Professional Assessment Committee (see N.J.A.C. 5:70-7.1) shall be established to aid in selection of participants.

As amended, R.1983 d.607, eff. January 3, 1984.  
See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).  
Deleted old and added new text.

**SUBCHAPTER 4. PROVISION OF SERVICES**

**5:70-4.1 General requirements**

(a) The provision of Congregate Housing Services under the Act shall include a program of supportive services including the provision of meals, housekeeping assistance and personal assistance. However, if one or more of these supportive services is provided at an eligible facility by another agency or program, the Division may, upon application of the program sponsor, waive the aforesaid requirement that the sponsor provide such service or services as part of the sponsor's congregate housing services program.

(b) Several alternate service plans based on the specific needs of program participants shall be made available.

(c) Services provided in any housing project designed specifically for the elderly, such as management, security, recreation and maintenance, shall not be modified by this program.

(d) Congregate housing services provided will not duplicate any services which are already accessible, affordable, and sufficiently available to eligible project residents under programs administered by any Federal, State or local agency, or any public or private agency or organization.

As amended, R.1983 d.607, eff. January 3, 1984.  
See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).  
Deleted old and added new text.  
Amended by R.1987 d.315, effective August 3, 1987.  
See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a).  
Deleted all text in (a) and submitted new.  
Amended by R.1992 d.214, effective May 18, 1992.  
See: 24 N.J.R. 513(c), 24 N.J.R. 1880(a).  
Personal care amended to personal assistance in (a).

**5:70-4.2 Administration**

(a) The sponsor shall appoint a Congregate Services Coordinator who shall have primary responsibility for the day-to-day operation of the program.

(b) Preference in hiring program staff shall be given to persons 55 years of age and older who are residents of the housing facility. Such employment shall be subject to the limitations in the Congregate Housing Services Act, N.J.S.A. 52:27D-182 et seq.

(c) The responsibilities of the Congregate Services Coordinator shall include, but not be limited to:

1. The administration of the Congregate Housing Services Program according to State policy, rules and regulations;
2. Identification of and the provision of support and encouragement to those eligible residents in need of program services and to their families, when feasible;
3. The establishment of the Professional Assessment Committee (PAC) which shall advise on the eligibility and priority of need of residents for the program;
4. The establishment and maintenance of a waiting list, in accordance with written procedures developed by the PAC, of residents who are eligible for the Congregate Housing Services Program;
5. The development of individual programs for participants, if necessary;
6. The on-going assessment of participant's eligibility, needs, and financial status in cooperation with the PAC;
7. The hiring, training, and supervision of the program staff and volunteers;
8. The establishment and maintenance of the management system for program records, reports, etc., including menu plans;
9. The direction and coordination of the program and services for participants;
10. The establishment of contracts with health care and service agencies and the maintenance of a current resource file as needed to supplement information and referral services available through such agencies as the county offices on aging;
11. The identification of all available community resources and the establishment of linkages with such resources, especially the appropriate county office on aging;
12. Regularly attend the periodic training sessions sponsored by the Division on Aging.

(d) The residential housing facility shall supply the appropriate space to meet program requirements.

(e) The Division on Aging shall provide technical assistance to aid implementation of the program, assess and monitor programs, and conduct periodic meetings of the Congregate Services Coordinators.

As amended, R.1983 d.607, eff. January 3, 1984.

See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

Deleted old and added new text.

Amended by R.1987 d.315, effective August 3, 1987.

See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a).

Added (a)12.

**5:70-4.3 Meals**

(a) At least one hot or other nutritious meal will be available.

(b) Each meal shall contain one-third of the RDA as established by the Food and Nutrition Board of the National Academy of Sciences, National Research Council, as determined by the Nutrient Standard Method of menu planning.

(c) Weekly/monthly cycle menus must be approved by a qualified nutritionist. Menus must be submitted with the proposal application. Copies of the menu must be kept on file for review by housing services staff.

(d) Meals shall be available seven days a week to participants of the Congregate Housing Services Program. If congregate nutrition services are available on the premises which meet program standards, arrangements should be made to integrate the participants into the existing meal service. Provision for weekend meal service should be established unless seven day congregate nutrition services are available.

(e) At least one meal shall be served in a community setting, such as a dining room, preferably at tables seating four to six people, unless a waiver has been granted by the Division on Aging. If meals are served cafeteria style, provisions must be made for those participants requiring assistance in carrying food to the table.

(f) For the purpose of this program, the existing community kitchen, if it meets the minimum standards as described in Chapter 12 of the New Jersey State Sanitary Code (N.J.A.C. 8:24), may be used for food preparation.

(g) The food preparation facility must post a current "Satisfactory" New Jersey State Department of Health Sanitary Inspection Report certificate issued within the preceding 12 month period of time prior to any food preparation.

(h) If suitable on-site food preparation facilities are not available, or their use would not be economically feasible, alternatives to food preparation by the sponsor may include contracting for the delivery of congregate meals from other sources, pending approval of the menus by a qualified nutritionist. Such meals, their preparation and delivery, must meet the provisions of this subchapter and of all State and local health and sanitation codes.

As amended, R.1983 d.607, eff. January 3, 1984.  
 See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).  
 Deleted old and added new text.  
 Amended by R.1987 d.315, effective August 3, 1987.  
 See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a).  
 Text in (a), (c) and (e) completely replaced.

**5:70-4.4 Housekeeping and personal services**

(a) Housekeeping services shall be available and shall include general house cleaning and/or heavy duty cleaning with the minimum number of hours per month for each service to be determined by the project with the approval of the Division on Aging.

(b) Personal services shall be available for a minimum number of hours per month as determined by the project with the approval of the Division on Aging. Such services may include:

1. Assistance with grooming, bathing, eating, transferring;
2. Information and referral;
3. Arrangement for emergency services;
4. Assistance with shopping for personal needs;
5. Delivery of meals to living units on a limited basis when necessary because of temporary incapacity due to illness or injury.

(c) The minimal functional abilities of program participants eligible for supportive services are defined as:

1. Eating: May need assistance with cutting food, but must be able to feed self;
2. Bathing: May need assistance with getting in and out of shower or tub, but must be able to wash self;
3. Grooming: May need assistance with washing hair, but must be able to take care of personal appearances;
4. Dressing: Must be able to dress self, but may need occasional assistance;
5. Home Management Activities: May need assistance in doing housework or laundry or getting to and from one location to another, for activities such as going to the doctor or shopping, but must be mobile. The mobility requirement does not exclude persons in wheelchairs or those requiring mobility devices.

As amended, R.1983 d.607, eff. January 3, 1984.  
 See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).  
 Deleted old and added new text.  
 Amended by R.1987 d.315, effective August 3, 1987.  
 See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a).  
 Added the word "living" to (b)5.  
 Amended by R.1992 d.214, effective May 18, 1992.  
 See: 24 N.J.R. 513(c), 24 N.J.R. 1880(a).  
 Text at (c)5 deleted and replaced with Home Management Activities.

**5:70-4.5 (Reserved)**

This section formerly contained rules concerning program cost which were repealed by R.1983 d.607, effective January 3, 1984. See: 15 N.J.R. 1981(a), 16 N.J.R. 46(a).

**SUBCHAPTER 5. PROGRAM COST**

**5:70-5.1 Program costs**

(a) The total program costs shall be determined by computing all costs of providing meals and services, including the coordination of the program, and other services performed by the Congregate Services Coordinator.

(b) A portion of the coordinator's salary will be charged as a separate line item in the budget. The amount shall be determined by the Division on Aging on an annual basis.

(c) Other additional direct costs including the remainder of the Coordinator's salary which are related to the delivery of services may be included in determining participant costs with the approval of the Division on Aging.

As amended, R.1983 d.607, eff. January 3, 1984.  
 See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).  
 Deleted old and added new text.  
 Amended by R.1987 d.315, effective August 3, 1987.  
 See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a).  
 Substituted new text for old in (b) and added (c).

**5:70-5.2 (Reserved)**

This section formerly contained rules concerning program cost which was repealed by R.1983 d.607, effective January 3, 1984. See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

**5:70-5.3 (Reserved)**

This section formerly contained rules concerning program cost which were repealed by R.1983 d.607, effective January 3, 1984. See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

**SUBCHAPTER 6. SERVICE SUBSIDY**

**5:70-6.1 General**

(a) The service subsidy will be provided to reduce the cost of the program to each participant.

(b) The service subsidy will reduce the participant's cost of meals, housekeeping, personal services, and other services and will be based on a formula for determining disposable income as set forth in N.J.A.C. 5:70-6.3.

(c) Income definitions and the formula for determining disposable income (DI) set forth in N.J.A.C. 5:70-6.3 are intended as basic guidelines for determining the service subsidy. The Director, Division on Aging, shall be authorized to provide subsidies in excess of those in the formula or to modify subsidies set forth in the formula or to change income definitions as circumstances warrant.

(d) No individual shall receive a service subsidy in excess of that provided in N.J.A.C. 5:70-6.3(e) unless permission is obtained from the Director, Division on Aging.

(e) Subsidies may be provided by other sources and are allowable to further assist in reducing participant's payment toward the program cost.

As amended, R.1983 d.607, effective January 3, 1984.

See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

Deleted old and added new text.

Amended by R.1987 d.315, effective August 3, 1987.

See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a).

Deleted old text and substituted new in (d).

### 5:70-6.2 Eligibility for service subsidy

(a) Present or prospective residents who qualify for congregate housing services and require financial assistance are eligible for a service subsidy.

As amended, R.1983 d.607, effective January 3, 1984.

See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

Deleted old and added new text.

### 5:70-6.3 Income, program costs, and service subsidy formula

(a) Gross income shall include:

1. The full amount received from annuities, retirement income and pensions;
2. Payments in lieu of earnings, such as, unemployment and disability compensation, social security benefits, worker's compensation and dismissal wages, excluding, however, lump sum payments under health and accident insurance and under worker's compensation;
3. Cash relief receipts exclusive of rental subsidies;
4. Periodic and determinable allowances, such as alimony and regular contributions or gifts;
5. Interest, dividends and net income of any kind from real or personal property;
6. Net income from a business or profession;
7. The full amount, before any payroll deductions, of wages and salaries, including compensation for overtime and all other compensation for personal services.

(b) Adjusted income is annual income minus the allowances determined in accordance with HUD instructions. If the head or spouse is 62 years or older or handicapped or disabled: \$400.00 per household; and an allowance for medical expenses equal to the amount by which the medical expenses exceed three percent of Annual Income. Medical expenses include medical insurance premiums that are anticipated during the period for which Annual Income is computed and are not covered by insurance, any co-payment to physicians who take assignment and additional payments to those who charge more than Medicare assignment rates, hospital bills, and drugs with proof. For the purposes of the subsidy formula, adjusted income (AI) is to be computed as one-twelfth of annual income.

(c) Program cost (PC) is the monthly total of allowable costs per participant for services described in N.J.A.C. 5:70-5.1.

(d) Disposable income (DI) is the amount remaining each month after rent is deducted from adjusted income. When utilities, excluding telephone, are contracted for individually by residents, these costs may be included when computing rent.

(e) Service subsidies for eligible program participants shall be provided in accordance with the following formula, as adjusted pursuant to (f) below:

$$\begin{array}{rcl} 1. \text{ STEP I} & & \\ \text{ADJUSTED INCOME} & - & \text{RENT} & = & \text{DISPOSABLE INCOME} \\ \text{(A.I.)} & & \text{(R)} & & \text{(D.I.)} \end{array}$$

2. The following STEP II shall be operative from January 1, 1993 through December 31, 1993:

D.I. of \$0.00 to \$198.00: SERVICE SUBSIDY = 95 percent of PROGRAM COST: PARTICIPANT PAYMENT = 5 percent of PROGRAM COST (CATEGORY A.)

D.I. of \$198.01 to \$332.00: SERVICE SUBSIDY = 80 percent of PROGRAM COST: PARTICIPANT PAYMENT = 20 percent of PROGRAM COST (CATEGORY B.)

D.I. of \$332.01 to \$468.00: SERVICE SUBSIDY = 60 percent of PROGRAM COST: PARTICIPANT PAYMENT = 40 percent of PROGRAM COST (CATEGORY C.)

D.I. of \$468.01 to \$602.00: SERVICE SUBSIDY = 40 percent of PROGRAM COST: PARTICIPANT PAYMENT = 60 percent of PROGRAM COST (CATEGORY D.)

D.I. of \$602.01 to \$737.00: SERVICE SUBSIDY = 20 percent of PROGRAM COST: PARTICIPANT PAYMENT = 80 percent of PROGRAM COST (CATEGORY E.)

(f) The categories of disposable income set forth in (e) above for use in determining percentage levels of program service subsidies shall be adjusted annually on January 1 for all years after 1993. The adjustment shall be made on the basis of the percentage increase in Social Security benefits given to Social Security recipients pursuant to 42 U.S.C.A. 415 for the immediately preceding calendar year. The limits defining each income category set forth above shall be determined annually by multiplying the income limits for the previous year by such percentage increase. The Division on Aging shall ensure that a public notice of the upper and lower limits of each category of disposable income for the coming year, together with the program service subsidy for each such category, is published in the New Jersey Register prior to the end of each calendar year and that appropriate notification of each such annual adjustment is otherwise properly given to interested parties.

Amended by R.1983 d.607, effective January 3, 1984.

See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

Deleted old and added new text.  
 Amended by R.1987 d.315, effective August 3, 1987.  
 See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a).  
 Added STEP II formula to become effective January 1, 1988. Deleted old (f) and added new.  
 Amended by R.1988 d.576, effective December 19, 1988.  
 See: 20 N.J.R. 2426(a), 20 N.J.R. 3123(b).  
 In subsection (e): deleted old text in Steps I and II and substituted new.  
 Amended by R.1989 d.393, effective July 17, 1989.  
 See: 21 N.J.R. 816(a), 21 N.J.R. 2019(c).  
 In subsection (e): deleted old text in Step II and substituted new.  
 Amended by R.1990 d.467, effective September 17, 1990.  
 See: 22 N.J.R. 1970(a), 22 N.J.R. 2964(b).  
 Text at (b) deleted and replaced with HUD standards; STEP II added at (e)3.  
 Amended by R.1991 d.295, effective June 17, 1991.  
 See: 23 N.J.R. 934(a), 23 N.J.R. 1925(b).  
 STEP II of service subsidiaries increased at (e).  
 Amended by R.1992 d.214, effective May 18, 1992.  
 See: 24 N.J.R. 513(c), 24 N.J.R. 1880(a).  
 STEP II of service subsidy formula increased.  
 Amended by R.1993 d.437, effective September 7, 1993.  
 See: 25 N.J.R. 2634(a), 25 N.J.R. 4075(a).  
 Public Notice: Disposable income limits, 1994.  
 See: 25 N.J.R. 6063(a).

**5:70-6.4 Verification and documentation of income**

(a) Determination of need for service subsidy shall be based upon data which shall be furnished by the resident to the Congregate Services Coordinator.

(b) Complete and accurate records consisting of, but not routinely limited to, the following are to be maintained:

1. Photostatic or carbon copies of documents to substantiate the resident's statement;
2. When deemed necessary by the Division on Aging, memoranda of verification data obtained by personal interview, telephone or other means, with sources, data reviewed, and identification of the persons providing and receiving the information;
3. Letters or other statements from pertinent sources giving authoritative information concerning all items and amounts of income and deductions, together with other eligibility determinations.

As amended, R.1983 d.607, effective January 3, 1984.  
 See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).  
 Deleted old and added new text.

**5:70-6.5 (Reserved)**

This section formerly contained rules concerning income limits and payment schedules for individuals which were repealed by R.1983 d.607, effective January 3, 1984. See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

**SUBCHAPTER 7. PROCEDURES FOR DETERMINATION OF RESIDENTS' ELIGIBILITY**

**5:70-7.1 Establishment of the Professional Assessment Committee (PAC)**

(a) The PAC shall be utilized in the determination of participant eligibility for the Congregate Housing Services Program.

1. The PAC shall include, but need not be limited to the management of the housing facility, the Congregate Services Coordinator, a physician and/or other suitable health professional, and a representative designated by the appropriate county office on aging.

2. The PAC shall meet a minimum of four times a year to evaluate and determine the eligibility of potential participants for participation in, and determination from the Congregate Housing Services Program.

3. The PAC shall:

i. Evaluate the functional ability of each Congregate Services Project applicant or participant based on information presented by the Congregate Services Coordinator using a measurement of functional ability to determine the individual's need for assistance in activities associated with daily living.

ii. To the extent possible, evaluate and assess the remaining resident population and establish written procedures for maintaining a waiting list of potential participants for the program.

iii. When feasible evaluate and assess new applicants who apply for admission to the housing project to determine their immediate needs.

4. The PAC shall recommend an individualized service plan that will provide assistance in the areas where the resident's functional incapacities impede independent living.

5. If, or when, the PAC determines that a participant is no longer capable of functioning independently with the maximum amount of supportive services available from the Congregate Housing Services Program and/or if the resident becomes or is in continual need of the type of health care usually provided in an institutional setting, the Congregate Services Coordinator, with documentation and the majority consensus of the PAC, shall recommend to the program sponsor that action be taken to remove the participant from the program.

6. The Congregate Services Coordinator, with the advice of the PAC, may also recommend that the program sponsor initiate proceedings to obtain other appropriate care for the resident to assure the future well being of the individual.

7. The Congregate Services Coordinator shall have the discretion to admit persons to the Program prior to review by the PAC at its next regularly scheduled meeting.

As amended, R.1983 d.607, eff. January 3, 1984.  
 See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

Deleted old and added new text.  
 Amended by R.1987 d.315, effective August 3, 1987.  
 See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a).

Added "To the extent possible" to (a)3ii. and added "When possible" to (a)3iii.

**5:70-7.2 Non-discrimination**

The procedures set forth in N.J.A.C. 5:70-7.1 shall be followed without regard to race, creed, color, sex or national origin.

As amended, R.1983 d.607, eff. January 3, 1984.  
See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).  
Deleted old and added new text.

**5:70-7.3 Residents ineligible for service subsidy**

Residents ineligible for service subsidy under N.J.A.C. 5:70-6.3(e) may receive the available services by paying the total program costs.

As amended, R.1983 d.607, eff. January 3, 1984.  
See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).  
Deleted old and added new text.  
Amended by R.1987 d.315, effective August 3, 1987.  
See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a).  
Deleted old and added new text.

**5:70-7.4 (Reserved)**

This section formerly contained rules concerning waiting lists which were repealed by R.1983 d.607, effective January 3, 1984. See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

**5:70-7.5 (Reserved)**

This section formerly contained rules concerning non-discrimination which were repealed by R.1983 d.607, effective January 3, 1984. See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

**5:70-7.6 (Reserved)**

This section formerly contained rules concerning over income tenants which were repealed by R.1983 d.607, effective January 3, 1984. See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

**SUBCHAPTER 8. PERFORMANCE REVIEW AND ASSESSMENT****5:70-8.1 General**

(a) Sponsors and management of Congregate Housing Services Programs shall be allowed maximum flexibility for operations consistent with effective and efficient program administration in accordance with standards developed by the Division on Aging.

(b) The Division will reallocate to the statewide program those funds which are unexpended by program grantees within the program grant period.

**5:70-8.2 Monitoring**

The Division on Aging shall monitor all Congregate Housing Services Programs periodically to insure financial and programmatic compliance with grant agreements, policy and procedures and all applicable state regulations.

**5:70-8.3 Evaluation**

Managers of congregate housing facilities and Congregate Housing Services Coordinators shall be required to cooperate in any performance or fiscal review, assessment, or evaluation which may be conducted by the Division on Aging or an outside agency commissioned by the Division on Aging.

**5:70-8.4 Self assessment**

The program sponsor shall prepare and submit to the Division on Aging an annual evaluation of the effectiveness of the Congregate Housing Services Program in accordance with guidelines developed by the Division on Aging.

As amended, R.1983 d.607, eff. January 3, 1984.  
See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).  
Deleted old and added new text.

**SUBCHAPTER 9. MAINTENANCE OF RECORDS****5:70-9.1 General**

(a) The program sponsor's records shall be in conformity with generally accepted accounting principles and shall be in such a form as to make the following information readily available:

1. Documentation of all persons in the program, both subsidized and non-subsidized, listing income, rent, and program cost per participant, for example, subsidized cost and participant contribution.
2. Allocation of costs by budget category to each of the subsidized services (food, housekeeping, and personal services).
3. All expenditures directly related to Congregate Housing Services Program.
4. Documentation that all subsidies received were expended for allowable service costs, for example, the provision of meals, salaries of personnel needed for housekeeping, personal services, coordination and other services rendered by the coordinator, and that none were expended for capital costs.
5. Subsidies provided by other sources used to reduce participant payments toward the cost of the program. (See: N.J.A.C. 5:70-6.1.)

As amended, R.1983 d.607, eff. January 3, 1984.  
See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).  
Deleted old and added new text.

**5:70-9.2 Reports**

(a) Monthly and Quarterly Report Forms will be supplied to each project at the inception of the contract period.

(b) Monthly reports shall be submitted by the 15th of the month. A copy must be maintained at the project for use in determining at the time of final audit by the Division on Aging of the validity of the subsidies.

(c) Quarterly performance reports shall be submitted within 15 days of the end of each quarter in order to facilitate payment.

(d) Additional reports, as required, shall be submitted in accordance with a schedule determined by the Division on Aging.

(e) The Division may terminate the grant agreement if the sponsor has not delivered congregate housing services to eligible recipients of services within six months after funding approval is granted, or if the sponsor has failed to submit two consecutive quarterly financial reports.

As amended, R.1983 d.607, eff. January 3, 1984.

See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

Deleted old and added new (b) and (c).

Amended by R.1987 d.315, effective August 3, 1987.

See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a).

Deleted old and added new text.

**5:70-9.3 (Reserved)**

As amended, R.1983 d.607, eff. January 3, 1984.

See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

In (a), changed submission of reports from quarterly to within 15 days of end of quarter and within 15 days of completion of contract period. Also deleted old and added new (b).

Repealed by R.1987 d.315, effective August 3, 1987.

See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a).

This section was the quarterly and annual performance reports.

**SUBCHAPTER 10. APPEAL PROCEDURE**

**5:70-10.1 Appeal procedure**

(a) Any housing agency, program applicant or participant, aggrieved by a decision of the Division and entitled to a hearing shall have a right to a hearing if requested in writing to the Division on Aging within 20 days of receipt of written notification of the decision.

(b) For a period not to exceed 30 days following receipt of the request for a hearing, the Division shall attempt to settle the dispute by conducting such proceedings, meetings and conferences as it deems appropriate.

(c) If these efforts at settlement fail, the Division shall proceed according to the applicable provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq., as implemented by N.J.A.C. 1:1, the Uniform Administrative Procedure Rules of Practice.

As amended, R.1983 d.607, eff. January 3, 1984.

See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).

**SUBCHAPTER 11. ADMINISTRATION**

**5:70-11.1 General**

(a) The Congregate Housing Services Program will be administered by the Division on Aging, Department of Community Affairs.

1. The Director, Division on Aging, as the designee of the commissioner, is authorized to promulgate policies and procedures as may be deemed necessary to carry out the purpose of the program.

R.1983 d.607, eff. January 3, 1984.

See: 15 N.J.R. 1791(a), 16 N.J.R. 46(a).