

**CHAPTER 27  
REGULATIONS GOVERNING ROOMING  
AND BOARDING HOUSES**

**Authority**

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

**Source and Effective Date**

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

**Executive Order 66(1978) Expiration Date**

Chapter 27, Regulations Governing Room and Boarding Houses, expires on May 12, 2000.

**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 readopted, 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, eff. May 2, 1990. See: 21 N.J.R. 3871(a), 22 N.J.R. 1720(a). Chapter 27 expired May 2, 1995 and was subsequently readopted as new rules by R.1995 d. 280. See: Source and Effective Date.

See subchapter and section annotations for specific rulemaking activity.

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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".

**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).  
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**

Communal living arrangement of four elderly women qualified as boarding house subject to licensing regulations. In the Matter of Frank Gialanella, 96 N.J.A.R.2d (CAF) 40.

Allowing residents, including a high percentage of mental patients, to remain in hazardous living quarters warranted imposition of civil penalty against rooming house. *Community Affairs v. Sea Phoenix*, 95 N.J.A.R.2d (CAF) 21.

Unlicensed premises operated as a boarding house; closure and a fine. Levin v. Bureau of Rooming and Boarding House Standards, 92 N.J.A.R.2d (CAF) 12.

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).

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).

Amended by R.1995 d.280, effective May 12, 1995.

See: 27 N.J.R. 1346(a), 27 N.J.R. 2188(a).

Amended by R.1998 d.298, effective July 6, 1998.

See: 30 N.J.R. 509(a), 30 N.J.R. 2433(a).

Added a new (n).

#### Case Notes

Appointment of receiver to conserve boarding facility modified to denial of boarding house license. *Milligan v. Bureau of Rooming and Boarding House Standards*, 97 N.J.A.R.2d (CAF) 81.

Building lessees violated state law by operating rooming and boarding house without license. *Division of Housing and Development v. Cummins and Malhtra*, 97 N.J.A.R.2d (CAF) 7.

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.

Rooming house license denied; fire code. *Department of Community Affairs v. Stoner*, 94 N.J.A.R.2d (CAF) 105.

Penalty; operation of rooming house without license. *Department of Community Affairs v. Roshop*, 94 N.J.A.R.2d (CAF) 100.

License held by rooming house tenant did not meet owner's licensing requirements. *1020 River Road Realty Co. v. Bureau of Rooming and Boarding House Standards*, 92 N.J.A.R.2d (CAF) 22.

Rooming house operator required to renew owner's license. *1020 River Road Realty Co. v. Bureau of Rooming and Boarding House Standards*, 92 N.J.A.R.2d (CAF) 22.

Operation of unlicensed boarding house warranted fine and closure. *Levin v. Bureau of Rooming and Boarding House Standards*, 92 N.J.A.R.2d (CAF) 12.

#### 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

### Subchapter 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 Codes and Standards 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. 55:13B-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 Codes and Standards 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 or 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.

“Fuel-burning appliance” means a device or apparatus which is designed to utilize natural gas, manufactured gas, mixed gas, liquefied petroleum products, solid fuel, oil or any gas as a fuel for heating, cooling, hot water, cooking, generating light or power or for aesthetics.

“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 or her family and bona fide employees and the operator and his or her 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).

Amended by R.1995 d.280, effective May 12, 1995.

See: 27 N.J.R. 1346(a), 27 N.J.R. 2188(a).

Amended by R.1999 d.259, effective August 16, 1999.

See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

Inserted the definition of "Fuel-burning appliance".

#### Case Notes

Premises was used as rooming house where unrelated occupants who started their occupancies at different times shared Kitchen and bath Facilities and had individual telephone accounts. Country Lane Builders, Inc. v. Department of Community Affairs, 96 N.J.A.R.2d (CAF) 94.

### SUBCHAPTER 3. RIGHTS OF RESIDENTS

#### 5:27-3.1 Enumeration of rights

(a) Every resident shall have the following rights:

1. To manage his or her own financial affairs;
2. To wear his or her own clothing;
3. To determine his or her own dress, hairstyle, or other personal effects according to individual preference;
4. To retain and use his or her personal property in his or her 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 or her own expense;
7. To privacy;
8. To retain the services of his or her own personal physician at his or her own expense or under a health care plan and to confidentiality and privacy concerning his or her medical condition and treatment;

(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 the licensee's own use, or require payment to the licensee 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 or her 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."

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

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

**Authority**

N.J.S.A. 55:13B-6, as amended by P.L. 1997, c.260.

**Source and Effective Date**

R.1998 d.298, effective July 6, 1998.  
See: 30 N.J.R. 509(a), 30 N.J.R. 2433(a).

**5:27-13.1 Appropriate placement and care**

(a) A resident with a diagnosis of probable Alzheimer's disease, other dementia, or other cognitive impairments shall be transferred from a licensed Class C boarding home to a facility which offers a higher level of care, if the resident exhibits one or more of the following characteristics:

1. The resident is consistently and totally dependent in eating and toileting. "Consistently and totally dependent in eating" means being unable to swallow and/or requiring a feeding tube. "Consistently and totally dependent in toileting" means requiring a colostomy bag and/or catheter.
2. The resident is unable to self-administer medications (oral, topical, injectable) even when monitored; provided, however, that residents who are unable to self-administer medication shall be permitted to remain in the facility provided the facility owner or operator has a licensed practical nurse on-site, who is under the supervision of a registered nurse, full time.
3. The resident requires treatment of a stage two, three or four pressure sore.
4. The resident exhibits behaviors and/or has cognitive impairments of such severity as to be a danger to self or others.
5. The resident is in need of a therapeutic diet that cannot be accommodated at the facility and requires nursing monitoring. For example, monitoring of blood sugar, food and fluid intake, monitoring of skin integrity and possible dehydration.

6. The resident is in need of any type of feeding tube or other artificial feeding apparatus.

7. The resident is bed bound or requires repositioning due to his or her disease progression or due to a medical-ly disabling condition.

(b) Each resident's weight shall be taken at least monthly at the facility and recorded appropriately. Weight information shall be provided to the assessing professional for quarterly review, in accordance with (g) below. If a resident loses more than five percent of his or her weight in a one-month period (and is not on a prescribed weight reduction plan), the facility must immediately notify the resident's attending physician.

(c) The provision of hospice services in a facility is only allowed with prior notice to the Bureau and with the development of a care plan by a physician, physician's assistant, registered professional nurse or clinical nurse specialist/nurse practitioner. Once the Bureau is notified and the care plan is in place, the facility, in collaboration with the family, must arrange for 24-hour private duty nursing care to supplement hospice services.

(d) Services such as those provided by a visiting nursing or home health aide agency are permitted for short term, intermittent nursing care only.

(e) Absent an emergency, physical or chemical restraints that are being used for the purpose of restricting a person's mobility within the facility are not permitted. Whenever a physical or chemical restraint is being considered for use in a facility, it must be approved in writing by the resident's attending physician with an accompanying rationale for use of same.

(f) Even if a resident has a "Do Not Resuscitate" (DNR) order, staff must call 911 for appropriate assistance in the event of an emergency, so that appropriate medical staff can assist the resident and act, if appropriate.

(g) Each resident shall be assessed prior to admission, and at least quarterly thereafter, to determine if the resident exhibits one or more of the characteristics for transfer listed in (a) above. Such assessment shall be performed by a physician, physician's assistant, registered professional nurse, or clinical nurse specialist/nurse practitioner licensed to practice in the State of New Jersey. The assessment shall be conducted in person, and a signed, original copy of the assessment report shall be kept on-site at the facility. The licensed professional who carries out this assessment shall be the person's personal health care professional and shall be financially independent of the facility.

(h) Prior to admission, and at least annually thereafter, the facility shall notify the resident and the resident's family, care giver, or responsible agency in writing of the transfer characteristics in (a) above.

(i) In the event the assessment determines that a transfer to a facility providing a higher level of care is required, the transferring facility shall:

1. Verbally notify the resident, the resident's family, care giver or responsible agency of the assessment results within 24 hours of completion, with written notification to follow within 72 hours of assessment completion;
2. In consultation with the resident and the resident's family, arrange for and/or assist in the orderly transfer of the resident within 15 days; this shall include facility assistance in seeking out and securing an appropriate placement for the resident; and
3. Arrange for the provision of all necessary services for the appropriate care of the resident until the resident is discharged.

### 5:27-13.2 Referrals

The facility owner or operator shall maintain a list of licensed New Jersey long term care facilities and Department of Health and Senior Services licensed alternative care facilities and provide it to the resident, the resident's family, care giver or responsible agency when a resident needs a higher level of care.

### 5:27-13.3 Training and staffing requirements

(a) All staff who are employed in the facility and are regularly in direct contact with residents shall complete the applicable courses and training programs set forth in (a)1 through 4 below and approved by the Bureau, at such time as such courses and training programs are available, in the care of persons with Alzheimer's disease and related disorders and other forms of dementia. Any such course shall provide all information concerning these diseases and accepted methods of care and treatment with which the Bureau shall deem it appropriate that persons providing care be familiar.

1. All operators shall obtain certification for having successfully completed the basic boarding home training course (75 hours) given by the Department of Human Services. All other employees who are regularly in direct contact with residents shall successfully complete the home health aide course (75 hours) given by a home health agency approved by the State Board of Nursing.

2. All employees who are regularly in direct contact with residents shall complete a five-day course given by a Registered Nurse or other professional approved by the Bureau which shall include orientation to the facility and specific training regarding Alzheimer's disease. The course shall be divided as follows:

- i. Day One: Mission; policies and procedures; rules for residents; rules for staff; scheduling of meals and activities; documentation requirements; residents' rights; confidentiality; and ethical behavior;

- ii. Day Two: Safety issues; preventing falls and accidents; fire training and evacuation; infection controls and universal precautions; and OSHA, Right-to-Know and related issues;

- iii. Day Three: Didactic information concerning Alzheimer's disease; audiovisuals; role plays; definition of dementia; associated behaviors of dementia (such as rummaging, wandering, impulsiveness, etc.); distinctive characteristics of individuals with dementia; and use of Assisted Living University or similar tapes;

- iv. Days Four and Five: Structured observation at a dementia-specific adult day care program or at a dementia unit of an assisted living facility; trainees to observe a multidisciplinary team in action with clients with dementia and to be given structured worksheets to complete; and trainees to participate in discussion sessions with their supervisor each day.

3. During the first 30 days on the job, a new employee shall be paired with an employee with more than one year of work experience, so that there will be role-modeling and instant feedback for problem-solving.

4. Home health aides shall have a minimum of 12 hours per year of continuing education. This shall be accomplished through required monthly support group meetings with their peers and the supervising Registered Nurse or a social worker. The purpose of these meetings shall be to provide new information, shared information and validation of feelings for participants. Such meetings may be organized jointly for staff of more than one facility.

(b) At least two staff persons capable of providing assistance to residents shall be awake and on duty at all times.

(c) A personal care assistant seeking to attain certification as a certified medication aide, in addition to completing the home health aide course required by (a)1 above and the training required by (a)2 above, shall complete a medication administration course approved by the State Board of Nursing and the Department.

Amended by R.1998 d.481, effective September 21, 1998.

See: 30 N.J.R. 2329(a), 30 N.J.R. 3465(a).

Rewrote the section.

Amended by R.1999 d.425, effective December 6, 1999.

See: 31 N.J.R. 2318(a), 31 N.J.R. 4011(a).

Added (c).

### 5:27-13.4 Building safety requirements

In addition to being maintained in accordance with the requirements of N.J.A.C. 5:27-1.3(c) and 5:27-4, all facilities subject to this subchapter shall have, on each floor above the ground floor to which one or more persons with Alzheimer's disease or a related disorder or other form of dementia has access, a designated area, approved by the Bureau, to which such persons may be brought, in which

they may reasonably be expected to be safe, pending their evacuation, in an emergency situation.

#### 5:27-13.5 Administration of medications

(a) All medications administered by qualified persons shall be administered in accordance with prescriber orders, facility policy and all Federal and State laws, rules and regulations.

(b) Administration of medications is within the scope of practice and remains the responsibility of the registered professional nurse. A registered professional nurse may choose to delegate the task of administering medications in accordance with N.J.A.C. 13:37-6 to certified medication aides. When the registered professional nurse delegates the task of administering medications to certified medication aides, this delegation is based upon individual residents' needs and circumstances within specific limits. These limits shall include, but not be limited to, the following:

1. The administration of oral, ophthalmic, inhaled, nasal, rectal, vaginal, topical and injectable (subcutaneous) medications may be delegated. Residents receiving short-term scheduled medications (II-IV) for analgesia, and injections other than predrawn insulin, shall be reassessed by the registered professional nurse at least every 72 hours, in order to determine if the medication is still required;

2. The delegating registered professional nurse shall review with the certified medication aide medication actions and untoward effects for each drug to be administered. Pertinent information about medications' adverse effects, side effects, and potential interactions shall be incorporated into the care plan for each resident, with interventions to be implemented by the certified medication aide and other caregiving persons; and

3. A unit of use distribution system shall be developed and implemented.

(c) Each resident shall be identified prior to drug administration.

(d) Drugs prescribed for one resident shall not be administered to another resident.

(e) The certified medication aide shall report drug errors and adverse drug reactions immediately to the registered professional nurse who shall report the drug error or adverse drug reaction to the prescriber, and to the pharmacist, and who shall document the incident in the resident's record.

New Rule, R.1999 d.425, effective December 6, 1999.  
See: 31 N.J.R. 2318(a), 31 N.J.R. 4011(a).

### SUBCHAPTER 14. CARBON MONOXIDE ALARMS

#### Authority

P.L. 1999, c.15, section 6: and N.J.S.A. 52:27D-133.4.

#### Source and Effective Date

R.1999 d.259, effective August 16, 1999.  
See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

#### 5:27-14.1 Carbon monoxide alarms

(a) Carbon monoxide alarms shall be installed and maintained in full operating condition in the following locations:

1. Single station carbon monoxide alarms shall be installed and maintained in the immediate vicinity of every sleeping room in buildings that contain a fuel-burning appliance or that have an attached garage.

2. As an alternative to the requirements above, carbon monoxide alarms may be installed in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23-3.20) with the approval of the Bureau.

(b) Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this subchapter and NFPA 720. Carbon monoxide alarms shall be battery-operated, hard-wired or of the plug-in type.