

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".

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

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).

5:27-1.4 Continuation of lawful existing use

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

Administrative Correction.

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

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

(a) Except as otherwise provided in these rules with regard to required alterations, no rooming or boarding house may be constructed or altered except in accordance with the Uniform Construction Code. Requirements of any adopted subcode of the Uniform Construction Code that exceed requirements of this chapter shall be inapplicable to required alterations unless the Bureau shall otherwise direct.

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

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

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

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

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

Amended by R.1983 d.342, effective September 6, 1983.
See: 15 N.J.R. 821(a), 15 N.J.R. 1468(b).

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

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

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

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

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

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

5:27-1.6 Licenses

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

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

1. Class A license: Valid for rooming houses only;
2. Class B license: Valid only for rooming houses and for boarding houses offering no financial services and no personal services other than meals and other food services and laundry;
3. Class C license: Valid for all rooming and boarding houses;
4. Class D license: Valid only for facilities operated under contract with an agency of the State of New Jersey; and
5. Class E license: Valid only for alcohol and drug rehabilitation facilities owned and operated by non-profit religious organizations.

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

1. Class A license: \$80.00 plus the amount determined in accordance with (c)6 below;
2. Class B license: \$90.00 plus the amount determined in accordance with (c)6 below;
3. Class C or Class D license: \$100.00 plus the amount determined in accordance with (c)6 below;
4. Class E license: \$75.00;
5. Any license, regardless of class, issued to a corporation, partnership or association: \$150.00.
6. Except as otherwise provided in (c) 7 below, the fee for any license, other than a license issued to a corporation, partnership or association, shall include the following additional fee if the facility (or facilities) is (or are) occupied by, or intended to be occupied by, six or more residents:
 - i. Six-10 residents—\$25.00;
 - ii. Eleven-15 residents—\$50.00;
 - iii. Sixteen or more residents—\$70.00.
7. The total fee for any license shall in no case exceed \$150.00.

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

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

person is an officer, director or employee or in which as a stockholder such person has or exercises a controlling interest either directly or indirectly.

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

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

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

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

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

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

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

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

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

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

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

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

As amended, R.1983 d.60, effective March 7, 1983.
See: 15 N.J.R. 7(a), 15 N.J.R. 330(c).

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

As amended, R.1984 d.154, effective May 7, 1984.
See: 16 N.J.R. 181(a), 16 N.J.R. 1071(a).

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

Amended by R.1985 d.300, effective June 17, 1985.
See: 17 N.J.R. 777(a), 17 N.J.R. 1543(b).

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

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

Amended by R.1990 d.274, effective June 4, 1990.
See: 22 N.J.R. 912(a), 22 N.J.R. 1720(b).

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

Administrative Correction.

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

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

Case Notes

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

5:27-4.2 Facilities

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

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

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

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

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

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

5:27-4.3 Garbage and rubbish storage

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

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

5:27-4.4 Lighting and electrical service

(a) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window or skylight area measured between stops, for every habitable room shall be eight percent of the floor area of such room. Whenever walls or other portions of struc-

tures face a window of any habitable room and are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be included in calculating the required minimum total window area.

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

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

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

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

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

5:27-4.5 Ventilation

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

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

5:27-4.6 Heating

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

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

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

5:27-4.7 Maintenance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Case Notes

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

5:27-4.8 Use and occupancy of space

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

5:27-7.4 Outdoor facilities and recreation

(a) In every boarding house having a lawn, deck or porch or other outdoor area suitable for use by residents, sufficient chairs shall be available to accommodate as many residents as can comfortably be seated there.

(b) Where feasible in boarding houses, recreational equipment suitable for use by the residents shall be provided.

(c) Every licensee shall take such action as may be reasonable to encourage the use by residents of recreational facilities available in the community.

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

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

(a): "rooming or" deleted.

(b): "in boarding houses" added.

SUBCHAPTER 8. MAINTENANCE OF RECORDS**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.

5:27-8.1 Resident records

(a) It shall be the duty of each licensee to maintain an orderly file with respect to each resident containing at least the following information:

1. Full name of resident;
2. Date of birth;
3. Last previous address;
4. Name and address of the persons and/or agencies, if any, responsible for referring the resident to the rooming or boarding house and maintaining contact with him;
5. Name, address and telephone number of personal physician, if any;
6. Name, address and telephone number of next of kin or other person interested in the resident's well-being;
7. Date of commencement of occupancy;
8. Last date of occupancy and copy of death certificate if occupancy was terminated by the resident's death;
9. Any complaints made by or about the resident, the date of such complaint and action taken by the licensee.

(b) Each resident's file shall contain at least the following documents:

1. Certification issued by a licensed physician, or by a licensed nurse practitioner or licensed clinical nurse specialist legally authorized to issue such certification, as to general state of health and any illnesses or disabilities and medication required.

2. Copy of a lease or other occupancy agreement, signed by both the licensee and the resident, clearly stating the services to be provided by the licensee and the charge to the resident for such services, said agreement to be witnessed, in the case of a resident at least 62 years of age or having any mental or physical disability, by a representative of the county welfare board or of any other social service agency having responsibility for such resident;

3. Acknowledgement by the resident that he or she has received a copy of the rules and regulations of the rooming or boarding house and agrees to abide by them;

4. A record of all property of the resident entrusted to the licensee, including, in the case of any resident receiving financial services, a ledger as required pursuant to N.J.A.C. 5:27-8;

5. Any other written agreement between the licensee and the resident.

(c) No resident's file shall be made available without the resident's consent to any person other than the licensee, the resident, or a duly authorized representative of the Bureau, the county welfare board or other public agency having reasonable cause to have access to the file, all of whom shall have access to the file at any reasonable time.

(d) In a rooming house, a licensee need only maintain the items listed in (a)1 and 7 above for residents under 62 years of age and items listed in (a)1, 2, 5, 6, and 7, and (b)3 above for residents 62 years of age or over.

(e) An owner or operator of a boarding house owned and operated under a Class D or E license shall be permitted to develop and follow a method that will permit that the resident may remain anonymous when it is necessary to do so for rehabilitative purposes.

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

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

(d) added.

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

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

Anonymity provisions added at (e).

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.1996 d.165, effective April 1, 1996.

See: 28 N.J.R. 23(a), 28 N.J.R. 1833(b).

In (b)1 inserted licensed nurse practitioner and clinical nurse specialist.

Case Notes

Free exercise right did not support challenge to state statute that was not expressly directed to religion. *Salvation Army v. Department of Community Affairs of State of N.J.*, C.A.3 (N.J.) 1990, 919 F.2d 183.

Religious group could claim violation of its right to associate for free speech purposes if it could demonstrate that statutory reporting requirements hindered its activity. *Salvation Army v. Department of Community Affairs of State of N.J.*, C.A.3 (N.J.) 1990, 919 F.2d 183.

Group did not have viable establishment clause claim. *Salvation Army v. Department of Community Affairs of State of N.J.*, C.A.3 (N.J.) 1990, 919 F.2d 183.

5:27-8.2 Financial records

(a) Every licensee shall keep orderly and complete records of the source and amount of all funds received in connection with the operation of each rooming and boarding house and the nature and amount of each expenditure made in connection therewith. Payments made to or profits retained by licensees shall be clearly stated.

(b) All financial records maintained by any licensee in connection with any rooming or boarding house shall be made available by the licensee to the Bureau upon request of any duly authorized representative of the Bureau.

5:27-8.3 Additional requirements

(a) The Bureau, upon determining that records maintained by a licensee are disorderly or inadequate in any way, or that violations of the act or of these regulations exist which have not been terminated within the period of time allowed by the Bureau for such termination, may order the licensee to maintain such additional records, or maintain the records in such manner, as the Bureau may prescribe.

(b) It shall be the duty of any licensee to whom an order is issued pursuant to (a) above to comply with such order forthwith.

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

5:27-8.4 Record retention

(a) All required financial records shall be retained for a period of at least five years from the date of the record.

(b) All required resident records shall be retained for a period of at least five years after the resident ceases to reside at the rooming or boarding house.

(c) The Bureau shall have discretion to allow earlier disposal, or require longer retention, of specific records or categories of records in specific cases.

SUBCHAPTER 9. FOOD AND LAUNDRY SERVICES

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.

5:27-9.1 Applicability

(a) The standards in this subchapter shall apply only to boarding houses operated under either a Class B or Class C license.

(b) Neither food services nor laundry services shall be provided or offered to be provided in any rooming house operated under a Class A license.

5:27-9.2 Diet and menu

(a) Every resident shall be provided with a nutritionally adequate diet that is of good quality food, correctly prepared, attractively and properly served in sufficient quantity and in a form and texture that will meet his or her nutritional needs, take into account his or her food preferences and be appetizing.

(b) The daily diet for each resident shall include servings from each of the following food groups in an amount that is nutritionally adequate in light of the resident's age, weight and physical condition:

1. Milk or milk products;
2. Vegetables and fruits, including at least one serving per day of citrus fruit or juice;
3. Whole grain, enriched, fortified or restored bread or cereal;
4. Meat, poultry, fish and eggs.

(c) Menus shall be prepared on a weekly basis. All menu items shall be specifically stated.

(d) All menu changes and substitutions shall be recorded. Records of foods served shall be retained for three weeks following the date of service.

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

5:27-9.3 Food service

(a) Each resident shall be served at least three well-balanced and appetizing meals per day on a regular schedule and at reasonable intervals.

(b) Food and beverages shall be available to residents in reasonable quantities for between-meal and evening snacks.

(c) Any modified diet prescribed by a physician shall be conscientiously followed.

(d) Adequate dishes, utensils and napkins shall be provided. Salt, pepper and sugar and other condiments shall be provided as appropriate and in suitable containers.

(e) A reasonable amount of time shall be allowed for each resident to eat his or her meal.

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

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

5:27-9.4 Food sanitation

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

(b) Only pasteurized milk shall be used.

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

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

5:27-9.5 Laundry services

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

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

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

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

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

(a): "rooming or" deleted.

SUBCHAPTER 10. OTHER PERSONAL SERVICES

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.

5:27-10.1 Applicability

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

(b) No rooming house operated under a Class A license and no boarding house operated under a Class B license

shall provide or offer to provide the personal services specified in this subchapter.

5:27-10.2 Assistance in dressing

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

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

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

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

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

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

5:27-10.3 Assistance in bathing and personal hygiene

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

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

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

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

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

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

5:27-10.4 Transportation to health services

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

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

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

5:27-10.5 Monitoring of medication

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

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

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

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

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

1. Storage of medication in a locked cabinet to which only the licensee has access;
2. Notifying residents of the time of taking their medication; and
3. Presenting residents with bottles of medication, reminding them of the proper dosage and watching when they remove and take the medication by themselves.

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

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

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

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

SUBCHAPTER 11. FINANCIAL SERVICES

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.

5:27-11.1 Applicability

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

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

5:27-11.2 Check cashing

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

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

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

5:27-11.3 Holding of personal funds

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

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

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

5:27-11.4 Assistance in purchasing

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

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

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