

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".
 Amended by R.2000 d.202, effective May 15, 2000.
 See: 32 N.J.R. 739(a), 32 N.J.R. 1763(b).
 Inserted "Certified medication aide".

Case Notes

Initial Decision (2010 N.J. AGEN LEXIS 19) adopted, which concluded that an unlicensed rooming house existed based on the totality of the circumstances: the three interior rooms on the first floor had keyed doorknob locks with deadbolt plungers; the residents present at the time of the Division's inspection led the inspectors to believe that the move-in dates and rental amounts were different for the first-floor adults, which was a strong indication that the rooms were being rented to unrelated adults; and there was no written lease. *Lee v. Bureau of Rooming & Boarding House Standards*, OAL Dkt. No. CAF 03952-09, 2010 N.J. AGEN LEXIS 840, Final Decision (February 25, 2010).

Initial Decision (2009 N.J. AGEN LEXIS 596) adopted, which found that a boarding house was established where the lease contemplated six adults, but nine were present and, of the six adults identified on the application, only two were present at the Department of Community Affairs inspection; the remaining adults listed were not present, leading inspectors to believe that the move-in dates for the other seven adults were later in time and a strong indication that one tenant was renting rooms to a series of other, unrelated adults who came and went over time. Thus, while it may not have been the landlord's intention, the home had become a rooming house at the time of the DCA inspection. *Thompson v. Bureau of Rooming and Boarding House Standards*, OAL Dkt. No. CAF 4225-09, 2009 N.J. AGEN LEXIS 609, Final Decision (September 2, 2009).

Initial Decision (2008 N.J. AGEN LEXIS 185) adopted, which concluded that each floor of owner's two-story residence (each floor containing three bedrooms, a kitchen, and a bath) qualified as an unlicensed rooming house, as each floor contained two or more units of dwelling space intended for single room occupancy, pursuant to the definition in N.J.S.A. 55:13B-3 and N.J.A.C. 5:27-2.1. Because the units of dwelling space required communal use of the bathrooms and kitchens, the rooms in question did not provide independent living and thus were intended for single room occupancy. The absence of dead-bolt locks for each bedroom was not determinative, and the common lease document also was not determinative, as the tenants had different lease terms. *Fabics v. Bureau of Rooming & Boarding House Standards*, OAL Dkt. No. CAF 6660-07, 2008 N.J. AGEN LEXIS 245, Final Decision (April 7, 2008), *aff'd per curiam*, A-4264-07T3, 2009 N.J. Super. Unpub. LEXIS 1149 (May 11, 2009).

Initial Decision (2008 N.J. AGEN LEXIS 185) adopted, which concluded that the Department of Community Affairs' enforcement action against petitioner for operating a rooming house without a license was not barred under the doctrines of *res judicata* and collateral estoppel by a previous action brought by the City against petitioner; under the statutory and regulatory scheme, the State retains licensing power even when a local authority licenses rooming and boarding houses within its jurisdiction. *Fabics v. Bureau of Rooming & Boarding House Standards*, OAL Dkt. No. CAF 6660-07, 2008 N.J. AGEN LEXIS 245, Final Decision (April 7, 2008), *aff'd per curiam*, A-4264-07T3, 2009 N.J. Super. Unpub. LEXIS 1149 (May 11, 2009).

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;