

**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.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT**

- 5:27-1.1 Title
- 5:27-1.2 Purpose
- 5:27-1.3 Administration and enforcement
- 5:27-1.4 Continuation of lawful existing use
- 5:27-1.5 Construction and alteration; change of use
- 5:27-1.6 Licenses
- 5:27-1.7 License applications
- 5:27-1.8 Administrative hearings
- 5:27-1.9 Exceptions and exemptions
- 5:27-1.10 Search warrants
- 5:27-1.11 Tense, gender and number
- 5:27-1.12 Separability clause

**SUBCHAPTER 2. DEFINITIONS**

- 5:27-2.1 Definitions

**SUBCHAPTER 3. RIGHTS OF RESIDENTS**

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

**SUBCHAPTER 4. GENERAL BUILDING REQUIREMENTS**

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

**SUBCHAPTER 5. (RESERVED)**

**SUBCHAPTER 6. SECURITY**

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

**SUBCHAPTER 7. RESIDENTS' COMFORT**

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

**SUBCHAPTER 8. MAINTENANCE OF RECORDS**

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

**SUBCHAPTER 9. FOOD AND LAUNDRY SERVICES**

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

**SUBCHAPTER 10. OTHER PERSONAL SERVICES**

- 5:27-10.1 Applicability
- 5:27-10.2 Assistance in dressing
- 5:27-10.3 Assistance in bathing and personal hygiene
- 5:27-10.4 Transportation to health services
- 5:27-10.5 Monitoring of medication
- 5:27-10.6 Supervision of self-administration of medicine

**SUBCHAPTER 11. FINANCIAL SERVICES**

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

**SUBCHAPTER 12. FIRE SAFETY LOANS**

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

## SUBCHAPTER 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

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).

### 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).