

## LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 55:13B-3 (Rooming and Boarding House Act--exempts residences where owner derives no income)

**LAWS OF:** 1985 **CHAPTER:** 364

**BILL NO:** S2697

**Sponsor(s):** Hagedorn and others

**Date Introduced:** February 4, 1985

**Committee: Assembly:** Housing and Urban Policy  
**Senate:** Labor, Industry and Professions

**Amended during passage:** Yes Substituted for A3484 (not attached since identical to S2697). Amendments during passage denoted by asterisks.

**Date of Passage:** **Assembly:** June 27, 1985  
**Senate:** March 7, 1985

**Date of Approval:** November 18, 1985

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee statement:** **Assembly** Yes  
**Senate** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

See newspaper clippings--attached:

(OVER)

"Mother Teresa prods Kean on moms' shelter," 11-1-85 Star Ledger.

"Operator of shelter sues boss," 7-4-85 Star Ledger.

"She opened her home, and state stepped in," 8-4-84 Bergen Record.

"Fighting lawsuit, in the name of God," 9-23-84 Bergen Record.

"Bill filed clearing homeowners to lodge needy," 2-7-85 Star Ledger.

11-18-85

[SECOND OFFICIAL COPY REPRINT]

**SENATE, No. 2697****STATE OF NEW JERSEY**

INTRODUCED FEBRUARY 4, 1985

By Senators HAGEDORN, CARDINALE, FELDMAN, LIPMAN,  
DUMONT, GORMLEY and HIRKALA

Referred to Committee on Labor, Industry and Professions

AN ACT to amend the "Rooming and Boarding House Act of 1979,"  
approved February 29, 1980 (P. L. 1979, c. 496).1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*1 1. Section 3 of P. L. 1979, c. 496 (C. 55:13B-3) is amended to  
2 read as follows:

3 3. As used in this act:

4 a. "Boarding house" means any building, together with any  
5 related structure, accessory building, any land appurtenant thereto,  
6 and any part thereof, which contains two or more units of dwell-  
7 ing space arranged or intended for single room occupancy, exclu-  
8 sive of any such unit occupied by an owner or operator, and  
9 wherein personal or financial services are provided to the residents,  
10 including any residential hotel or congregate living arrangement,  
11 but excluding any hotel, motel or established guest house wherein  
12 a minimum of 85% of the units of dwelling space are offered for  
13 limited tenure only, any foster home as defined in section 1 of  
14 P. L. 1962, c. 137 (C. 30:4C-26.1), any community residence for the  
15 developmentally disabled as defined in section 2 of P. L. 1977,  
16 c. 448 (C. 30:11B-2) any dormitory owned or operated on behalf  
17 of any nonprofit institution of primary, secondary or higher educa-  
18 tion for the use of its students, any building arranged for single  
19 room occupancy wherein the units of dwelling space are occupied  
20 exclusively by students enrolled in a full-time course of study at  
21 an institution of higher education approved by the Department of**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.****Matter printed in italics thus is new matter.****Matter enclosed in asterisks or stars has been adopted as follows:**

\*—Senate committee amendments adopted February 25, 1985.

\*\*—Assembly committee amendment adopted May 6, 1985.

22 Higher Education, [and] any facility or living arrangement op-  
 23 erated by, or under contract with, any State department or agency,  
 24 upon the written authorization of the commissioner, *and any owner-*  
 25 *occupied \*one-family\* residential dwelling made available for*  
 26 *occupancy by \***[one or more]**\* \*not more than six\* guests where the*  
 27 *primary purpose of the occupancy is to provide charitable assis-*  
 28 *tance to the guests and where the owner derives no \***[profit]**\* \*in-*  
 28A *come\* from the occupancy. \*\*A dwelling shall be deemed “owner-*  
 28B *occupied” within the meaning of this section if it is owned or oper-*  
 28C *ated by a nonprofit religious or charitable association or corpora-*  
 28D *tion and is used as the principal residence of a minister or employee*  
 28E *of that corporation or association. For any such dwelling, however,*  
 28F *fire detectors shall be required as determined by the Department*  
 28G *of Community Affairs.\*\**

29 b. “Commissioner” means the Commissioner of the Department  
 30 of Community Affairs.

31 c. “Financial services” means any assistance permitted or re-  
 32 quired by the commissioner to be furnished by an owner or operator  
 33 to a resident in the management of personal financial matters,  
 34 including, but not limited to, the cashing of checks, holding of  
 35 personal funds for safekeeping in any manner or assistance in the  
 36 purchase of goods or services with a resident’s personal funds.

37 d. “Limited tenure” means residence at a rooming or boarding  
 38 house on a temporary basis, for a period lasting no more than  
 39 90 days, when a resident either maintains a primary residence at  
 40 a location other than the rooming or boarding house or intends to  
 41 establish a primary residence at such a location and does so within  
 42 90 days after taking up original residence at the rooming or  
 43 boarding house.

44 e. “Operator” means any individual who is responsible for the  
 45 daily operation of a rooming or boarding house.

46 f. “Owner” means any person who owns, purports to own, or  
 47 exercises control of any rooming or boarding house.

48 g. “Personal services” means any services permitted or re-  
 49 quired to be furnished by an owner or operator to a resident, other  
 50 than shelter, including, but not limited to, meals or other food  
 51 services, and assistance in dressing, bathing, or attending to other  
 52 personal needs.

53 h. “Rooming house” means a boarding house wherein no per-  
 54 sonal or financial services are provided to the residents.

55 i. “Single room occupancy” means an arrangement of dwelling  
 56 space which does not provide a private, secure dwelling space  
 57 arranged for independent living, which contains both the sanitary

58 and cooking facilities required in dwelling spaces pursuant to the  
59 "Hotel and Multiple Dwelling Law," P. L. 1967, c. 76 (C. 55:13A-1  
60 et seq.), and which is not used for limited tenure occupancy in a  
61 hotel, motel or established guest house, regardless of the number  
62 of individuals occupying any room or rooms.

63 j. "Unit of dwelling space" means any room, rooms, suite, or  
64 portion thereof, whether furnished or unfurnished, which is occu-  
65 pied or intended, arranged or designed to be occupied, for sleeping  
66 or dwelling purposes by one or more persons.

1 2. This act shall take effect immediately.

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## STATEMENT

This bill amends the "Rooming and Boarding House Act of 1979," P. L. 1979, c. 496 (C. 55:13B-1 et seq.) to exempt from coverage under the act owner-occupied residential dwellings made available for occupancy by guests where the primary purpose of the occupancy is to provide charitable assistance to the guests and where the owner derives no profit from the occupancy.

Under this act as currently written some individuals who, for charitable reasons, have taken the needy into their homes have been declared to be operating boarding homes by the Department of Community Affairs and subject to the licensing requirements of the act and the regulations promulgated thereunder. This has created an undue burden on these individuals and has impeded or eliminated their efforts to care for the homeless. This bill will exclude from coverage under the act those individuals who care for others in their own homes on a nonprofit basis.

52697 (1985)

SENATE LABOR, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO

**SENATE, No. 2697**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: FEBRUARY 25, 1985

This bill amends the "Rooming and Boarding House Act of 1979" to exempt from coverage under the act owner-occupied, one-family residential dwellings made available for occupancy by not more than six guests where the primary purpose of the occupancy is to provide charitable assistance to the guests and where the owner derives no income from the occupancy.

**CORRECTED COPY**  
**ASSEMBLY HOUSING AND URBAN POLICY**  
**COMMITTEE**

STATEMENT TO  
**SENATE, No. 2697**  
with Senate committee amendments and  
Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: MAY 6, 1985

This bill amends the "Rooming and Boarding House Act of 1979," P. L. 1979, c. 496 (C. 55:13B-1 et seq.) to exempt from coverage under the act owner-occupied, one-family residential dwellings made available for occupancy by guests where the primary purpose of the occupancy is to provide charitable assistance to the guests and where the owner derives no profit from the occupancy. The maximum number of such guests is limited to six.

An amendment adopted by this committee adds an interpretive clause extending the meaning of "owner-occupied," for the purposes of the amended section, to include cases (such as the manse attached to a church) where the structure is owned or operated by a religious or charitable organization, but the structure is used as the principal dwelling of the minister or other employee of the organization.

Another amendment was adopted by this committee to require that fire detectors be installed in these dwellings as required by the Department of Community Affairs.

The bill is prompted, according to the sponsor's statement, by incidents of "individuals who, for charitable reasons, have taken the needy into their homes" and who have thereupon been "declared to be operating boarding homes . . . and subject to the licensing requirements of the act and the regulations promulgated thereunder . . . an undue burden upon these individuals."