

30:11B-1 et al.

LEGISLATIVE HISTORY CHECKLIST

NJSA:30:11B-1 et al

(Community residences for the mentally ill--licensing and regulation--responsibility of Department of Human Services)

LAWS OF:1987

CHAPTER: 112

Bill No: A654

Sponsor(s): Frelinghuysen

Date Introduced: Pre-filed

Committee: Assembly: Health and Human Resources

Senate: Institutions, Health and Welfare

Amended during passage: Yes Substituted for S712 (not attached since identical to A654). Amendments.

Date of Passage: Assembly: June 16, 1986

Senate: January 22, 1987

Date of Approval: April 24, 1986

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

(Over)

Regulations, adopted pursuant to act, N.J.A.C. 21:27A
10-44A , see 20 NJR 149 (b) and 20 NJR
2898

112 4-24-87 87

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ASSEMBLY, No. 654

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman FRELINGHUYSEN

AN ACT to amend the title of "An act concerning community residences for developmentally disabled persons and providing for their development, licensing and regulation," approved March 2, 1978 (P. L. 1977, c. 448), so that the same shall read "An act concerning community residences for developmentally disabled persons and for **[the]** mentally ill **persons** and providing for their development, licensing and regulation," and to amend **and supplement** the body of said act **[and]** ***, amending P. L. 1979, c. 496 **and making an appropriation therefor**.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The title of P. L. 1977, c. 448 is amended to read as follows:
2 An act concerning community residences for developmentally dis-
3 abled persons and for **[the]** mentally ill **persons** and pro-
4 viding for their development, licensing and regulation.

1 2. Section 1 of P. L. 1977, c. 448 (C. 30:11B-1) is amended to
2 read as follows:

3 1. The Legislature finds that many developmentally disabled
4 **[and mentally ill]** persons who are now housed in large institu-
5 tions can be better cared for and given training for independent
6 living in small community residences. Such persons have a right to
7 the fuller, more normal life that care in such residences brings, and
8 it is, therefore, the intention of the Legislature, through this act, to
9 encourage the development of community residences for the
10 developmentally disabled **[and for the mentally ill]** and to pro-

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:

*—Assembly committee amendments adopted May 5, 1986.

**—Senate committee amendments adopted October 6, 1986.

11 vide for the licensing and regulation of such residences by the
12 Department of Human Services.

13 **The Legislature further finds that there are many persons who*
14 *have been hospitalized due to mental illness and are recovered to*
15 *the extent that they no longer require such hospitalization, but*
16 *would benefit from the specialized independent-living training*
17 *available to residents of small community residences for the men-*
18 *tally ill. These community residences for the mentally ill may also*
19 *be utilized by persons who have not been hospitalized for mental*
20 *illness but who are participating in community mental health*
21 *counseling or training programs provided by a State-affiliated*
22 *community mental health agency. These persons have a right to*
23 *the fuller, more normal life that care in community residences*
24 *brings, and it is, therefore, the intention of the Legislature through*
25 *this act, to encourage the development of community residences*
26 *for the mentally ill and to provide for the licensing and regulation*
27 *of the residences by the Department of Human Services.**

1 3. Section 2 of P. L. 1977, c. 448 (C. 30:11B-2) is amended to read
2 as follows:

3 2. "Community residence for the developmentally disabled"
4 means any community residential facility housing up to 16 de-
5 velopmentally disabled persons which provides food, shelter and
6 personal guidance for developmentally disabled persons who re-
7 quire assistance, temporarily or permanently, in order to live in-
8 dependently in the community. Such [residence] residences shall
9 not be considered health care facilities within the meaning of the
10 "Health Care Facilities Planning Act," P. L. 1971, c. 136 (C.
11 26:2H-1 et seq.) and shall include, but not be limited to, group
12 homes, halfway houses, supervised apartment living arrangements
13 and hostels.

14 "Community residence for the mentally ill" means any com-
15 munity residential facility *[housing up to 16 mentally ill per-
16 sons]* which provides food, shelter and personal guidance
17 *[for]* *, under such supervision as required, to not more than
18 15* mentally ill persons who require assistance temporarily or
19 permanently, in order to live independently in the community.
20 *These residences shall be approved for a purchase of service con-
21 tract or an affiliation agreement pursuant to procedures estab-
22 lished by the Division of Mental Health and Hospitals in the De-
23 partment of Human Services. These residences shall not house
24 persons who have been assigned to a State psychiatric hospital
25 after having been found not guilty of a criminal offense by reason
26 of insanity or unfit to be tried on a criminal charge.* Theses resi-

27 dences shall not be considered health care facilities within the
 28 meaning of the "Health Care Facilities Planning Act," P. L. 1971,
 29 c. 136 (C. 26:2H-1 et seq.) and shall include, but not be limited to,
 30 group homes, halfway houses, supervised apartment living ar-
 31 rangements, family care homes and hostels.

32 *["Developmentally disabled" means experiencing a disability
 33 which originates before 18 years of age, which has continued or
 34 is expected to continue indefinitely, which constitutes a substantial
 35 handicap, and which is attributable to mental retardation, cerebral
 36 palsy, epilepsy, autism or other conditions found by the Commis-
 37 sioner of Human Services to give rise to an extended need for
 38 similar services.

39 "Mentally ill" means current and substantial disturbance of
 40 thought, mood, perceptions or orientation which significantly im-
 41 pairs judgment, behavior, or the capacity to recognize reality.
 42 Simple alcohol intoxication, transitory reaction to drug ingestion,
 43 ordinary senility or developmental disability constitute mental
 44 illness for purpose of this act only when substantial impairment
 45 results.]*

46 *["Developmental disability" or "developmentally disabled"
 47 means a severe, chronic disability of a person which: a. is attribut-
 48 able to a mental or physical impairment or combination of mental
 49 or physical impairments; b. is manifest before age 22; c. is likely
 50 to continue indefinitely; d. results in substantial functional limita-
 51 tions in three or more of the following areas of major life activity,
 52 that is, self care, receptive and expressive language, learning,
 53 mobility, self-direction and capacity for independent living or eco-
 54 nomic self sufficiency; and e. reflects the need for a combination
 55 and sequence of special interdisciplinary or generic care, treatment
 56 or other services which are of life-long or extended duration and
 57 are individually planned and coordinated. Developmental dis-
 58 ability includes, but is not limited to, severe disabilities attributable
 59 to mental retardation, autism, cerebral palsy, epilepsy, spina bifida
 60 and other neurological impairments where the above criteria are
 61 met.

62 "Mentally ill" means any psychiatric disorder which has re-
 63 quired an individual to receive either inpatient psychiatric care
 64 or outpatient psychiatric care on an extended basis.*

1 4. Section 3 of P. L. 1977, c. 448 (C. 30:11B-3) is amended to
 2 read as follows:

3 3. Every community residence for the developmentally disabled
 4 and every community residence for the mentally ill shall provide
 5 to every person admitted assistance in maintaining a basic level of

6 self-care and in developing the potential to live independently in
7 the community.

1 5. Section 5 of P. L. 1977, c. 448 (C. 30:11B-5) is amended to
2 read as follows:

3 5. The geographic location of community residences for the
4 developmentally disabled *and of community residences for the*
5 *mentally ill* shall be monitored by the Department of Human
6 Services. Through the granting or withholding of licenses the
7 department shall insure that such residences are available through-
8 out the State, without unnecessary concentration in any area.

1 6. Section 6 of P. L. 1977, c. 448 (C. 30:11B-6) is amended to
2 read as follows:

3 6. All residents of community residences for the developmentally
4 disabled *and of community residences for the mentally ill* in any
5 municipality and county of the State shall be deemed residents of
6 such municipality and county for all purposes, and shall be entitled
7 to the use and benefit of all health, education, vocational and other
8 facilities of such municipality and county in the same manner and
9 extent as any other persons living in such municipality and county.

1 7. Section 7 of P. L. 1977, c. 448 (C. 30:11B-7) is amended to
2 read as follows:

3 7. One year after the effective date of this act and annually
4 thereafter the **[Office of Fiscal Affairs]** ***[Division]*** ***office*** of
5 ***the*** State ***[Auditing]*** ***Auditor*** in the Office of Legislative
6 Services shall conduct a fiscal audit and analysis of the operation
7 of community residences for the developmentally disabled *and of*
8 *community residences for the mentally ill* and shall report its find-
9 ings to the Legislature. One year after the effective date of this
10 act and annually thereafter, the Senate **[and Assembly]** standing
11 **[committees]** **committee** on Institutions, Health and Welfare *and*
12 *the General Assembly standing committee on* ***[Corrections,]***
13 *Health and Human* ***[Services]*** ***Resources*** shall jointly conduct
14 a review of the operation and effectiveness of community resi-
15 dences for the developmentally disabled *and community residences*
16 *for the mentally ill* and report ***[its]*** ***their*** findings to the
17 Legislature with any recommendations ***[it]*** ***they*** may have.

1 8. 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 *and any community residence for the*
16 *mentally ill* as defined in section 2 of P. L. 1977, c. 448 (C.
17 30:11B-2)**,** any dormitory owned or operated on behalf of any
18 nonprofit institution of primary, secondary or higher education for
19 the use of its students, any building arranged for single room occu-
20 pancy wherein the units of dwelling space are occupied exclusively
21 by students enrolled in a full-time course of study at an institution
22 of higher education approved by the Department of Higher Educa-
23 tion, any facility or living arrangement operated by, or under con-
24 tract with, any State department or agency, upon the written
25 authorization of the commissioner, and any owner-occupied**[-]**
25A **,** one-family residential dwelling made available for occupancy
25B by not more than six guests**,** where the primary purpose of the
25C occupancy is to provide charitable assistance to the guests and
25D where the owner derives no income from the occupancy. A dwelling
25E shall be deemed "owner-occupied" within the meaning of this sec-
25F tion if it is owned or operated by a nonprofit religious or charitable
25G association or corporation and is used as the principal residence of
25H a minister or employee of that corporation or association. For any
25I such dwelling, however, fire detectors shall be required as deter-
25J mined by the Department of Community Affairs.

26 b. "Commissioner" means the Commissioner of the Department
27 of Community Affairs.

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

34 d. "Limited tenure" means residence at a rooming or boarding
35 house on a temporary basis, for a period lasting no more than
36 90 days, when a resident either maintains a primary residence at
37 a location other than the rooming or boarding house or intends to
38 establish a primary residence at such a location and does so within
39 90 days after taking up original residence at the rooming or board-
40 ing house.

41 e. "Operator" means any individual who is responsible for the
42 daily operation of a rooming or boarding house.

43 f. "Owner" means any person who owns, purports to own, or
44 exercises control of any rooming or boarding house.

45 g. "Personal services" means any services permitted or re-
46 quired to be furnished by an owner or operator to a resident, other
47 than shelter, including, but not limited to, meals or other food ser-
48 vices, and assistance in dressing, bathing or attending to other
49 personal needs.

50 h. "Rooming house" means a boarding house wherein no per-
51 sonal or financial services are provided to the residents.

52 i. "Single room occupancy" means an arrangement of dwelling
53 space which does not provide a private, secure dwelling space
54 arranged for independent living, which contains both the sanitary
55 and cooking facilities required in dwelling spaces pursuant to the
56 "Hotel and Multiple Dwelling Law," P. L. 1967, c. 76 (C. 55:13A-1
57 et seq.), and which is not used for limited tenure occupancy in a
58 hotel, motel or established guest house, regardless of the number
59 of individuals occupying any room or rooms.

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

1 *9. (New section) The provisions of the "Uniform Fire Safety
2 Act," P. L. 1983, c. 383 (C. 52:27D-193 et seq.) shall apply to any
3 residence licensed or regulated pursuant to P. L. 1977, c. 448 (C.
4 30:11B-1 et seq.).

1 **10. (New section) *Within six months of the effective date of*
2 *this act, the Director of the Division of Mental Health and Hospitals*
3 *in the Department of Human Services shall develop program*
4 *standards which include criteria for educational and professional*
5 *experience of employees of a community residence for the mentally*
6 *ill and staffing ratios appropriate to the needs of the residents of*
7 *the community residences for the mentally ill.***

1 **[10.]** **11.** There is appropriated \$75,000.00 from the
2 General Fund to the Department of Human Services in order to
3 effectuate the purposes of this act.*

1 *9.* *[11.]* **12.** This act shall take effect immediately.

HANDICAPPED—MENTAL AND PHYSICAL

Authorizes Dept. of Human Services to license community resi-
dences for the mentally ill; appropriates \$75,000.

48 vices, and assistance in dressing, bathing or attending to other
49 personal needs.

50 h. "Rooming house" means a boarding house wherein no per-
51 sonal or financial services are provided to the residents.

52 i. "Single room occupancy" means an arrangement of dwelling
53 space which does not provide a private, secure dwelling space
54 arranged for independent living, which contains both the sanitary
55 and cooking facilities required in dwelling spaces pursuant to the
56 "Hotel and Multiple Dwelling Law," P. L. 1967, c. 76 (C. 55:13A-1
57 et seq.), and which is not used for limited tenure occupancy in a
58 hotel, motel or established guest house, regardless of the number
59 of individuals occupying any room or rooms.

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

1 9. This act shall take effect immediately.

A 134 () _____
STATEMENT

This bill amends existing law to give the Department of Human Services responsibility for the development, licensing and regulation of community residences for the mentally ill. At present, the Department of Human Services licenses and regulates community residences for the developmentally disabled but similar residences for the mentally ill are licensed and regulated by the Department of Community Affairs pursuant to the "Rooming and Boarding House Act of 1979," P. L. 1979, c. 496 (C. 55:13B-1 et seq.). Since community residences for the mentally ill are similar to community residences for the developmentally disabled and since their programs are already closely monitored by and operated under either a contract or affiliation agreement with the Department of Human Services, the Department of Human Services should have full control over their operations.

ASSEMBLY HEALTH AND HUMAN RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 654

with Assembly committee amendments

STATE OF NEW JERSEY

ADOPTED: MAY 5, 1986

The Assembly Health and Human Resources Committee reports favorably Assembly Bill No. 654 with committee amendments.

This bill transfers responsibility for the development, licensing and regulation of community residences for the mentally ill from the Department of Community Affairs to the Department of Human Services.

The Department of Human Services currently licenses and regulates community residences for the developmentally disabled pursuant to P. L. 1977, c. 448 (C. 30:11B-1 et seq.), but similar residences for the mentally ill are licensed and regulated by the Department of Community Affairs pursuant to the "Rooming and Boarding House Act of 1979," P. L. 1979, c. 496 (C. 55:13B-1 et seq.).

As amended by committee, the bill defines a "community residence for the mentally ill" as any community residential facility which provides food, shelter and personal guidance, under such supervision as required, to not more than 15 persons who require either temporary or permanent assistance in order to live independently in the community. Committee amendments provide that these residences shall be approved for a purchase of service contract or an affiliation agreement pursuant to procedures established by the Division of Mental Health and Hospitals in the Department of Human Services, but shall not house persons who have been assigned to a State psychiatric hospital after having been found not guilty of a criminal offense by reason of insanity or unfit to be tried on a criminal charge.

The committee also amended the bill to specify that all community residences must adhere to fire safety requirements as set forth in P. L. 1983, c. 83 (C. 52:27D-193 et seq.).

The committee adopted several amendments to the bill at the request of the sponsor and with the support of the Department of Human Services. The amended bill defines "mentally ill" as any psychiatric disorder which has required an individual to receive either extended inpatient or outpatient psychiatric care. The bill, as amended, also specifies that community residences for the mentally ill may be utilized

by persons who have not been hospitalized for mental illness but who are participating in community mental health counseling or training programs provided by a State-affiliated community mental health agency. In addition, the committee amendments conform the definition of developmentally disabled to that in the "Division of Developmental Disabilities Act," P. L. 1985, c. 145 (C. 30:6D-23 et al).

The committee also amended the bill to provide the Department of Human Services with an appropriation of \$75,000.00 to carry out its responsibilities under the bill.

The bill provides that one year after its effective date and annually thereafter, the Office of the State Auditor in the Office of Legislative Services shall conduct a fiscal audit and analysis of the community residences for the developmentally disabled and the mentally ill and shall report its findings to the Legislature.

The bill also directs the Senate Institutions, Health and Welfare Committee and the Assembly Health and Human Resources Committee to jointly conduct a review of the operation and effectiveness of the community residences and report their findings to the Legislature with any recommendations they may have.

This bill is similar to Senate No. 712 (Van Wagner), which is currently pending in the Senate Institutions, Health and Welfare Committee.

This bill was pre-filed for introduction in the 1986-87 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

ASSEMBLY BILL NO. 654 OCR SCA

DATED: October 6, 1986

The Senate Institutions, Health and Welfare Committee favorably reports Assembly Bill No. 654 OCR with committee amendments.

As amended, this bill authorizes the Commissioner of Human Services to provide for the licensing and regulation of community residences for the mentally ill. The bill appropriates \$75,000 to the Department of Human Services for this purpose.

The bill amends the law concerning community residences for the developmentally disabled, P.L. 1977, c. 448 (C. 30:11B-1 et seq.) to provide the commissioner with the same regulatory authority for residences for the mentally ill as he presently has for residences for the developmentally disabled. Under current law, residences for the mentally ill are regulated and licensed by the Department of Community Affairs pursuant to the "Rooming and Boarding House Act of 1979," P.L. 1979, c. 496 (C. 55:13B-1 et al.).

The bill defines "community residence for the mentally ill" as one which provides food, shelter and personal guidance, under supervision, to not more than 15 mentally ill persons. The residences shall not house mentally ill persons who were assigned to a State psychiatric hospital after having been found not guilty by reason of insanity or unfit to be tried on a criminal charge. The residences must be in compliance with the "Uniform Fire Safety Act," and they must be approved by the Commissioner of Human Services. The bill also requires the Director of the Division of Mental Health and Hospitals to develop program standards and staffing requirements for the residences. The residences may include group homes, halfway houses, supervised apartment living arrangements, family care homes and hostels.

Committee amendments require the Director of the Division of Mental Health and Hospitals to develop program standards and staffing ratios for the residences within six months of the date of enactment.

As amended, this bill is identical to Senate Bill No. 712 SCA which the committee also reported favorably on this date.