

55:13B-17 to 55:13B-21

LEGISLATIVE HISTORY CHECKLIST

WASA 55:13B-17 to 55:13B-21 (Boarding Home Bill of Rights)

LAWS OF 1979 CHAPTER 500

Bill No. A3075

Sponsor(s) Deverin, Lesniak and Croce

Date Introduced Jan. 22, 1979

Committee: Assembly Institutions, Health and Welfare

Senate Institutions, Health and Welfare

Amended during passage Yes \*\* Amendments during passage denoted by asterisks

Date of Passage: Assembly Aug. 23, 1979

Senate Jan. 3, 1980

Date of approval Feb. 29, 1980

Following statements are attached if available:

Sponsor statement	Yes	<del>xx</del> (Below)
Committee Statement: Assembly	Yes	<del>xx</del>
Senate	Yes	<del>xx</del>
Fiscal Note	Yes	No
Veto message	Yes	No
Message on signing	Yes	<del>xx</del>
Following were printed:		
Reports	Yes	<del>xx</del>
Hearings	Yes	<del>xx</del>

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Sponsor's statement:

The history of abuses and sufferings brought upon residents of boarding homes in the State of New Jersey necessitates that those residents be granted certain rights to preserve their ability to allow them to live in the health and dignity to which they are entitled.

This legislation provides for a Boarding Home Bill of Rights in licensed and unlicensed boarding homes.

2/1/73  
EJ

(over)

- 974.90 New Jersey. Health Commissioner's Advisory Committee  
H434 on Shelterd Boarding Homes.  
1978 Findings and recommendations. Trenton, 1978.
- 974.90 New Jersey. Legislature. Senate. Institutions, Health  
H434 and Welfare Committee.  
1978h Public hearings...on recommendations, to curb boarding  
home problems and abuses, held 7-26-78.
- 974.90 New Jersey. Commission of Investigation.  
H434 Report and recommendations...on abuses  
1978k and irregularities in New Jersey's boarding  
home industry. Trenton, 1978.
- 974.90 New Jersey. Cabinet Task Force on Boarding Homes.  
H434 Report. Trenton, 1978.  
1978u

[THIRD OFFICIAL COPY REPRINT]

## ASSEMBLY, No. 3075

## STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1979

By Assemblymen DEVERIN, LESNIAK and Assemblywoman CROCE

Referred to Committee on Institutions, Health and Welfare

AN ACT providing for the rights of \*\*\*[boarding home]\*\*\* residents \*\*\*of rooming houses, boarding houses and residential health care facilities, and supplementing P. L. 1979, c. . . . (now pending before the Legislature as Senate Bill No. 3111)\*\*\*.

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

1 1. The Legislature hereby finds and declares that the well being  
2 of \*\*\*[boarding home]\*\*\* residents \*\*\*of rooming houses, board-  
3 ing houses and residential health care facilities\*\*\* in the State of  
4 New Jersey requires \*\*\*[a delineation of the responsibilities of  
5 boarding homes and]\*\*\* a declaration of a bill of rights for such  
6 residents.

1 2. For the purposes of this act\*\*\*[:]\*\*\*, "boarding facility"  
1A means rooming house, boarding house or residential health care  
1B facility.\*\*\*

2 \*\*\*[a. "Boarding home" means any building, including but not  
3 limited to any related structure, accessory building, and land ap-  
4 purtenant thereto, and any part thereof, which contains two \*or  
5 more\* units of dwelling space arranged or intended for \*["single  
6 room occupancy.']\* \*single room occupancy, and includes all  
6A licensed residential facilities defined in P. L. 1953, c. 212.\*

7 This definition shall not be affected by the services required and  
8 provided to the resident thereof. The definition shall include all  
9 residential hotels or congregate living arrangements except those  
10 units of dwelling in any hotel, motel or established guesthouse  
11 rented for limited tenure only; and except where any dormitory  
12 owned or operated on behalf of any nonprofit institutions of pri-  
13 mary, secondary, or higher education is operated to provide hous-  
14 ing for students of that institution.

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

15 b. "Guardian" means a person, appointed by a court of compe-  
 16 tent jurisdiction, who shall have the right to manage the financial  
 17 affairs and protect the rights of any boarding home resident who  
 18 has been declared a mental incompetent.

19 c. "Limited tenure" means the residence on a temporary basis  
 20 when the resident maintains a primary residence at another loca-  
 21 tion or intends to establish a primary residence at another location.

22 d. "Operator" means any individual who is charged with the  
 23 general administration or supervision of a boarding home whether  
 24 or not such individual has an ownership interest in such home and  
 25 whether or not his function and duties are shared with one or more  
 26 other individuals.

27 e. "Owner" means any person who owns, purports to own, or  
 28 exercises control of any boarding home.

29 f. "Unit of dwelling space" means any room, or rooms, or suite  
 30 or portion thereof, whether furnished or unfurnished which is occu-  
 31 pied, or intended, or arranged or designed to be occupied for sleep-  
 32 ing or dwelling purposes by a person or persons.

33 g. "Rental and services agreement" means that written state-  
 34 ment which delineates the rental obligation of the resident and the  
 35 services to be provided by the boarding home. The agreement shall  
 36 include the basic rental rate, payment schedule and a listing of  
 37 those services offered by the home on an as-needed basis and a  
 38 listing of all additional and related charges for services and other  
 39 items not covered by the boarding home's basic rental rate. This  
 40 statement shall further include the deposit, refund, and transfer  
 41 and discharge policy of the boarding home which must be in accord  
 42 with the provisions of this act.

43 h. "Reasonable hour *for visiting*" means any time between  
 44 the hours of 8:00 a.m. and \*~~10:00~~\* \*8:00\* p.m.

45 i. "Resident" means any person residing in a boarding home.

46 j. "Single room occupancy" means a nonprivate, dependent unit  
 47 of dwelling space wherein either sanitary and cooking facilities or  
 48 either of the aforesaid are not provided.

1 3. Every boarding home shall have the responsibility for:

2 a. Providing a home-like atmosphere, pleasant in appearance,  
 3 comfortable, and in good repair inside and out.

4 b. Providing and designating space for personal storage and  
 5 providing the opportunity for individualization, regarding the dis-  
 6 play of personal belongings and the arrangement of furnishings.

7 c. Maintaining a complete record\*\*, *to which the resident or*  
 8 *his guardian shall have access during business hours,\*\** of all

9 funds, personal property and possessions of a resident from any  
10 source whatsoever, which have been deposited for safe-keeping  
11 with the home for use by the resident. This record shall contain a  
12 listing of all deposits and withdrawals transacted, and these shall  
13 be substantiated by receipts given to the resident or his guardian.  
14 **\*\*[The boarding home shall provide to each resident or his**  
15 **guardian a quarterly statement which shall account for all of such**  
16 **resident's property on deposit at the beginning of the accounting**  
17 **period, all deposits and withdrawals transacted during the period,**  
18 **and the property on deposit at the end of the period.]\*\*** The  
19 resident or his guardian shall be allowed daily access to his prop-  
20 erty on deposit during specific periods established by the home for  
21 such transactions **\*\*[at a reasonable hour]\*\*** **\*\*during business**  
22 **hours\*\***. The boarding home may, at its own discretion, place a  
22A reasonable limitation as to dollar value and size of any personal  
22B property accepted for safe-keeping.

23 d. Providing for the spiritual needs and wants of residents by  
24 notifying, at a resident's request, a clergyman of the resident's  
25 choice and allowing unlimited visits by such clergyman. Arrange-  
26 ments shall be made, at the resident's expense, for attendance at  
27 religious services of his choice when requested. No religious be-  
28 liefs or practices or any attendance at religious services, shall be  
29 imposed upon any resident.

30 e. Admitting only that number of residents for which it reason-  
31 ably believes it can safely and adequately provide residence. Any  
32 applicant for admission to a boarding home who **\*\*has applied for**  
33 **such admission in writng and\*\*** is denied **\*\*[such admission]\*\***  
33A shall be given the reason for such denial in writng.

34 f. Ensuring that discrimination based upon age, race, religion,  
35 sex or nationality with respect to participation in recreational  
36 activities, meals, or other social functions is prohibited. However,  
37 the participation of a resident in recreational activities, meals,  
38 or other social functions may be restricted or prohibited if rec-  
39 ommended by a resident's attending physician in writing and con-  
40 sented to by the resident.

41 g. Ensuring that no resident shall be subjected to physical re-  
42 straints. The confinement of a resident in a locked room shall  
43 be prohibited.

44 h. Ensuring that no resident shall be subjected to psychotropic  
45 drugs, chemotherapy, and other medications except upon written  
46 orders of an attending physician for a specific period of time when  
47 necessary for the resident's wellbeing or to protect such resident

48 from injury to himself or others. Such treatment should foster  
 49 rather than impede the resident's rehabilitation or his normal  
 50 living activities.

51 i. Ensuring that no resident shall be subjected to physical or  
 52 verbal abuse or harassment.

53 j. Encouraging the residents to make contact with the com-  
 54 munity and providing each resident with information on available  
 55 community services. At a minimum such information shall include  
 56 a written list of the address and telephone number of the county  
 57 and municipal welfare agency and county office on aging.

58 k. Permitting citizens, employees of legal service programs,  
 59 employees of the Department of Public Advocate, employees of  
 60 the Department of Law and Public Safety, and employees and  
 61 volunteers of the Office of the Ombudsman for the Institutionalized  
 62 Elderly, whose purpose include rendering assistance without charge  
 63 to boarding home residents, and any other government or non-  
 64 profit agency rendering comparable services *\*\*duly authorized*  
 65 *by such government agencies\*\**, full and free access to the board-  
 66 ing home and to the resident's living quarters, in order to visit  
 67 with and make personal, social and legal services available to all  
 68 residents and to assist and advise residents in the assertion of their  
 68A civil and human rights.

69 (1) Such access shall be permitted by the boarding home *\*[at*  
 70 *a reasonable hour]\* \*\*[\*during business hours]\* \*\* \*\*at a reason-*  
 70A *able hour\*\**.

71 (2) Such access shall not substantially disrupt the provision  
 72 of services to residents in the boarding home.

73 (3) All persons entering a boarding home pursuant to this sec-  
 74 tion shall promptly notify the person in charge of their presence.  
 75 They shall, upon request, produce identification to substantiate  
 76 their identity. No such person shall enter the immediate living  
 77 area of any resident without first identifying himself and then  
 78 receiving permission from the resident to enter. The rights of  
 79 other residents present in the room shall be respected. A resident  
 80 shall have the right to terminate a visit by a person having access  
 81 to his living area pursuant to this section at any time. Any com-  
 82 munication whatsoever between a resident and such person shall  
 83 be confidential in nature, unless the resident authorizes the release  
 84 of such communication in writing.

85 l. Ensuring compliance with all applicable Federal, State and  
 86 local provisions of the law.

87 m. Making the written rental and services agreement and pro-  
 88 viding each resident with a copy of the same prior to or at the  
 89 time of admission and whenever the agreement is modified or  
 90 renewed. Where there is a month-to-month tenancy, the resident  
 91 shall be provided with a copy of the agreement annually on the  
 92 anniversary date of the resident's commencement of tenancy.

1 4. The responsibilities of boarding homes shall include, but not  
 2 be limited to, those enumerated in this act.】\*\*\*

1 \*\*\*【5.】\*\*\* 3.\*\*\* Every resident of a boarding \*\*\*【home】\*\*\*  
 2 \*\*\*facility\*\*\* shall \*\*\*have the right\*\*\*:

3 a. \*\*\*【Have the right to】\*\*\* \*\*\*To\*\*\* manage his own financial  
 4 affairs \*\*\*;\*\*\* \*\*\*【unless he or his guardian authorizes the oper-  
 5 ator of the boarding home to manage such resident's financial  
 6 affairs. Such authorization shall be in writing and shall be attested  
 7 by a witness that is unconnected with the boarding home, its opera-  
 8 tions, its staff personnel and the operator thereof, in any manner  
 9 whatsoever.】\*\*\*

10 b. \*\*\*【Have the right to】\*\*\* \*\*\*To\*\*\* wear his own cloth-  
 11 ing\*\*\*【. If clothing is provided to the resident by the boarding  
 12 home, it shall be of a proper fit and proper to the season.】\*\*\*  
 13 \*\*\*;\*\*\*

14 c. \*\*\*【Have the right to】\*\*\* \*\*\*To\*\*\* determine his own dress,  
 15 hair style, or other personal effects according to individual prefer-  
 16 ence\*\*\*【. Have the right to】\*\*\* \*\*\*;\*\*\*

17 \*\*\*d. To\*\*\* retain and use his personal property in his immediate  
 18 living quarters, so as to maintain individuality and personal dig-  
 19 nity, except where the boarding \*\*\*【home】\*\*\* \*\*\*facility\*\*\* can  
 20 demonstrate that such would be unsafe\*\*, *impractical to do so*,  
 21 *infringes upon the rights of others\*\** and that mere convenience is  
 22 not the \*\*\*【home's】\*\*\* \*\*\*facility's\*\*\* motive to restrict this  
 23 right\*\*\*【.】\*\*\* \*\*\*;\*\*\*

24 \*\*\*【d. Have the right to】\*\*\* \*\*\*e. To\*\*\* receive and send un-  
 25 opened correspondence\*\*\*;\*\*\* \*\*\*【and upon request, to obtain  
 26 assistance in the reading and writing of such correspondence.】\*\*\*

27 \*\*\*【e. Have the right to】\*\*\* \*\*\*f. To\*\*\* unaccompanied access  
 28 to a telephone at a reasonable hour\*\*\*【, including the right】\*\*\*  
 29 \*\*\*and\*\*\* to a private phone at the resident's expense\*\*\*【.】\*\*\*  
 30 \*\*\*;\*\*\*

31 \*\*\*【f. Have the right to】\*\*\* \*\*\*g. To\*\*\* privacy\*\*\*【.】\*\*\*  
 32 \*\*\*;\*\*\*

33 \*\*\*【g. Have the right to】\*\*\* \*\*\*h. To\*\*\* retain the services of  
 34 his own personal physician at his own expense or under a health  
 35 care plan\*\*\*【. Every resident shall have the right to obtain from

36 his own physician or the physicians attached to the boarding home  
37 complete and current information concerning his medical diagnosis,  
38 treatment and prognosis in terms and language the resident can  
39 reasonably be expected to understand, except when the physician  
40 deems it medically inadvisable to give such information to the  
41 resident and records the reason for such decision in the resident's  
42 medical record. In such a case, the physician shall inform the  
43-44 resident's next-of-kin or guardian. The physician shall provide the  
45 resident with the opportunity to participate in the planning of his  
46 total care and medical treatment to the extent that his condition  
47 permits. A resident shall have the right to refuse to participate in  
48 experimental research, but if he chooses to participate his informed  
49 written consent shall be obtained. Every resident shall have the  
50 right]\*\*\* \*\*and\*\*\* to confidentiality and privacy concerning his  
51 medical condition and treatment\*\*\*[, except that records concern-  
52 ing said medical condition and treatment, may be disclosed to  
53 another boarding home or health care facility on transfer, or as  
54 required by law or third-party payment contract.]\*\*\* \*\*\*,\*\*\*  
55 \*\*\*[h. Have the right to]\*\*\* \*\*i. To\*\*\* unrestricted communi-  
56 cation, including personal visitation with any person of his choice,  
57 at any reasonable hour\*\*\*[.]\*\*\* \*\*\*,\*\*\*  
58 \*\*\*[i. Have the opportunity to]\*\*\* \*\*j. To\*\*\* make contacts  
59 with the community and \*\*\*[the right]\*\*\* to achieve the highest  
60 level of independence, autonomy, and interaction with the com-  
61 munity of which he is capable\*\*\*[.]\*\*\* \*\*\*,\*\*\*  
62 \*\*\*[j. Have the right to]\*\*\* \*\*k. To\*\*\* present grievances on  
63 behalf of himself or others to the \*\*\*[boarding home]\*\*\* operator,  
64 State governmental agencies or other persons without threat of  
65 \*\*\*[discharge or]\*\*\* reprisal in any form or manner what-  
66 soever\*\*\*[. The operator shall provide all \*\*elderly\*\* residents or  
67 their guardians with the name, address and telephone numbers of  
68 the State Office of the Ombudsman for the Institutionalized  
69 Elderly, where complaints may be lodged.]\*\*\* \*\*\*,\*\*\*  
70 \*\*\*[k. Have the right to]\*\*\* \*\*l. To\*\*\* a safe and decent living  
71 environment and considerate and respectful care that recognizes  
72 the dignity and individuality of the resident\*\*\*[.]\*\*\* \*\*\*,\*\*\*  
73 \*\*\*[l. Have the right to]\*\*\* \*\*m. To\*\*\* refuse to perform  
74 services for the boarding \*\*\*[home except as legally contracted in  
75 the written rental and services agreement.]\*\*\* \*\*facility, except  
76 as contracted for by the resident and the operator;\*\*\*



77 \*\*\*[m. Have the right to reasonable opportunity for interaction  
 78 with members of the opposite sex. If married, the resident shall  
 79 enjoy reasonable privacy in visits by his spouse, and, if both are  
 80 residents of the \*\*[board]\*\*\*\* \*\*\*boarding\*\* home, they shall be  
 81 afforded the opportunity, where feasible, to share a room, unless  
 82 medically inadvisable.

83 n. Have the right to reasonable opportunity for regular exercise  
 84 several times a week and to be outdoors at regular and frequent  
 85 intervals.]\*\*\*

86 \*\*\*[o. Have the right to]\*\*\* \*\*\*n. To\*\*\* practice the religion of  
 87 his or her choice, or to abstain from religious practice\*\*\*[.]\*\*\*  
 87A \*\*\*; and\*\*\*

88 \*\*\*[p. Not]\*\*\* \*\*\*o. To not\*\*\* be deprived of any constitutional,  
 89 civil or legal right solely by reason of \*\*\*[admission to]\*\*\*  
 90 \*\*\*residence in\*\*\* a boarding \*\*\*[home]\*\*\* \*\*\*facility\*\*\*.

1 \*\*\*[6. The security deposit provision of the rental and services  
 2 agreement shall be in accord with landlord-tenant security deposit  
 3 law, P. L. 1967, c. 265, (C. 46:8-19 et seq.) as amended and supple-  
 4 mented.

1 7. The transfer and discharge provisions of the rental and  
 2 services agreement shall be in accord with legal process pursuant  
 3 to the landlord-tenant eviction law, P. L. 1974, c. 49 (C. 2A:18-61.1)  
 4 as amended and supplemented. Failure to comply with legal process  
 5 shall subject the owner to penalties specified in N. J. S. 2A:39-8.

1 8. Notwithstanding the provisions of section 7, the boarding home  
 2 can transfer or discharge a resident on an emergency or non-  
 3 emergency basis for medical reasons when the resident needs a  
 4 higher level of care upon receiving a written *or verbal* order  
 5 from the attending physician. *\*Verbal order\* for transfer or dis-  
 6 charge of a resident shall be accepted only in emergency situations.  
 7 In such cases, a written order of confirmation from the physician  
 8 shall be given to the boarding home within 24 hours of such verbal  
 9 orders.\** When the transfer or discharge on a nonemergency basis  
 10 of a resident is requested by the boarding home, the resident or,  
 11 in the case of an adjudicated mental incompetent resident, the  
 12 guardian, shall be given at least 30 days advance notice of such  
 13 transfer or discharge.

1 9. Any boarding home resident may discharge himself from a  
 2 boarding home upon presentation of a written release and if the  
 3 resident is an adjudicated mental incompetent, upon the written  
 4 consent of his guardian; in such case, the boarding home is free  
 5 from any responsibility for the resident upon his release. The resi-  
 6 dent shall give 30 days notice prior to moving out; provided  
 7 however, that where the resident fails to give such notice he shall

8 not be liable for rent beyond the 30 days after the date on which  
9 he moves out.]\*\*\*

1 \*\*\*[10.]\*\*\* \*\*4.\*\*\* The operator of a boarding \*\*\*[home]\*\*\*  
2 \*\*\*facility\*\*\* shall ensure that a written notice of the rights\*\*\*[,  
3 obligations and prohibitions]\*\*\* set forth in this act be given to  
4 every resident \*\*\*[or his guardian]\*\*\* upon admittance to the  
5 boarding \*\*\*[home]\*\*\* \*\*\*facility\*\*\* and to each individual  
6 already in residence \*\*\*[or to his guardian]\*\*\*. The \*\*\*[adminis-  
7 trator]\*\*\* \*\*\*operator\*\*\* shall also post this notice in a conspic-  
8 uous public place in the boarding \*\*\*[home]\*\*\* \*\*\*facility\*\*\*.  
9 This notice shall include the name, address and telephone numbers  
10 of the Office of the Ombudsman for the Institutionalized Elderly,  
11 \*\*\*[where complaints may be lodged]\*\*\* \*\*\*county welfare agency  
12 and county office on aging\*\*\*.

1 \*\*\*[11.]\*\*\* \*\*5.\*\*\* Any person or resident whose rights as  
2 defined herein are violated shall have a cause of action against any  
3 person committing such violation. The action may be brought in any  
4 court of competent jurisdiction to enforce such rights and to re-  
5 cover actual and punitive damages for their violation. Any plaintiff  
6 who prevails in any such action shall be entitled to recover reason-  
7 able attorney's fees and costs of the action.

1 \*\*\*[12. \*\*[The State Ombudsman Office shall review all com-  
2 plaints received alleging the violation of this act *that concern  
3 elderly persons\**]]\*\*\* *The Office of the Ombudsman for the Institu-  
4 tionalized Elderly shall review all complaints concerning the elderly  
5 and the Department of Human Services shall review all complaints  
6 concerning other residents that allege violation of this act\*\**, and  
7 where appropriate, refer the complaint situation to the Attorney  
8 General, county prosecutor, the Commissioner of the Department  
9 of Community Affairs, the Commissioner of the Department of  
10 Health, or the Commissioner of the Department of Human Services,  
11 all of whom may maintain an action in the name of the State to  
12 enforce the provisions of this act and any rules and regulations  
13 promulgated pursuant to this act.

1 13. Nothing in this act shall be construed to require the provision  
2 of any medical care or treatment by any boarding home operated  
3 by and for the members or adherents of any well recognized church  
4 or religious denomination which relies upon spiritual means through  
5 prayer alone for healing, where such care or treatment is contrary  
6 to the tenets of such church or religious denomination.]\*\*\*

1 \*[14. The Attorney General and the Commissioners of Com-  
2 munity Affairs, Health and Human Services are hereby authorized

3 to adopt reasonable rules and regulations, in accordance with the  
 4 provision of the "Administrative Procedure Act" P. L. 1968, c. 410  
 5 (C. 52:14B-1 et seq.) to carry out their functions and duties under  
 6 this act and to effectuate its purposes.】<sup>2</sup>

1 \*\*\*【14. If any section, subsection, paragraph, sentence or other  
 2 part of this act is adjudged unconstitutional or invalid, such judg-  
 3 ment shall not affect, impair or invalidate the remainder of this act,  
 4 but shall be confined in its effect to this section, subsection, para-  
 5 graph, sentence or other part of this act directly involved in the  
 6 controversy in which said judgment shall have been rendered.

1 \*15. *Any operator or owner who violates the provisions of this*  
 2 *act shall be fined not more than \$500.00. Such penalty shall be*  
 3 *collected and enforced by summary proceedings pursuant to the*  
 4 *Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.).\**\*\*\*

1 \*\*\*【16.】\*\*\* \*\*c.\*\* This act shall take effect \*\*\*【immedi-  
 2 ately】\*\*\* \*\*\*180 days following enactment\*\*\*.

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ASSEMBLY INSTITUTIONS, HEALTH AND  
WELFARE COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 3075**  
with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: APRIL 26, 1979

The purpose of this bill is to establish the rights of boarding home residents and the responsibilities of boarding home operators in providing for these rights. "Boarding home" is defined as any building which contains two or more units intended for single room occupancy and includes rooming houses and residential hotels.

This bill guarantees a boarding home resident basic civil and legal rights which include the rights to: maintain his own financial affairs; unrestricted communication; privacy; practice the religion of his choice; and use the physician of his choice.

The committee reported the bill favorably with amendments. The amendments define a reasonable hour for visiting as the hours between 8:00 A.M. and 8:00 P.M. and, in order to facilitate transfers, provide that in an emergency situation, a resident may be transferred to a facility with a higher level of care on the verbal order of a physician provided that a written order is submitted to the home within 24 hours. In order to insure compliance with the act, the committee added a penalty provision providing that any operator or owner who violates the act may be fined no more than \$500.00.

SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3075**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 17, 1979

This bill establishes the rights of residents of rooming houses, boarding houses and residential health care facilities.

This bill of rights supplements Senate Bill No. 3111, "The Rooming and Boarding House Act of 1979" (now pending before the Legislature) and has the same purpose; that is, to promote decent care for residents of boarding facilities. The rights of boarding residents delineated in the bill include the right to: manage one's own financial affairs; wear one's own clothing and personal effects; receive and send unopened correspondence; have privacy; have unrestricted communication; present grievances to the facility operator without threat of reprisal; and, not to be deprived of any constitutional, civil or legal right solely by reason of residence in a boarding facility.

The committee amended the bill so that it would be compatible with Senate Bill No. 3111. The sections on definitions (2), responsibilities of boarding facilities (3, 8), processing of complaints (12) and penalties (15) were deleted since these areas are covered in Senate Bill No. 3111. Various amendments to the section on rights of residents (section 5) were made so that the statement of rights would be applicable to residents in rooming and boarding houses, which provide few, if any, financial or personal services, as well as to those in residential health care facilities.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 29, 1980

KATHRYN FORSYTH

Governor Brendan Byrne today signed S-3111, the "Rooming and Boarding House Act of 1979", and A-3075, a measure outlining a bill of rights for boarding house residents.

S-3111 was sponsored by Senator Anthony Scardino, Jr. (D-Bergen). A-3075 was sponsored by Assemblyman Thomas J. Deverin (D-Middlesex).

"The Rooming and Boarding House Act of 1979" represents the culmination of more than a year of investigation, analysis, review and discussion of unsafe and unsanitary conditions, abuse of residents and lack of services for residents in boarding homes.

The Department of Community Affairs has estimated that there are approximately 1,500 rooming and boarding homes in New Jersey, housing approximately 30,000 residents, which are currently unlicensed and unregulated.

In addition, there are 260 sheltered boarding homes, or residential care facilities, housing more than 10,000 individuals, which are annually licensed and inspected by the Department of Health.

The residents of rooming houses, boarding houses and residential care facilities are generally the elderly or disabled poor, including many former residents of mental institutions.

The bill is effective in six months, and Governor Byrne therefore line-item vetoed the appropriation in the measure for the current fiscal year. The governor's veto statement is attached.

S-3111 includes the following provisions:

--requires the Commissioner of Community Affairs to set standards and to annually inspect and license all rooming and boarding houses. The sets licensing fees and provides legal remedies for the enforcement of the standards.

--requires the Commissioner of Health to collect cost and revenue data on residential health care facilities in order to provide a basis for determining whether it is advisable to establish a variable rate-setting program for the facilities;

--directs county welfare agencies to make regular visits to rooming and boarding houses to assess the needs of residents, to arrange for any necessary assistance and to report any suspected abuse or exploitation of residents to the Commissioner of Human Services:

The measure also authorizes the Commission of Human Services to:

- coordinate the efforts of the county welfare boards, charitable institutions and the divisions of Mental Health, Mental Retardation and Youth and Family Service
- facilitate the sharing of information among the Departments of Human Service, Community Affairs, Health and the Ombudsman;
- act as the central referral agency for complaints of abuse or exploitation;
- ensure that boarding home residents receive adequate personal needs allowances; and
- work to secure maximum federal assistance for persons in residential health care facilities.

A-3075, requires owners or operators of boarding homes to guarantee the residents certain rights, including the right:

- to manage their own financial affairs;
- to wear their own clothing and determine their own dress, hair style and other personal effects;
- to retain and use their own personal property as long as it does not infringe on the rights of others;
- to privacy;
- to access to a telephone at a reasonable hour;
- to unrestricted visitation at reasonable hours;
- to retain the services of their own physicians;
- to present grievances;
- to a safe and decent living environment;
- to refuse to perform services for the boarding facility except under contract; and
- to practice their own religions.

The bill takes effect in 180 days.

# # # # #

A copy of the line item veto is attached.