

30:11B-1 to 30:11B-7

LEGISLATIVE HISTORY CHECKLIST

HJSA 30:11B-1 to 30:11B-7 (Licensing and regulation of community residences for developmentally disabled).

LAWS OF 1977 CHAPTER 448

Bill No. S3281

Sponsor(s) Menza, Hagedorn

Date Introduced May 10

Committee: Assembly

Senate Institutions, Health & Welfare

Amended during passage Yes xx Amendments during passage denoted by asterisks

Date of Passage: Assembly January 9, 1977

Senate November 28, 1977

Date of approval March 2, 1978

Following statements are attached if available:

Sponsor statement Yes No xx Below

Committee Statement: Assembly Yesx No

Senate Yes Nox

Fiscal Note Yesx No

Veto Message Yesx No

Message on signing Yesx No

Following were printed:

Reports Yes Nox

Hearings Yesx No

Sponsor's Statement:

This bill provides for the licensing and regulation by the Department of Human Services of community residences for the developmentally disabled.

See:

974.90 N.J. Developmental Disabilities Council
H236 The New Jersey Comprehensive Plan
1975 for the developmentally disabled.

9/1/73 (Includes general recommendation for legislation at pp. 38-39)

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SENATE, No. 3281

STATE OF NEW JERSEY

INTRODUCED MAY 10, 1977

By Senators MENZA, HAGEDORN, SCARDINO, FAY,
GREENBERG and LIPMAN

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning community residences for developmentally disabled persons and providing for their development, licensing and regulation.

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

1 1. The Legislature finds that many developmentally disabled
2 persons who are now housed in large institutions can be better
3 cared for and given training for independent living in small com-
4 munity residences. Such persons have a right to the fuller, more
5 normal life that care in such residences brings, and it is, therefore,
6 the intention of the Legislature, through this act, to encourage the
7 development of community residences for the developmentally
8 disabled and to provide for the licensing and regulation of such
9 residences by the Department of Human Services.

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

11 "Developmentally disabled" means ***[suffering from]*** **ex-*
12 *periencing** a disability which originates before 18 years of age,
13 which has continued or is expected to continue indefinitely, which
14 constitutes a substantial handicap, and which is attributable to
15 mental retardation, cerebral palsy, epilepsy, autism or other con-

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

16 ditions found by the Commissioner of Human Services to give rise
17 to an extended need for similar services.

1 3. Every community residence for the developmentally disabled
2 shall provide to every person admitted assistance in maintaining
3 a basic level of self-care and in developing the potential to live
4 independently in the community.

1 4. All such residences which are operated by any individual or
2 individuals, corporation, partnership, society or association,
3 whether public or private, whether incorporated or unincorporated,
4 whether for profit or nonprofit, shall be licensed by the Depart-
5 ment of Human Services under appropriate regulations pro-
6 mulgated by the commissioner. Such regulations shall govern the
7 operation and maintenance of residences, and prescribe conditions
8 for admission and discharge of residents. The regulations shall
9 assure that essential life-safety, health and comfort conditions exist
10 in a home-like atmosphere.

1 5. The geographic location of community residences for the
2 developmentally disabled shall be monitored by the Department
3 of Human Services ***[to]*** *Through the granting or withholding*
4 *of licenses the department shall* insure that such residences are
5 available throughout the State, without unnecessary concentration
6 in any area. ***[Such consideration of availability shall affect the**
7 **granting or refusal of licenses.]***

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

1 7. One year after the effective date of this act and annually
2 thereafter the Office of Fiscal Affairs shall conduct a fiscal audit
3 and analysis of the operation of community residences for the
4 developmentally disabled and shall report its findings to the
5 Legislature. One year after the effective date of this act and
6 annually thereafter, the Senate and Assembly standing committees
7 on Institutions, Health and Welfare shall jointly conduct a review
8 of the operation and effectiveness of community residences for the
9 developmentally disabled and report its findings to the Legislature
10 with any recommendations it may have.

1 8. This act shall take effect immediately.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

SENATE, No. 3281

with Senate committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 1977

This bill provides for the licensing by the Department of Human Services of community residences for the developmentally disabled.

The bill defines the developmentally disabled as people who have a disability which originates before 18 years of age and constitutes a substantial handicap. Conditions such as retardation, cerebral palsy, epilepsy and autism are developmental disabilities.

The bill seeks to promote the development of community residences—a term which includes group homes and halfway houses—by giving recognition to such facilities and by clarifying their uses and purposes. At the same time, the legislation attempts to ensure that such residences do not develop haphazardly. The bill requires that they be licensed, be of a certain size, and accommodate residents who, with some assistance, are able to live independently in the community. The bill also directs the department to ensure that community residences are widely dispersed throughout the State.

The bill defines community residences as facilities which do not provide health care and therefore, would not fall under the definition of health care facility in the “Health Care Facilities Planning Act.” This means that they would not require “certificates of need” in order to operate. The provision is an effort to avoid for community residences the confusion which has existed with sheltered boarding homes over whether or not the facilities require certificates of need.

The committee’s three amendments merely clarify existing language in the bill.