

30: 11B-1

LEGISLATIVE HISTORY CHECKLIST
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(Community residences for
head-injured persons--
establish)

NJSA: 30:11B-1

LAWS OF: 1993 CHAPTER: 329

BILL NO: A1621

SPONSOR(S) Solomon and Stuhtrager

DATE INTRODUCED: June 29, 1992

COMMITTEE: ASSEMBLY: Senior Citizens

SENATE: Health & Human Services

AMENDED DURING PASSAGE: Yes Amendments during passage
Second reprint enacted denoted by superscript
numbers

DATE OF PASSAGE: ASSEMBLY: December 14, 1992

SENATE: December 13, 1993

DATE OF APPROVAL: December 23, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

P.L.1993, CHAPTER 329, approved December 23, 1993

1992 Assembly No. 1621 (Second Reprint)

1 AN ACT providing for community residences for persons with
2 head injuries and amending P.L.1977, c.448, P.L.1987, c.112
3 and P.L.1978, c.159.

4
5 BE IT ENACTED by the Senate and General Assembly of the
6 State of New Jersey:

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

9 1. The Legislature finds that many developmentally disabled
10 persons who are now housed in large institutions can be better
11 cared for and given training for independent living in small
12 community residences. Such persons have a right to the fuller,
13 more normal life that care in such residences brings, and it is,
14 therefore, the intention of the Legislature, through this act, to
15 encourage the development of community residences for the
16 developmentally disabled and to provide for the licensing and
17 regulation of such residences by the Department of Human
18 Services.

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

35 In addition, the Legislature finds that many persons who have
36 sustained head injuries which impair their cognitive, behavioral,
37 social or physical functioning, and who are now housed in large
38 institutions can be better cared for and given training for
39 independent living in small community residences. These persons
40 have a right to the fuller, more normal life that care in these
41 residences brings, and it is, therefore, the intention of the
42 Legislature, through this act, to encourage the development 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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASC committee amendments adopted October 1, 1992.

² Senate floor amendments adopted June 28, 1993.

1 community residences for persons with head injuries and to
2 provide for the licensing and regulation of these residences by the
3 Department of Human Services.

4 (cf: P.L.1987, c.112, s.2)

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

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

18 "Community residence for the mentally ill" means any
19 community residential facility which provides food, shelter and
20 personal guidance, under such supervision as required, to not
21 more than 15 mentally ill persons who require assistance
22 temporarily or permanently, in order to live independently in the
23 community. These residences shall be approved for a purchase of
24 service contract or an affiliation agreement pursuant to
25 procedures established by the Division of Mental Health and
26 Hospitals in the Department of Human Services. These residences
27 shall not house persons who have been assigned to a State
28 psychiatric hospital after having been found not guilty of a
29 criminal offense by reason of insanity or unfit to be tried on a
30 criminal charge. These residences shall not be considered health
31 care facilities within the meaning of the "Health Care Facilities
32 Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.) and shall
33 include, but not be limited to, group homes, halfway houses,
34 supervised apartment living arrangements, family care homes and
35 hostels.

36 "Community residence for persons with head injuries" means a
37 community residential facility providing food, shelter and
38 personal guidance, under such supervision as required, to not
39 more than 15 persons with head injuries, who require assistance,
40 temporarily or permanently, in order to live in the community,
41 2¹but who do not require acute care or skilled nursing care,¹2
42 and shall include, but not be limited to: group homes, halfway
43 houses, supervised apartment living arrangements, and hostels.
44 Such a residence shall not be considered a health care facility
45 within the meaning of the "Health Care Facilities Planning Act,"
46 P.L.1971, c.136 (C.26:2H-1 et seq.).

47 "Developmental disability" or "developmentally disabled"
48 means a severe, chronic disability of a person which: a. is
49 attributable to a mental or physical impairment or combination
50 of mental or physical impairments; b. is manifest before age 22;
51 c. is likely to continue indefinitely; d. results in substantial
52 functional limitations in three or more of the following areas of
53 major life activity, that is, self-care, receptive and expressive
54 language, learning, mobility, self-direction and capacity for

1 independent living or economic self-sufficiency; and e. reflects
2 the need for a combination and sequence of special
3 interdisciplinary or generic care, treatment or other services
4 which are of lifelong or extended duration and are individually
5 planned and coordinated. Developmental disability includes, but
6 is not limited to, severe disabilities attributable to mental
7 retardation, autism, cerebral palsy, epilepsy, spina bifida and
8 other neurological impairments where the above criteria are met.

9 "Mentally ill" means any psychiatric disorder which has
10 required an individual to receive either inpatient psychiatric care
11 or outpatient psychiatric care on an extended basis.

12 "Person with head injury" means a person who has sustained an
13 injury, illness or traumatic changes to the skull, the brain
14 contents or its coverings which results in a temporary or
15 permanent physiobiological decrease of cognitive, behavioral,
16 social or physical functioning which causes partial or total
17 disability.

18 (cf: P.L.1987, c.112, s.3)

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

21 3. Every community residence for the developmentally
22 disabled [and], every community residence for the mentally ill
23 and every community residence for persons with head injuries
24 shall provide to every person admitted assistance in maintaining a
25 basic level of self-care and in developing the potential to live
26 independently in the community.

27 (cf: P.L.1987, c.112, s.4)

28 4. Section 10 of P.L.1987, c.112 (C.30:11B-4.2.) is amended to
29 read as follows:

30 10. a. Within six months of the effective date of this act, the
31 Director of the Division of Mental Health and Hospitals in the
32 Department of Human Services shall develop program standards
33 which include criteria for educational and professional experience
34 of employees of a community residence for the mentally ill and
35 staffing ratios appropriate to the needs of the residents of the
36 community residences for the mentally ill.

37 b. Within six months after the effective date of P.L. _____,
38 c. (now pending before the Legislature as this bill), the
39 Commissioner of Human Services shall develop program standards
40 which include criteria for educational and professional experience
41 of employees of a community residence for persons with head
42 injuries and staffing ratios appropriate to the needs of the
43 residents of these community residences.

44 (cf: P.L.1987, c.112, s.10)

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

47 5. The geographic location of community residences for the
48 developmentally disabled [and of], community residences for the
49 mentally ill and community residences for persons with head
50 injuries shall be monitored by the Department of Human
51 Services. Through the granting or withholding of licenses the
52 department shall insure that [such] these residences are available
53 throughout the State, without unnecessary concentration in any
54 area.

55 (cf: P.L.1987, c.112, s.5)

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

12 (cf: P.L.1987, c.112, s.1)

13 7. Section 1 of P.L.1978, c.159 (C.40:55D-66.1) is amended to
14 read as follows:

15 1. Community residences for the developmentally disabled
16 [and], community shelters for victims of domestic violence and
17 community residences for persons with head injuries shall be a
18 permitted use in all residential districts of a municipality, and
19 the requirements therefor shall be the same as for single family
20 dwelling units located within such districts; provided, however,
21 that, in the case of a community residence for the
22 developmentally disabled [or], community shelter for victims of
23 domestic violence or community residence for persons with head
24 injuries housing more than six persons, excluding resident staff, a
25 zoning ordinance may require for the use or conversion to use of
26 a dwelling unit to such a community residence or shelter, a
27 conditional use permit in accordance with section 54 of the act to
28 which this act is a supplement (C.40:55D-67). Any requirements
29 imposed for the issuance of a conditional use permit shall be
30 reasonably related to the health, safety and welfare of the
31 residents of the district; provided, however, that a municipality
32 may deny such a permit to any proposed community residence for
33 the developmentally disabled [or], community shelter for victims
34 of domestic violence or community residence for persons with
35 head injuries which would be located within 1500 feet of an
36 existing such residence or shelter; provided further, however,
37 that a municipality may deny the issuance of any additional such
38 permits if the number of persons, other than resident staff,
39 resident at existing such community residences or community
40 shelters within the municipality exceeds 50 persons, or 0.5% of
41 the population of the municipality, whichever is greater.

42 (cf: P.L.1979, c.338, s.2)

43 8. Section 2 of P.L.1978, c.159 (C.40:55D-66.2) is amended to
44 read as follows:

45 2. As used in this act: a. "community residence for the
46 developmentally disabled" means any community residential
47 facility licensed pursuant to P.L.1977, c.448 (C.30:11B-1 et seq.)
48 providing food, shelter and personal guidance, under such
49 supervision as required, to not more than 15 developmentally
50 disabled or mentally ill persons, who require assistance,
51 temporarily or permanently, in order to live in the community,
52 and shall include, but not be limited to: group homes, half-way
53 houses, intermediate care facilities, supervised apartment living
54 arrangements, and hostels. Such a residence shall not be

1 considered a health care facility within the meaning of the
2 "Health Care Facilities Planning Act" (P.L.1971, c.136;
3 C.26:2H-1 et seq.). In the case of such a community residence
4 housing mentally ill persons, such residence shall have been
5 approved for a purchase of service contract or an affiliation
6 agreement pursuant to such procedures as shall be established by
7 regulation of the Division of Mental Health and Hospitals of the
8 Department of Human Services. As used in this act,
9 "developmentally disabled person" means a person who is
10 developmentally disabled as defined in section 2 of P.L.1977,
11 c.448 (C.30:11B-2), and "mentally ill person" means a person who
12 is afflicted with a mental illness as defined in R.S.30:4-23, but
13 shall not include a person who has been committed after having
14 been found not guilty of a criminal offense by reason of insanity
15 or having been found unfit to be tried on a criminal charge.

16 b. "Community shelter for victims of domestic violence"
17 means any shelter approved for a purchase of service contract
18 and certified pursuant to standards and procedures established by
19 regulation of the Department of Human Services pursuant to
20 [P.L.[1979], c.[337] (C.[30:14-1 et seq.]) (now pending before the
21 Legislature as Senate No. 807)] P.L.1979, c.337 (C.30:14-1
22 et seq.), providing food, shelter, medical care, legal assistance,
23 personal guidance, and other services to not more than 15 persons
24 who have been victims of domestic violence, including any
25 children of such victims, who temporarily require shelter and
26 assistance in order to protect their physical or psychological
27 welfare.

28 c. "Community residence for persons with head injuries"
29 means a community residential facility licensed pursuant to
30 P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter and
31 personal guidance, under such supervision as required, to not
32 more than 15 persons with head injuries, who require assistance,
33 temporarily or permanently, in order to live in the community,
34 2¹but who do not require acute care or skilled nursing care,1²
35 and shall include, but not be limited to: group homes, halfway
36 houses, supervised apartment living arrangements, and hostels.
37 Such a residence shall not be considered a health care facility
38 within the meaning of the "Health Care Facilities Planning Act,"
39 P.L.1971, c.136 (C.26:2H-1 et seq.).

40 d. "Person with head injury" means a person who has sustained
41 an injury, illness or traumatic changes to the skull, the brain
42 contents or its coverings which results in a temporary or
43 permanent physiobiological decrease of mental, cognitive,
44 behavioral, social or physical functioning which causes partial or
45 total disability.

46 (cf: P.L.1979, c.338, s.3)

47 9. This act shall take effect immediately.

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52 Provides for community residences for head injured persons
53 licensed by DHS.

1 "Health Care Facilities Planning Act" (P.L.1971, c.136;
2 C.26:2H-1 et seq.). In the case of such a community residence
3 housing mentally ill persons, such residence shall have been
4 approved for a purchase of service contract or an affiliation
5 agreement pursuant to such procedures as shall be established by
6 regulation of the Division of Mental Health and Hospitals of the
7 Department of Human Services. As used in this act,
8 "developmentally disabled person" means a person who is
9 developmentally disabled as defined in section 2 of P.L.1977,
10 c.448 (C.30:11B-2), and "mentally ill person" means a person who
11 is afflicted with a mental illness as defined in R.S.30:4-23, but
12 shall not include a person who has been committed after having
13 been found not guilty of a criminal offense by reason of insanity
14 or having been found unfit to be tried on a criminal charge.

15 b. "Community shelter for victims of domestic violence"
16 means any shelter approved for a purchase of service contract
17 and certified pursuant to standards and procedures established by
18 regulation of the Department of Human Services pursuant to
19 [P.L.1979, c.337] (C.[30:14-1 et seq.]) (now pending before the
20 Legislature as Senate No. 807)] P.L.1979, c.337 (C.30:14-1
21 et seq.), providing food, shelter, medical care, legal assistance,
22 personal guidance, and other services to not more than 15 persons
23 who have been victims of domestic violence, including any
24 children of such victims, who temporarily require shelter and
25 assistance in order to protect their physical or psychological
26 welfare.

27 c. "Community residence for persons with head injuries"
28 means a community residential facility licensed pursuant to
29 P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter and
30 personal guidance, under such supervision as required, to not
31 more than 15 persons with head injuries, who require assistance,
32 temporarily or permanently, in order to live in the community,
33 and shall include, but not be limited to: group homes, halfway
34 houses, supervised apartment living arrangements, and hostels.
35 Such a residence shall not be considered a health care facility
36 within the meaning of the "Health Care Facilities Planning Act,"
37 P.L.1971, c.136 (C.26:2H-1 et seq.).

38 d. "Person with head injury" means a person who has sustained
39 an injury, illness or traumatic changes to the skull, the brain
40 contents or its coverings which results in a temporary or
41 permanent physiobiological decrease of mental, cognitive,
42 behavioral, social or physical functioning which causes partial or
43 total disability.

44 (cf: P.L.1979, c.338, s.3)

45 9. This act shall take effect immediately.

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STATEMENT

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50 This bill provides for the licensure of community-based
51 residential facilities for persons with head injuries by the
52 Department of Human Services in accordance with the provisions
53 of P.L.1977, c.448 (C.30:11B-1 et seq.), under which community
54 residences for the developmentally disabled and the mentally ill

1 are already licensed. The bill also provides that community
2 residences for persons with head injuries shall be a permitted use
3 in all residential districts of a municipality on the same basis as
4 community residences for the developmentally disabled and
5 mentally ill and community shelters for victims of domestic
6 violence pursuant to P.L.1978, c.159 (C.40:55D-66.1 et seq.).

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11 Provides for community residences for head injured persons
12 licensed by DHS.

**ASSEMBLY SENIOR CITIZENS AND
SOCIAL SERVICES COMMITTEE**

STATEMENT TO

ASSEMBLY, No. 1621

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 1, 1992

The Assembly Senior Citizens and Social Services Committee favorably reports Assembly Bill No. 1621 with committee amendments.

As amended, this bill provides for the licensure of community-based residential facilities for persons with head injuries by the Department of Human Services in accordance with the provisions of P.L.1977, c.448 (C.30:11B-1 et seq.), under which community residences for the developmentally disabled and the mentally ill are already licensed. The bill also provides that community residences for persons with head injuries shall be a permitted use in all residential districts of a municipality on the same basis as community residences for the developmentally disabled and mentally ill and community shelters for victims of domestic violence pursuant to P.L.1978, c.159 (C.40:55D-66.1 et seq.).

The amendments clarify that a community residence for persons with head injuries shall provide services to persons with head injuries who do not require acute care or skilled nursing care.

SENATE HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1621

STATE OF NEW JERSEY

DATED: JUNE 14, 1993

The Senate Health and Human Services Committee favorably reports Assembly Bill No. 1621 (1R).

This bill directs the Department of Human Services to develop program standards for community-based residential facilities for persons with head injuries in accordance with the provisions of P.L.1977, c.448 (C.30:11B-1 et seq.), under which community residences for the developmentally disabled and the mentally ill are already regulated. The standards would include criteria for educational and professional experience of employees in the facilities, and staffing ratios appropriate to the needs of the residents.

Under the provisions of the bill, a community residence for persons with head injuries shall provide services to persons with head injuries who do not require acute care or skilled nursing care.

The bill also provides that community residences for persons with head injuries shall be a permitted use in all residential districts of a municipality on the same basis as community residences for the developmentally disabled and mentally ill and community shelters for victims of domestic violence pursuant to P.L.1978, c.159 (C.40:55D-66.1 et seq.).

LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]
ASSEMBLY, No. 1621

STATE OF NEW JERSEY

DATED: April 12, 1993

Assembly Bill No. 1621 (1R) of 1992 provides for the licensure of community-based residential facilities for persons with head injuries by the Department of Human Services (DHS) in accordance with the provisions of P.L.1977, c.448 (C.30:11B-1 et seq.), under which community residences for the developmentally disabled and the mentally ill are already licensed. The bill also provides that such community residences shall be a permitted use in all residential districts of a municipality on the same basis as community residences for the developmentally disabled and mentally ill and community shelters for victims of domestic violence.

DHS and the Office of Management and Budget have not provided any fiscal information on the legislation.

As DHS already licenses community-based residences for the developmentally disabled and the mentally ill, no significant new costs are anticipated with respect to licensing community-based residences for persons with head injuries.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.