

55:13B-7

LEGISLATIVE HISTORY CHECKLIST

NJSA: 55:13B-7; 26:2H

(Rooming &
Boarding House
licenses--prohibit
issuance if
applicant
previously denied)

LAWS OF: 1988

CHAPTER: 113

Bill No: A848

Sponsor(s): Otlowski, Deverin and Felice

Date Introduced: Pre-filed

Committee: Assembly: Housing

Senate: Institutions, Health & Welfare

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: February 18, 1988

Senate: June 2, 1988

Date of Approval: August 22, 1988

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

[FIRST REPRINT]
ASSEMBLY, No. 848

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblymen OTLOWSKI, Deverin and Felice

1 AN ACT concerning boarding home licensure applications,
amending P.L. 1979, c. 496 and supplementing P.L. 1971, c. 136
3 (C. 26:2H-1 et seq.).

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

7 1. Section 7 of P.L. 1979, c. 496 (C. 55:13B-7) is amended to
read as follows:

9 7. a. No person shall own or operate a rooming or boarding
house, hold out a building as available for rooming or boarding
11 house occupancy, or apply for any necessary construction or
planning approvals related to the establishment of a rooming or
13 boarding house without a valid license to own or operate such a
facility, issued by the commissioner.

15 Any person found to be in violation of this subsection shall be
liable for a civil penalty of not more than \$5,000.00 for each
17 building so owned or operated.

b. The commissioner shall establish separate categories of
19 licensure for owning and for operating a rooming or boarding
house, provided, however, that an owner who himself operates
21 such a facility need not also possess an operator's license.

If an owner seeking to be licensed is other than an individual,
23 the application shall state the name of an individual who is a
member, officer or stockholder in the corporation or association
25 seeking to be licensed, and the same shall be designated the
primary owner of the rooming or boarding house.

27 Each application for licensure shall contain such information as
the commissioner may prescribe and shall be accompanied by a
29 fee established by the commissioner which shall not be less than
\$75.00 nor more than \$150.00. If, upon receipt of the fee and a
31 review of the application, the commissioner determines that the
applicant will operate, or provide for the operation of, a rooming
33 or boarding house in accordance with the provisions of this act,
he shall issue a license to him.

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:
Senate SIH committee amendments adopted April 18, 1988.

1 Each license shall be valid for one year from the date of
issuance, but may be renewed upon application by the owner or
3 operator and upon payment of the same fee required for initial
licensure.

5 c. Only one license shall be required to own a rooming or
boarding house, but an endorsement thereto shall be required for
7 each separate building owned and operated or intended to be
operated as a rooming or boarding house. Each application for
9 licensure or renewal shall indicate every such building for which
an endorsement is required. If, during the term of a license, an
11 additional endorsement is required or an existing one is no longer
required, an amended application for licensure shall be submitted.

13 d. ¹[The commissioner shall not issue a license to own or
operate a rooming or boarding house to any person who has
15 previously been denied a license to own or operate a residential
facility, or whose license to own or operate a residential facility
17 has been revoked, by a department or agency of state government
in this or any other state.]¹ A person making application for, or
19 who has been issued, a license to own or operate a rooming or
boarding house who conceals the fact that the person has been
21 denied a license to own or operate a residential facility, or that
the person's license to own or operate a residential facility has
23 been revoked by a department or agency of state government in
this or any other state is liable for a civil penalty of not more
25 than \$5,000.00, and any license to own or operate a rooming or
boarding house which has been issued to that person shall be
27 immediately revoked.

(cf: P.L. 1979, c. 496, s. 7)

29 2. (New section) ¹[The Commissioner of the Department of
Health shall not issue a license to operate a residential health
31 care facility to any person who has previously been denied a
license to own or operate a residential facility, or whose license
33 to own or operate a residential facility has been revoked by a
department or agency of state government in this or any other
35 state.]¹ A person making application for, or who has been issued,
a license to operate a residential health care facility who
37 conceals the fact that the person has been denied a license to
own or operate a residential facility, or that the person's license
39 to own or operate a residential facility has been revoked by a

1 department or agency of state government in this or any other
state is liable for a civil penalty of not more than \$5,000.00, and
3 any license to operate a residential health care facility which has
been issued to that person shall be immediately revoked.

5 3. This act shall take effect immediately.

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HOUSING

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Boarding Homes

11 Establishes penalty for concealing certain information when
applying for a license to operate a boarding or rooming house or
13 residential health care facility.

1 a license to operate a residential health care facility who
conceals the fact that the person has been denied a license to
3 own or operate a residential facility, or that the person's
license to own or operate a residential facility has been revoked
5 by a department or agency of state government in this or any
other state is liable for a civil penalty of not more than
7 \$5,000.00, and any license to operate a residential health care
facility which has been issued to that person shall be
9 immediately revoked.

3. This act shall take effect immediately.

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STATEMENT

15 This bill prohibits the issuance of a license to own or operate
a rooming or boarding house or to operate a residential health
17 care facility (RHCF) to an applicant who has previously been
denied a license to operate a residential facility by a state
19 government department or agency in this or any other state, or
who has had a license revoked by a state government
21 department or agency in this or any other state. The bill
imposes a civil penalty upon any person who has applied for, or
23 been issued, a license to own or operate a rooming or boarding
house, or to operate a RHCF, who conceals the fact that he was
25 previously denied a license or had a license revoked by a state
government department or agency, in addition to which any
27 license which has been issued to that person shall be
immediately revoked.

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HOUSING Boarding Homes

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35 Prohibits the issuance of a license to own or operate a rooming
or boarding house to an applicant who has previously been denied
a license or had a license revoked.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 848

STATE OF NEW JERSEY

DATED: JANUARY 28, 1988

The Assembly Housing Committee reports Assembly Bill No. 848 favorably, without amendment.

This bill prohibits the issuance of a license to own or operate a rooming or boarding house or to operate a residential health care facility (RHCF) to an applicant who has previously been denied a license to operate a residential facility by a state government department or agency in this or any other state, or who has had a license revoked by a state government department or agency in this or any other state. The bill imposes a civil penalty upon any person who has applied for, or been issued, a license to own or operate a rooming or boarding house, or to operate a RHCF, who conceals the fact that he was previously denied a license or had a license revoked by a state government department or agency, in addition to which any license which has been issued to that person shall be immediately revoked.

This bill was pre-filed for introduction in the 1988 Session pending technical review. As reported, the bill includes the changes indicated by technical review, which has been performed.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 848

with Senate committee amendments

STATE OF NEW JERSEY

DATED: APRIL 18, 1988

The Senate Institutions, Health and Welfare Committee favorably reports Assembly Bill No. 848 with committee amendments.

As amended by the committee, this bill imposes a civil penalty of not more than \$5,000 upon any person who has applied for, or been issued, a license to own or operate a rooming or boarding house or to operate a residential health care facility (RHCF), who conceals the fact that he was previously denied a license or had a license revoked by a state government department or agency. The bill also provides that the license which has been issued to that person shall be revoked immediately.

The committee amended the bill to delete the provisions which prohibit the issuance of a license to own or operate a rooming or boarding house or RHCF to an applicant who previously was denied a license to operate a residential facility or has had his license revoked by a state government department or agency. The prohibition was deleted to ensure that applicants are not denied due process and that the bill does not conflict with current State law regarding the rehabilitation of offenders.