

## [N.J. Stat. § 55:13B-1](#)

Current through New Jersey 220th First Annual Session, L. 2022, c. 130 and J.R. 10

**LexisNexis® New Jersey Annotated Statutes > Title 55. Tenement Houses and Public Housing (Subts. 1 — 2) > Subtitle 1A. Hotels and Multiple Dwellings (Chs. 13A — 13C) > Chapter 13B. Rooming and Boarding House Act (§§ 55:13B-1 — 55:13B-21)**

### **§ 55:13B-1. Short title**

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This act shall be known and may be cited as the “Rooming and Boarding House Act of 1979.”

### **History**

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L. 1979, c. 496, § 1.

Annotations

### **CASE NOTES**

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**Administrative Law: Agency Adjudication: Presiding Officers: Duties & Powers**

**Administrative Law: Judicial Review: Reviewability: Factual Determinations**

**Governments: Legislation: Interpretation**

**Governments: Legislation: Statutory Remedies & Rights**

**Governments: State & Territorial Governments: Licenses**

**Healthcare Law: Actions Against Facilities: Facility Liability: Nursing Facilities**

**Real Property Law: Landlord & Tenant**

**Administrative Law: Agency Adjudication: Presiding Officers: Duties & Powers**

In an administrative action involving alleged violations of the Rooming and Boarding House Act of 1979, [N.J. Stat. Ann. §§ 55:13B-1](#) to -21, the administrative agency was permitted to address constitutional questions raised for plaintiffs necessary to the complete resolution of the contested case and, therefore, the case was remanded for such consideration by the administrative law judge and the development of a thorough record for appellate purposes. [Jones v. Department of Community Affairs, Div. of Codes and Standards, Bureau of Rooming and Boarding House Standards, 395 N.J. Super. 632, 930 A.2d 477, 2007 N.J. Super. LEXIS 296 \(App.Div. 2007\)](#).

**Administrative Law: Judicial Review: Reviewability: Factual Determinations**

## N.J. Stat. § 55:13B-1

In an administrative action involving alleged violations of the Rooming and Boarding House Act of 1979, [N.J. Stat. Ann. §§ 55:13B-1](#) to -21, the administrative agency was permitted to address constitutional questions raised by plaintiffs necessary to the complete resolution of the contested case and, therefore, the case was remanded for such consideration by the administrative law judge and the development of a thorough record for appellate purposes. [Jones v. Department of Community Affairs, Div. of Codes and Standards, Bureau of Rooming and Boarding House Standards, 395 N.J. Super. 632, 930 A.2d 477, 2007 N.J. Super. LEXIS 296 \(App.Div. 2007\)](#).

**Governments: Legislation: Interpretation**

Rooming and Boarding House Act, [N.J. Stat. Ann. § 55:13B-1](#) et seq., was not applicable to a nonprofit religious organization that offered free services to homeless and socially handicapped persons because it was not a commercial enterprise operating a boarding house. [Market Street Mission v. Bureau of Rooming & Boarding House Standards, Dep't of Community Affairs, 217 N.J. Super. 56, 524 A.2d 1283, 1987 N.J. Super. LEXIS 1143 \(App.Div. 1987\)](#), rev'd, [110 N.J. 335, 541 A.2d 668, 1988 N.J. LEXIS 41 \(N.J. 1988\)](#).

**Governments: Legislation: Statutory Remedies & Rights**

Superior Court of New Jersey, Appellate Division held that inhabitants of an assisted living residence may not assert a private cause of action for the facility's alleged breach of their statutory bill of rights. [Estate of Burns v. Care One at Stanwick, LLC, 2021 N.J. Super. LEXIS 79 \(App.Div. June 15, 2021\)](#).

**Governments: State & Territorial Governments: Licenses**

In a wrongful death and survival case arising out of a fatal stabbing of a rooming house resident by another resident, the grant of summary judgment to the rooming house operator was upheld because neither the plain language of the Rooming and Boarding House Act of 1979, nor its regulations required rooming house owners to conduct criminal background checks of prospective residents. [Estate of Campagna v. Pleasant Point Properties, LLC, 464 N.J. Super. 153, 234 A.3d 348, 2020 N.J. Super. LEXIS 179 \(App.Div. 2020\)](#), certif. denied, [245 N.J. 585, 247 A.3d 399, 2021 N.J. LEXIS 312 \(N.J. 2021\)](#).

**Healthcare Law: Actions Against Facilities: Facility Liability: Nursing Facilities**

Superior Court of New Jersey, Appellate Division held that inhabitants of an assisted living residence may not assert a private cause of action for the facility's alleged breach of their statutory bill of rights. [Estate of Burns v. Care One at Stanwick, LLC, 2021 N.J. Super. LEXIS 79 \(App.Div. June 15, 2021\)](#).

**Real Property Law: Landlord & Tenant**

In a wrongful death and survival case arising out of a fatal stabbing of a rooming house resident by another resident, the grant of summary judgment to the rooming house operator was upheld because neither the plain language of the Rooming and Boarding House Act of 1979, nor its regulations required rooming house owners to conduct criminal background checks of prospective residents. [Estate of Campagna v. Pleasant Point Properties, LLC, 464 N.J. Super. 153, 234 A.3d 348, 2020 N.J. Super. LEXIS 179 \(App.Div. 2020\)](#), certif. denied, [245 N.J. 585, 247 A.3d 399, 2021 N.J. LEXIS 312 \(N.J. 2021\)](#).

**Research References & Practice Aids**

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**Cross References:**

Definitions relative to adult family care, see [26:2Y-3](#).

New Jersey Boarding Home Advisory Council, see [30:1A-4](#).

Water service charges, see [40:14B-21](#).

Definitions, see [40:52-9](#).

Licensing of rooming, boarding houses, see [40:52-10](#).

Conditions for licensure, see [40:52-13](#).

Year-round operation, see [40:55D-68.1](#).

Water rates and regulations, see [40:62-127](#).

Furnishing water for special purposes, see [40:62-139](#).

Rates, rentals, and other charges for water supply services, see [40A:31-10](#).

Services provided to eligible residents by county welfare board, see [44:7-93](#).

Sale of water, rates, see [48:19-18](#).

Tax exempt property, see [54:4-3.6](#).

Definitions relative to tenants property tax rebates, see [54:4-6.3](#).

Definitions, see [55:13A-3](#).

Inspection, review of records, see [55:13B-9](#).

Criminal offenses, see [55:13B-11.1](#).

Each violation separate, see [55:13B-11.2](#).

Findings, determinations, see [55:13C-1](#).

Definitions, see [55:14K-3](#).

Life safety improvement loans, see [55:14K-13](#).

#### **Administrative Code:**

[N.J.A.C. 5:15-1.2](#) (2013), CHAPTER EMERGENCY SHELTERS FOR THE HOMELESS, Scope and purpose.

[N.J.A.C. 5:23-2.24](#) (2013), CHAPTER UNIFORM CONSTRUCTION CODE, Conditions of certificate of occupancy.

[N.J.A.C. 5:27-1.1](#) (2013), CHAPTER REGULATIONS GOVERNING ROOMING AND BOARDING HOUSES, Title.

[N.J.A.C. 5:27-2.1](#) (2013), CHAPTER REGULATIONS GOVERNING ROOMING AND BOARDING HOUSES, Definitions.

[N.J.A.C. 5:27A-4.6](#) (2013), CHAPTER STANDARDS FOR LICENSURE OF RESIDENTIAL HEALTH CARE FACILITIES NOT LOCATED WITH, AND OPERATED BY, LICENSED HEALTH CARE FACILITIES, Policy and procedure manual.

[N.J.A.C. 5:27A-14.1](#) (2013), CHAPTER STANDARDS FOR LICENSURE OF RESIDENTIAL HEALTH CARE FACILITIES NOT LOCATED WITH, AND OPERATED BY, LICENSED HEALTH CARE FACILITIES, Policies and procedures regarding resident rights.

[N.J.A.C. 5:33-3.2](#) (2013), CHAPTER TAX COLLECTION ADMINISTRATION, Definitions.

[N.J.A.C. 8:43-4.6](#) (2013), CHAPTER STANDARDS FOR LICENSURE OF RESIDENTIAL HEALTH CARE FACILITIES LOCATED WITH, AND OPERATED BY, LICENSED HEALTH CARE FACILITIES, Policy and procedure manual.

[N.J.A.C. 8:43-14.1](#) (2013), CHAPTER STANDARDS FOR LICENSURE OF RESIDENTIAL HEALTH CARE FACILITIES LOCATED WITH, AND OPERATED BY, LICENSED HEALTH CARE FACILITIES, Policies and procedures regarding resident rights.

[N.J.A.C. 10:44C-1.14](#) (2013), CHAPTER STANDARDS FOR COMMUNITY RESIDENCES FOR PERSONS WITH HEAD INJURIES, Illegal operations.

[N.J.A.C. 10:58A-2.9](#) (2013), CHAPTER ADVANCED PRACTICE NURSE SERVICES, Mental health services.

## [N.J. Stat. § 55:13B-2](#)

Current through New Jersey 220th First Annual Session, L. 2022, c. 130 and J.R. 10

***LexisNexis® New Jersey Annotated Statutes > Title 55. Tenement Houses and Public Housing (Subts. 1 — 2) > Subtitle 1A. Hotels and Multiple Dwellings (Chs. 13A — 13C) > Chapter 13B. Rooming and Boarding House Act (§§ 55:13B-1 — 55:13B-21)***

### **§ 55:13B-2. Legislative findings and declarations**

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The Legislature hereby finds and declares that:

Whereas, Numerous citizens of this State reside in rooming and boarding houses which are either infrequently supervised or completely unsupervised, unlicensed and unregulated by the State and by other governmental bodies; and

Whereas, The residents of such facilities are predominantly elderly, disabled and poor, many of whom need social, personal and financial services, protection from building hazards and protection from unscrupulous and predatory neighbors; and

Whereas, There is a need to ascertain the costs and resources of facilities currently licensed by the State and known as boarding homes for sheltered care, so as to determine whether and under what conditions the number of such homes should be increased and their standards of care raised; and

Whereas, It is incumbent upon the government of this State to determine whether the residents of rooming houses, boarding houses, and currently licensed boarding facilities are in need of special services, care or treatment and might profit from referral to existing or available community agencies or alternative living arrangements; and

Whereas, Several State agencies have different yet appropriate responsibilities for protecting the health, safety and welfare of the residents of rooming houses, boarding houses and residential health care facilities and it is necessary that there be coordination among these agencies for the cost-effective fulfillment of their respective responsibilities.

This remedial legislation is therefore necessary to provide for the health, safety and welfare of all those who reside in rooming and boarding houses in this State, promote the growth and continued improvement of boarding homes for sheltered care, to be known henceforth as residential health care facilities, to ensure that all agencies of this State work in unison for the protection and care of the residents of rooming houses, boarding houses and residential health care facilities, and to ensure that needed social and remedial services are made available to the residents of such facilities through the efforts of county welfare boards.

### **History**

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L. 1979, c. 496, 2.

Annotations

### **Notes to Decisions**

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**Governments: State & Territorial Governments: Licenses****Real Property Law: Landlord & Tenant****Governments: State & Territorial Governments: Licenses**

In a wrongful death and survival case arising out of a fatal stabbing of a rooming house resident by another resident, the grant of summary judgment to the rooming house operator was upheld because neither the plain language of the Rooming and Boarding House Act of 1979, nor its regulations required rooming house owners to conduct criminal background checks of prospective residents. [\*Estate of Campagna v. Pleasant Point Properties, LLC\*, 464 N.J. Super. 153, 234 A.3d 348, 2020 N.J. Super. LEXIS 179 \(App.Div. 2020\)](#), certif. denied, [245 N.J. 585, 247 A.3d 399, 2021 N.J. LEXIS 312 \(N.J. 2021\)](#).

**Real Property Law: Landlord & Tenant**

In a wrongful death and survival case arising out of a fatal stabbing of a rooming house resident by another resident, the grant of summary judgment to the rooming house operator was upheld because neither the plain language of the Rooming and Boarding House Act of 1979, nor its regulations required rooming house owners to conduct criminal background checks of prospective residents. [\*Estate of Campagna v. Pleasant Point Properties, LLC\*, 464 N.J. Super. 153, 234 A.3d 348, 2020 N.J. Super. LEXIS 179 \(App.Div. 2020\)](#), certif. denied, [245 N.J. 585, 247 A.3d 399, 2021 N.J. LEXIS 312 \(N.J. 2021\)](#).

## [N.J. Stat. § 55:13B-3](#)

Current through New Jersey 220th First Annual Session, L. 2022, c. 130 and J.R. 10

**LexisNexis® New Jersey Annotated Statutes > Title 55. Tenement Houses and Public Housing (Subts. 1 — 2) > Subtitle 1A. Hotels and Multiple Dwellings (Chs. 13A — 13C) > Chapter 13B. Rooming and Boarding House Act (§§ 55:13B-1 — 55:13B-21)**

### **§ 55:13B-3. Terms defined**

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As used in this act:

- a. “Boarding house” means any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement, but excluding any hotel, motel, or established guest house wherein a minimum of 85 percent of the units of dwelling space are offered for limited tenure only, any resource family home as defined in section 1 of P.L.1962, c.137 ([C.30:4C-26.1](#)), any community residence for the developmentally disabled and any community residence for the mentally ill as defined in section 2 of P.L.1977, c.448 ([C.30:11B-2](#)), any adult family care home as defined in section 3 of [P.L.2001, c.304 \(C.26:2Y-3\)](#), any dormitory owned or operated on behalf of any nonprofit institution of primary, secondary, or higher education for the use of its students, any building arranged for single room occupancy wherein the units of dwelling space are occupied exclusively by students enrolled in a full-time course of study at an institution of higher education approved by the New Jersey Commission on Higher Education, any facility or living arrangement operated by, or under contract with, any State department or agency, upon the written authorization of the commissioner, and any owner-occupied, one-family residential dwelling made available for occupancy by not more than six guests, where the primary purpose of the occupancy is to provide charitable assistance to the guests and where the owner derives no income from the occupancy. A dwelling shall be deemed “owner-occupied” within the meaning of this section if it is owned or operated by a nonprofit religious or charitable association or corporation and is used as the principal residence of a minister or employee of that corporation or association. For any such dwelling, however, fire detectors shall be required as determined by the Department of Community Affairs.
- b. “Commissioner” means the Commissioner of the Department of Community Affairs.
- c. “Financial services” means any assistance permitted or required by the commissioner to be furnished by an owner or operator to a resident in the management of personal financial matters, including, but not limited to, the cashing of checks, holding of personal funds for safekeeping in any manner or assistance in the purchase of goods or services with a resident’s personal funds.
- d. “Limited tenure” means residence at a rooming or boarding house on a temporary basis, for a period lasting no more than 90 days, when a resident either maintains a primary residence at a location other than the rooming or boarding house or intends to establish a primary residence at such a location and does so within 90 days after taking up original residence at the rooming or boarding house.
- e. “Operator” means any individual who is responsible for the daily operation of a rooming or boarding house.

- f. "Owner" means any person who owns, purports to own, or exercises control of any rooming or boarding house.
- g. "Personal services" means any services permitted or required to be furnished by an owner or operator to a resident, other than shelter, including, but not limited to, meals or other food services, and assistance in dressing, bathing, or attending to other personal needs.
- h. "Rooming house" means a boarding house wherein no personal or financial services are provided to the residents.
- i. "Single room occupancy" means an arrangement of dwelling space which does not provide a private, secure dwelling space arranged for independent living, which contains both the sanitary and cooking facilities required in dwelling spaces pursuant to the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 ([C.55:13A-1](#) et seq.), and which is not used for limited tenure occupancy in a hotel, motel, or established guest house, regardless of the number of individuals occupying any room or rooms.
- j. "Unit of dwelling space" means any room, rooms, suite, or portion thereof, whether furnished or unfurnished, which is occupied or intended, arranged, or designed to be occupied for sleeping or dwelling purposes by one or more persons.
- k. (Deleted by amendment, [P.L.2015, c.125](#))
- l. (Deleted by amendment, [P.L.2015, c.125](#))

## History

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L. 1979, c. 496, § 3; 1985, c. 364; 1987, c. 112, § 8; [1997, c. 260](#), § 1; [2001, c. 304](#), § 12, eff. Apr. 2, 2002; [2004, c. 130](#), § 123, eff. Aug. 27, 2004; [2015, c. 125](#), § 12, effective June 1, 2016.

Annotations

## Notes

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### Effective Dates:

Section 14 of L. [2001, c. 304](#) provides: "This act shall take effect on the 90th day after enactment, except that the Commissioner of Health and Senior Services may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act." Chapter 304, L. 2001, was approved on January 2, 2002.

Section 27 of L. [2015, c. 125](#) provides: "This act shall take effect on the first day of the seventh month next following the date of enactment, except that section 16 shall take effect immediately, but the Commissioners of Health and Community Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act." Chapter 125, L. 2015, was approved on Nov. 9, 2015.

### Amendment Notes

2015 amendment, by Chapter 125, deleted (k) and (l), which formerly read: "(k) Alzheimer's disease and related disorders" means a form of dementia characterized by a general loss of intellectual abilities of sufficient severity to interfere with social or occupational functioning. (l) 'Dementia' means a chronic or persistent disorder of the mental processes due to organic brain disease, for which no curative treatment is available, and marked by memory disorders, changes in personality, deterioration in personal care, impaired reasoning ability and disorientation"; and made stylistic changes.



## Notes to Decisions

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### Governments: State & Territorial Governments: Licenses

#### Real Property Law: Landlord & Tenant

### Governments: State & Territorial Governments: Licenses

In a wrongful death and survival case arising out of a fatal stabbing of a rooming house resident by another resident, the grant of summary judgment to the rooming house operator was upheld because neither the plain language of the Rooming and Boarding House Act of 1979, nor its regulations required rooming house owners to conduct criminal background checks of prospective residents. [\*Estate of Campagna v. Pleasant Point Properties, LLC\*, 464 N.J. Super. 153, 234 A.3d 348, 2020 N.J. Super. LEXIS 179 \(App.Div. 2020\)](#), certif. denied, [245 N.J. 585, 247 A.3d 399, 2021 N.J. LEXIS 312 \(N.J. 2021\)](#).

In a wrongful death and survival case arising out of a fatal stabbing at a rooming house resident by another resident, the grant of summary judgment to the rooming house operator was upheld because neither the plain language of the Rooming and Boarding House Act of 1979, nor its regulations required rooming house owners to conduct criminal background checks of prospective residents [\*Estate of Campagna v. Pleasant Point Props., LLC\*, 2020 N.J. Super. LEXIS 179 \(June 17, 2020\)](#).

#### Real Property Law: Landlord & Tenant

In a wrongful death and survival case arising out of a fatal stabbing of a rooming house resident by another resident, the grant of summary judgment to the rooming house operator was upheld because neither the plain language of the Rooming and Boarding House Act of 1979, nor its regulations required rooming house owners to conduct criminal background checks of prospective residents. [\*Estate of Campagna v. Pleasant Point Properties, LLC\*, 464 N.J. Super. 153, 234 A.3d 348, 2020 N.J. Super. LEXIS 179 \(App.Div. 2020\)](#), certif. denied, [245 N.J. 585, 247 A.3d 399, 2021 N.J. LEXIS 312 \(N.J. 2021\)](#).

In a wrongful death and survival case arising out of a fatal stabbing at a rooming house resident by another resident, the grant of summary judgment to the rooming house operator was upheld because neither the plain language of the Rooming and Boarding House Act of 1979, nor its regulations required rooming house owners to conduct criminal background checks of prospective residents [\*Estate of Campagna v. Pleasant Point Props., LLC\*, 2020 N.J. Super. LEXIS 179 \(June 17, 2020\)](#).

## Research References & Practice Aids

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### Administrative Code:

[N.J.A.C. 5:23-6.31](#) (2013), CHAPTER UNIFORM CONSTRUCTION CODE, Change of use.

[N.J.A.C. 5:27-2.1](#) (2013), CHAPTER REGULATIONS GOVERNING ROOMING AND BOARDING HOUSES, Definitions.

[N.J.A.C. 5:70-1.5](#) (2013), CHAPTER UNIFORM FIRE CODE, Definitions.

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## [N.J. Stat. § 55:13B-4](#)

Current through New Jersey 220th First Annual Session, L. 2022, c. 130 and J.R. 10

**LexisNexis® New Jersey Annotated Statutes > Title 55. Tenement Houses and Public Housing (Subts. 1 — 2) > Subtitle 1A. Hotels and Multiple Dwellings (Chs. 13A — 13C) > Chapter 13B. Rooming and Boarding House Act (§§ 55:13B-1 — 55:13B-21)**

### **§ 55:13B-4. Powers of commissioner**

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The commissioner, to effectuate the provisions and purposes of this act, shall have the power to:

- a. Promulgate and amend rules and regulations in accordance with the Administrative Procedure Act, P.L.1968, c. 410 ([C. 52:14B-1](#) et seq.);
- b. Establish standards governing safety, security, recordkeeping, living conditions and services in rooming and boarding houses;
- c. Issue, suspend and revoke licenses for rooming and boarding houses;
- d. Enter and inspect any such facility without prior notice and review such records as may be required pursuant to this act;
- e. Establish standards for the building, conversion and renovation of all such facilities;
- f. Enforce the provisions of this act by entering complaints against any person in violation thereof through administrative proceedings and civil actions in State and local courts for injunctive relief and for the assessment of penalties, compromise and settle any penalties in such amounts as he may determine to be equitable under the circumstances of the violation, and take such other action as he may deem necessary in accordance with the provisions of this act;
- g. Issue subpoenas to compel attendance at any hearing in any part of the State, and the presentation of such reports, documents, books and papers as he may deem necessary;
- h. Institute an in rem action against property, or a quasi in rem action against the owner by attachment of a property followed by service by publication, in connection with violations of the provisions of this act, in cases where the owner, after diligent effort, cannot be served; and
- i. Hold and exercise all the rights and remedies available to a judgment creditor where a judgment is entered against an owner or operator as a result of a penalty action or administrative action taken pursuant to enforcement of this act.

### **History**

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L. 1979, c. 496, 4.

Annotations

### **Research References & Practice Aids**

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**Administrative Code:**

[N.J.A.C. 5:27](#) (2013), CHAPTER REGULATIONS GOVERNING ROOMING AND BOARDING HOUSES, 5, Chapter 27 — Chapter Notes.

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## [N.J. Stat. § 55:13B-5](#)

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### **§ 55:13B-5. Regulations; distinctions among types; waiver, modification or postponement of application**

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- a. In promulgating any regulations pursuant to the provisions of this act, the commissioner may make distinctions among types of rooming and boarding houses according to the age, size, type of construction or nature of ownership of the facility and the type of services offered or limitations on occupancy therein.
- b. Upon application of an owner, the commissioner may waive, modify or postpone the application of a regulation to the owner's facility, provided, however, that no such waiver, modification or postponement shall be granted unless the commissioner shall find that (1) Strict compliance with a regulation would result in undue hardship for residents of the facility, and (2) If granted it would not unreasonably jeopardize the welfare of residents or of the public at large.

### **History**

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L. 1979, c. 496, § 5.

Annotations

### **Research References & Practice Aids**

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#### **Administrative Code:**

[N.J.A.C. 5:27-1.9](#) (2013), CHAPTER REGULATIONS GOVERNING ROOMING AND BOARDING HOUSES, Exceptions and exemptions.

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## [N.J. Stat. § 55:13B-5.1](#)

Current through New Jersey 220th First Annual Session, L. 2022, c. 130 and J.R. 10

**LexisNexis® New Jersey Annotated Statutes > Title 55. Tenement Houses and Public Housing (Subts. 1 — 2) > Subtitle 1A. Hotels and Multiple Dwellings (Chs. 13A — 13C) > Chapter 13B. Rooming and Boarding House Act (§§ 55:13B-1 — 55:13B-21)**

### § 55:13B-5.1. Responsibilities assumed by DOH; inter-agency agreement

- a. The Department of Community Affairs shall cease its responsibilities for licensure, inspections, and the establishment and enforcement of standards with respect to each rooming or boarding house that provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, as of the date that the Department of Health assumes these responsibilities pursuant to section 18 of [P.L.2015, c.125](#) ([C.26:2H-149](#)).
- b. The Department of Community Affairs shall establish and enter into an inter-agency agreement with the Department of Health as necessary for the purposes of this section and section 18 of [P.L.2015, c.125](#) ([C.26:2H-149](#)).

### History

L. [2015, c. 125](#), § 15, effective June 1, 2016.

Annotations

### Notes

#### **Effective Dates**

Section 27 of L. [2015, c. 125](#) provides: "This act shall take effect on the first day of the seventh month next following the date of enactment, except that section 16 shall take effect immediately, but the Commissioners of Health and Community Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act." Chapter 125, L. 2015, was approved on Nov. 9, 2015.

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## [N.J. Stat. § 55:13B-5.2](#)

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### § 55:13B-5.2. DCA to stop issuing licenses

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The Department of Community Affairs shall not issue a license to any person to own or operate a new rooming or boarding house that provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, on or after the date of enactment of [P.L.2015, c.125](#) ([C.55:13B-5.1](#) et al.).

### History

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L. [2015, c. 125](#), § 16, effective November 9, 2015.

Annotations

### Notes

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#### **Effective Dates**

Section 27 of L. [2015, c. 125](#) provides: "This act shall take effect on the first day of the seventh month next following the date of enactment, except that section 16 shall take effect immediately, but the Commissioners of Health and Community Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act." Chapter 125, L. 2015, was approved on Nov. 9, 2015.

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## [N.J. Stat. § 55:13B-6](#)

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### § 55:13B-6. Standards of construction, operation, safety

The commissioner shall establish standards to ensure that every rooming and boarding house in this State is constructed and operated in such a manner as will protect the health, safety and welfare of its residents and at the same time preserve and promote a homelike atmosphere appropriate to such facilities, including, but not limited to, standards to provide for the following:

- a. Safety from fire;
- b. Safety from structural, mechanical, plumbing and electrical deficiencies;
- c. Adequate light and ventilation;
- d. Physical security;
- e. Protection from harassment, fraud and eviction without due cause;
- f. Clean and reasonably comfortable surroundings;
- g. Adequate personal and financial services rendered in boarding houses;
- h. Disclosure of owner identification information;
- i. Maintenance of orderly and sufficient financial and occupancy records;
- j. Referral of residents, by the operator, to social service and health agencies for needed services;
- k. Assurance that no constitutional, civil or legal right will be denied solely by reason of residence in a rooming or boarding house;
- l. Reasonable access for employees of public and private agencies, and reasonable access for other citizens upon receiving the consent of the resident to be visited by them;
- m. Opportunity for each resident to live with as much independence, autonomy and interaction with the surrounding community as the resident is capable of doing;
- n. (Deleted by amendment, [P.L.2015, c.125](#))
- o. An approved heating and cooling system capable of maintaining the temperature of the facility within the required range. In all areas used by residents, the operator shall maintain the rooming and boarding house at a temperature within the range of 65 through 81 degrees Fahrenheit, except in rooms:
  - (1) designated for activities requiring physical exertion; or
  - (2) where residents can individually control the temperature in their own living units, independent from other areas.

### History



L. 1979, c. 496, § 6; amended [1997, c. 260](#), § 2; [2015, c. 125](#), § 13, effective June 1, 2016; [2021, c. 260](#), § 4, effective May 1, 2022.

Annotations

## Notes

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### Effective Dates

Section 27 of L. [2015, c. 125](#) provides: “This act shall take effect on the first day of the seventh month next following the date of enactment, except that section 16 shall take effect immediately, but the Commissioners of Health and Community Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.” Chapter 125, L. 2015, was approved on Nov. 9, 2015.

Section 5 of L. [2021, c. 260](#) provides: “This act shall take effect on the first day of the sixth month next following enactment.” Chapter 260, L. 2021, was approved on Nov. 8, 2021.

### Amendment Notes

2015 amendment, by Chapter 125, deleted (n), which formerly read: “Assurance that the needs of residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, will be met in accordance with standards adopted by regulation of the commissioner, which shall be promulgated no later than 90 days after the effective date of this act, which shall include, at a minimum, the following: (1) staffing levels; (2) staff qualifications and training; (3) special dietary needs of residents; (4) special supervision requirements relating to the individual needs of residents; (5) building safety requirements appropriate to the needs of residents; (6) special health monitoring of residents by qualified, licensed health care professionals, including a requirement that a medical assessment be performed on a resident with special needs as described in this subsection, as determined necessary by the commissioner, prior to admission and on a quarterly basis thereafter to ensure that the facility is appropriate to the needs of the resident; and (7) criteria for discharging residents which shall be set forth in the admission agreement which shall be provided to the resident or the resident's representative prior to or upon admission. The commissioner may revoke the license of any provider who violates the criteria for discharging residents”; and made related and stylistic changes.

2021 amendment, by Chapter 260, added o.

## Notes to Decisions

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**Governments: State & Territorial Governments: Licenses**

**Real Property Law: Landlord & Tenant**

**Governments: State & Territorial Governments: Licenses**

In a wrongful death and survival case arising out of a fatal stabbing of a rooming house resident by another resident, the grant of summary judgment to the rooming house operator was upheld because neither the plain language of the Rooming and Boarding House Act of 1979, nor its regulations required rooming house owners to conduct criminal background checks of prospective residents. [Estate of Campagna v. Pleasant Point Properties, LLC, 464 N.J. Super. 153, 234 A.3d 348, 2020 N.J. Super. LEXIS 179 \(App.Div. 2020\)](#), certif. denied, [245 N.J. 585, 247 A.3d 399, 2021 N.J. LEXIS 312 \(N.J. 2021\)](#).

**Real Property Law: Landlord & Tenant**

In a wrongful death and survival case arising out of a fatal stabbing of a rooming house resident by another resident, the grant of summary judgment to the rooming house operator was upheld because neither the plain language of the Rooming and Boarding House Act of 1979, nor its regulations required rooming house owners to conduct criminal background checks of prospective residents. [\*Estate of Campagna v. Pleasant Point Properties, LLC\*, 464 N.J. Super. 153, 234 A.3d 348, 2020 N.J. Super. LEXIS 179 \(App.Div. 2020\)](#), certif. denied, [245 N.J. 585, 247 A.3d 399, 2021 N.J. LEXIS 312 \(N.J. 2021\)](#).

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## [N.J. Stat. § 55:13B-6.1](#)

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### **§ 55:13B-6.1. Carbon monoxide sensor device required in rooming, boarding houses**

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Every unit of dwelling space in a rooming or boarding house shall be equipped with one or more carbon monoxide sensor devices that bear the label of a nationally recognized testing laboratory and have been tested and listed as complying with the most recent Underwriters Laboratories standard 2034, or its equivalent, unless it is determined that no potential carbon monoxide hazard exists for that unit. Any such installation or determination shall be made in accordance with the rules promulgated by the Commissioner of Community Affairs.

### **History**

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L. [1999, c. 15](#), § 3, eff. Feb. 8, 1999.

Annotations

### **Research References & Practice Aids**

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#### **Cross References:**

Rules, regulations, see [52:27D-133.4](#).

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## [N.J. Stat. § 55:13B-7](#)

Current through New Jersey 220th First Annual Session, L. 2022, c. 130 and J.R. 10

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### § 55:13B-7. Rooming, boarding house licensure; fee

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a.

(1) No person shall own or operate a rooming or boarding house, hold out a building as available for rooming or boarding house occupancy, or apply for any necessary construction or planning approvals related to the establishment of a rooming or boarding house without a valid license to own or operate such a facility, issued by the commissioner and, if appropriate, by a municipality which has elected to issue such licenses pursuant to [P.L.1993, c.290](#) ([C.40:52-9](#) et seq.).

(2) (Deleted by amendment, [P.L.2015, c.125](#))

(3) Any person found to be in violation of this subsection shall be liable for a civil penalty of not more than \$5,000 for each building so owned or operated, which penalty shall be payable to the appropriate licensing entity.

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

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

Each application for licensure shall contain such information as the commissioner may prescribe and, unless the person is licensed by a municipality to own or operate a rooming and boarding house pursuant to [P.L.1993, c.290](#) ([C.40:52-9](#) et seq.), shall be accompanied by a fee established by the commissioner which shall not be less than \$150 or more than \$600, except as provided in subsection e. of this section. If, upon receipt of the fee and a review of the application, the commissioner determines that the applicant will operate, or provide for the operation of, a rooming or boarding house in accordance with the provisions of this act, the commissioner shall issue a license to the applicant.

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

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

d. A person making application for, or who has been issued, a license to own or operate a rooming or boarding house who conceals the fact that the person has been denied a license to own or operate a residential facility, or that the person's license to own or operate a residential facility has 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

than \$5,000, and any license to own or operate a rooming or boarding house which has been issued to that person shall be immediately revoked.

e. The commissioner shall annually review the cost of administering and enforcing this section and shall establish by rule such changes to the license application fee as may be necessary to cover the cost of such administration and enforcement.

## History

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L. 1979, c. 496, § 7; [1988, c. 113](#), § 1; [1997, c. 260](#), § 3; [1999, c. 241](#), § 2, eff. Oct. 15, 1999; [2007, c. 339](#), § 1, eff. Jan. 13, 2008; [2015, c. 125](#), § 14, effective June 1, 2016.

Annotations

## Notes

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### Effective Dates

Section 27 of L. [2015, c. 125](#) provides: “This act shall take effect on the first day of the seventh month next following the date of enactment, except that section 16 shall take effect immediately, but the Commissioners of Health and Community Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.” Chapter 125, L. 2015, was approved on Nov. 9, 2015.

### Amendment Note:

2007 amendment, by Chapter 339, added e.; and in the third paragraph of b., substituted “or more than \$600.00, except as provided in subsection e. of this section” for “nor more than \$300.00.”

2015 amendment, by Chapter 125, deleted a.(2), which formerly read: “No person shall own or operate a rooming or boarding house that offers or advertises or holds itself out as offering personal care services to residents with special needs, including, but not limited to, persons with Alzheimer’s disease and related disorders or other forms of dementia, hold out a building as available for rooming or boarding house occupancy for such residents, or apply for any necessary construction or planning approvals related to the establishment of a rooming or boarding house for such residents without a valid license to own or operate such a facility, issued by the commissioner”; substituted “\$5,000” for “\$5,000.00” in a.(3) and d.; substituted “\$150 or more than \$600” for “\$150.00 or more than \$600.00” in the first sentence of the third paragraph of b.; and made stylistic changes.

## CASE NOTES

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**Administrative Law: Agency Adjudication: Presiding Officers: Duties & Powers**

**Administrative Law: Judicial Review: Reviewability: Factual Determinations**

**Administrative Law: Agency Adjudication: Presiding Officers: Duties & Powers**

In an administrative action involving alleged violations of the Rooming and Boarding House Act of 1979, [N.J. Stat. Ann. §§ 55:13B-1](#) to -21, the administrative agency was permitted to address constitutional questions raised by plaintiffs necessary to the complete resolution of the contested case and, therefore, the case was remanded for such consideration by the administrative law judge and the development of a thorough record for appellate

purposes. [Jones v. Department of Community Affairs, Div. of Codes and Standards, Bureau of Rooming and Boarding House Standards, 395 N.J. Super. 632, 930 A.2d 477, 2007 N.J. Super. LEXIS 296 \(App.Div. 2007\)](#).

### **Administrative Law: Judicial Review: Reviewability: Factual Determinations**

In an administrative action involving alleged violations of the Rooming and Boarding House Act of 1979, [N.J. Stat. Ann. §§ 55:13B-1](#) to -21, the administrative agency was permitted to address constitutional questions raised by plaintiffs necessary to the complete resolution of the contested case and, therefore, the case was remanded for such consideration by the administrative law judge and the development of a thorough record for appellate purposes. [Jones v. Department of Community Affairs, Div. of Codes and Standards, Bureau of Rooming and Boarding House Standards, 395 N.J. Super. 632, 930 A.2d 477, 2007 N.J. Super. LEXIS 296 \(App.Div. 2007\)](#).

## **Research References & Practice Aids**

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### **Cross References:**

Criminal offenses, see [55:13B-11.1](#).

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## [N.J. Stat. § 55:13B-8](#)

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### **§ 55:13B-8. Operator; residing in facility; acceptance of service; primary owner deemed operator if operator unavailable**

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Each operator of a rooming or boarding house shall reside in the facility and shall be responsible for accepting service of any notices or orders issued by the commissioner pursuant to the provisions of this act. If an operator resigns, is dismissed or is otherwise unavailable to carry out his responsibilities, then the primary owner shall be deemed to be the operator of the facility until such time as the commissioner is notified of the appointment of a new operator, and shall have the same responsibilities and be subject to the same penalties otherwise prescribed for an operator under the provisions of this act.

### **History**

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L. 1979, c. 496, 8.

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## [N.J. Stat. § 55:13B-9](#)

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### **§ 55:13B-9. Inspection, review of records; violations.**

The commissioner shall ensure that each rooming or boarding house whose owner possesses a valid license is inspected and its records reviewed at least once each year for the purpose of determining whether the owner or operator is complying with standards promulgated pursuant to the provisions of P.L.1979, c.496 ([C.55:13B-1](#) et seq.). If the commissioner determines, as a result of any such inspection and review of records, that an owner or operator is in violation of such standards, he shall serve the owner or operator of the facility with a written notice thereof, which shall fix a date by which the owner or operator shall enter into compliance. The commissioner shall not be required to perform annual inspections of facilities licensed and inspected by a municipality pursuant to [P.L.1993, c.290 \(C.40:52-9](#) et seq.), but shall have the authority to oversee and ensure the enforcement of the “Rooming and Boarding House Act of 1979,” P.L.1979, c.496 ([C.55:13B-1](#) et seq.), and the rules and regulations adopted pursuant thereto in those facilities. A municipality shall file with the commissioner a copy of an inspection report prepared following an inspection of a rooming or boarding house performed by the municipality pursuant to [P.L.1993, c.290 \(C.40:52-9](#) et seq.). The commissioner may prescribe a standard inspection report format to be used by the municipality.

The Department of Community Affairs shall post on its Internet website each inspection report prepared following an inspection performed on behalf of or filed with the commissioner pursuant to this section, along with any other inspection report prepared by or on behalf of the department for a rooming or boarding house.

If an inspection reveals a serious health and safety violation at a rooming or boarding house, the department shall post the inspection report, including the name of the rooming or boarding house and the owner of the rooming or boarding house, on its website no later than 72 hours following the inspection. If a license of a rooming or boarding house is suspended, the department shall post the suspension on its website no later than 72 hours following the suspension. The department shall update its website to reflect the correction of a serious health and safety violation, and the lifting of a suspension.

The department shall notify, as soon as possible, the Commissioner of Human Services, or the commissioner’s designee, and the director of the county board of social services or county welfare agency, as appropriate, in the county in which a rooming or boarding house is located, of a serious health and safety violation at the rooming or boarding house and of any suspension of a license to operate such rooming or boarding house.

### **History**

L. 1979, c. 496, § 9; amended [1999, c. 241](#), § 3, eff. Oct. 15, 1999; [2015, c. 6](#), § 2, effective February 5, 2015.



Annotations

## Notes

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### Editor's Notes

No placement of individuals in facilities which were suspended or in violation of license, see [30:1-12.4](#).

### Amendment Note:

2015 amendment, by Chapter 6, in the first paragraph, substituted "P.L.1979, c.496 (C.55:13B-1 et seq.)" for "this act" in the first sentence and added the second and final sentences; and added the second through final paragraphs.

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## [N.J. Stat. § 55:13B-10](#)

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### **§ 55:13B-10. Corporate, personal liability for violations**

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a. No person shall: (1) obstruct, hinder, delay or otherwise interfere with any action of the commissioner in the exercise of any power or duty under the provisions of this act; (2) prepare, utter or otherwise render any false statement, application, report or document which is permitted or required pursuant to this act; or (3) refuse to comply with any ruling, order, notice or action made by the commissioner pursuant to the provisions of this act.

b. Any person who violates any provision of subsection a. above shall be liable for a civil penalty of not less than \$50.00 nor more than \$5,000.00 for each violation. Each day during which any person violates any such provision after the date fixed for termination of the violation in any order for termination issued by the commissioner shall constitute an additional, separate and distinct violation, except during the time an appeal from such an order is taken or pending. If an administrative penalty order has not been satisfied within 30 days of its issuance, the penalty may be sued for and recovered by the commissioner in a summary proceeding in the Superior Court under “the penalty enforcement law” ([N.J.S. 2A:58-1](#) et seq.).

c. The commissioner may suspend, cancel, revoke, or refuse to issue any endorsement to the license of any owner or operator who violates any provision of subsection a. above.

Where the owner or operator found to be in violation of subsection a. of this section is a corporation, then the commissioner may suspend, cancel, revoke, or refuse to issue any endorsement to the license of: (1) the officers, directors and shareholders of the corporation, and (2) any corporation owning or operating a rooming or boarding house that has among its officers, directors or shareholders any person whose license has been suspended, cancelled or revoked pursuant to paragraph (1) of this subsection.

d. Where either the owner or operator of a boarding or rooming house found to be in violation of subsection a. above is a corporation, then, in addition to the corporation being subject to the penalties set forth in subsection b., the officers and directors of the corporation are subject, individually and personally, to those penalties.

### **History**

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L. 1979, c. 496, 10; Amended by L. 1985, c. 413, 1.

## [N.J. Stat. § 55:13B-10.1](#)

Current through New Jersey 220th First Annual Session, L. 2022, c. 130 and J.R. 10

***LexisNexis® New Jersey Annotated Statutes > Title 55. Tenement Houses and Public Housing (Subts. 1 — 2) > Subtitle 1A. Hotels and Multiple Dwellings (Chs. 13A — 13C) > Chapter 13B. Rooming and Boarding House Act (§§ 55:13B-1 — 55:13B-21)***

### **§ 55:13B-10.1. Owner, operator of rooming, boarding house prohibited from providing health care services**

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No person who owns or operates a rooming or boarding house shall provide health care services in that facility. Nothing in this section shall be construed to prohibit a licensed health care professional acting within the scope of that person's license from providing health care services to a resident of a rooming or boarding house in that facility.

### **History**

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L. [1997, c. 260](#), § 4.

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## [N.J. Stat. § 55:13B-11](#)

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### **§ 55:13B-11. Violations constituting imminent hazard to health, safety or welfare; order of vacation or correction of violation; reinspection after notice of correction; reconsideration hearing; injunction; failure to correct; order for submission of reports or receivership**

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a. If, upon inspection of any rooming or boarding house, the commissioner shall discover any violation of the provisions of this act, or any rules or regulations promulgated thereunder, which constitutes an imminent hazard to the health, safety or welfare of the occupants or intended occupants thereof, or of the public generally, the commissioner may issue and cause to be served on the owner or operator thereof a written order directing: (1) that the rooming or boarding house be vacated forthwith or (2) that the violation be corrected within the period specified in the order. The written order shall state the nature of any violation, the date and hour by which the rooming or boarding house be vacated or the violation be abated and, if necessary, the manner in which the violation shall be abated. A copy of the written order to vacate shall be sent to relevant county and municipal officials within 24 hours of its issuance.

Upon the receipt by the commissioner of written notice from the owner or operator of any rooming or boarding house vacated or ordered to be vacated stating that the violation has been terminated, the commissioner shall reinspect the rooming or boarding house within one working day of the receipt of the notice. If, upon reinspection, the commissioner determines that the violation has been terminated, he shall rescind the order requiring the vacation of the rooming or boarding house and occupancy may be resumed forthwith. If reinspection is not conducted by the commissioner within one working day of the receipt of the notice, occupancy of the rooming or boarding house may be resumed forthwith.

Where the owner or operator of any rooming or boarding house denies that any violation justifying an order to vacate exists, he may apply to the commissioner for a reconsideration hearing, which shall be afforded and a decision rendered by the commissioner within 48 hours of the receipt of the application for the hearing. If the commissioner decides adversely to the owner or operator, the owner or operator may petition the Superior Court of this State for injunctive relief against any order of the commissioner directing that the rooming or boarding house be vacated forthwith.

Relief may be sought by an order to show cause and may be granted ex parte pending a hearing de novo, except that the only issue to be determined in the hearing de novo shall be the existence of any violation of the provisions of this act, or rules and regulations promulgated thereunder, which constitutes an imminent hazard to the health, safety or welfare of the occupants or intended occupants of the rooming or boarding house, or to the public generally.

Where the owner or operator of any rooming or boarding house denies that any violation justifying an order to abate within a specific period exists, the owner or operator may seek injunctive relief by an order to show cause, and relief may be granted ex parte pending a hearing de novo. However, the only issue to be determined in the hearing de novo shall be the existence of any violation of the provisions of this act, or

rules and regulations promulgated thereunder, which constitutes a hazard to the health, safety or welfare of the occupants or intended occupants of the rooming or boarding house, or to the public generally.

**b.** If an owner or operator is found to be in violation of any of the provisions of this act, and notice thereof has been served which also fixes a date by which any such violations shall be terminated, and such owner or operator fails to terminate such violations by such date, then the commissioner may take any of the following actions:

**(1)** Issue an order directing that the owner submit monthly reports to the commissioner, in a form prescribed by the commissioner, listing all payments received and expenditures made by him, in connection with the operation of any rooming and boarding house owned by him, received and or made by the operator or any agent or employee of any such facility. In addition, the commissioner may require said owner to report such payments and expenditures for any past period which the commissioner shall determine, and to provide statements of personal or corporate assets and worth.

During the term of any such order, the owner shall not increase the amount of any payment due from, or require any new payment or charge from, any resident of any rooming or boarding house owned by him, without prior written approval from the commissioner.

During the term of any such order, the commissioner may direct that the owner make certain expenditures to terminate violations of any provisions of this act, or may prohibit any expenditure deemed by the commissioner to be not in the best interests of the residents of any rooming or boarding house belonging to the owner.

The commissioner shall rescind any such order whenever the violations which caused the order to be issued, and any other violations, have been terminated by the owner.

**(2)** Petition the Superior Court for an order appointing a receiver for the rooming or boarding house of such an owner. It shall be a sufficient defense to the proceeding if the owner establishes that the condition alleged in the petition of the commissioner does not in fact exist or that such condition has been remedied or that such condition, although periodically remedied, has not habitually existed as pattern and practice.

The court shall proceed in a summary manner and shall render a judgment either: (1) Dismissing the petition; (2) Granting the relief provided under subsection a. above or directing the commissioner to issue an order as provided under subsection b. above; or (3) Appointing a receiver from a list of nominees submitted by the commissioner or any other responsible person; provided, however, that the owner or operator of the home shall not be so appointed.

With the approval of the court, the receiver shall have the following powers: (1) To hire any consultants or to undertake any studies of the rooming or boarding house which he deems appropriate; (2) To make any repairs, improvements or expenditures he deems necessary to terminate conditions or violations specified in the complaint; (3) To hire or discharge any employees, including the operator; (4) To receive or expend in a reasonable and prudent manner the revenues of the facility due on the date of, or subsequent to, the entry of the court's judgment; (5) To continue to operate the facility in accordance with all standards promulgated by the commissioner; (6) To perform all acts necessary or appropriate to conserve the facility and to promote the health, safety and welfare of its residents; and (7) To exercise such other powers as he deems necessary or appropriate to implement the court's judgment.

The receiver may, in his discretion, either: (1) Assume the role of operator; or (2) Direct the operator to take such actions as will eliminate or rectify the conditions specified in the petition.

The court shall require the filing at periodic intervals of reports of action taken by the receiver and of accounts itemizing revenues and expenditures. Such reports shall be open to inspection by all parties in the case. Upon motion of the court, the receiver, or the owner, the court may require a presentation or settlement of the accounts. Notice of a motion for presentation or settlement of accounts shall be served on the owner and any party holding an interest in such revenues and expenditures.

The commissioner, receiver or owner may make a motion to terminate the receivership on the grounds that the conditions complained of have been terminated. The court may thereupon immediately terminate the receivership or terminate it subject to such terms as it feels are necessary or appropriate to prevent the conditions complained of from recurring.

The court shall allow from the revenues of the rooming or boarding houses a reasonable amount of compensation for the expenditures and services of the receiver. The receiver may be required to furnish a bond, the amount and form of which shall be approved by the court, and the cost of which shall be borne by the owner.

During the time such receivership is in effect, the receiver shall give priority to the termination of violations when determining the expenditure of any income, and the court shall ensure that any creditor aggrieved is satisfied only to the extent consistent with the health, safety and welfare of the residents of the rooming or boarding house. The receivership order shall remain in effect for as long after the termination of any violations as is necessary for the receiver to satisfy any creditors to whom payments were deferred in order to make funds available to effect such termination.

During the period when the receivership order is in effect, any action for possession initiated by any mortgage holder shall be brought before the court having jurisdiction in the receivership case and shall only be granted if it shall appear that the mortgage holder, when in possession, will terminate or remove the violations which caused the receivership order to be issued, and will operate the facility in accordance with standards promulgated by the commissioner.

No provision of this act shall limit the right of any owner to sell or mortgage any facility subject to receivership under the provisions of this section, provided, however, that the approval of the court having jurisdiction shall first be required and shall be granted only if it shall appear that the purchaser will terminate the violations which caused the receivership order to be issued and will operate the facility in accordance with standards promulgated by the commissioner, or if it appears that the granting of a mortgage will materially contribute to the ability of the owner to terminate such violations.

During the period when the receivership order is in effect, the owner shall have the right to use assets not under the receiver's control to terminate such violations.

## History

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L. 1979, c. 496, 11.

Annotations

## Research References & Practice Aids

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### Cross References:

Criminal offenses, see [55:13B-11.1](#).

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## [N.J. Stat. § 55:13B-11.1](#)

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### **§ 55:13B-11.1. Criminal offenses**

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The penalties contained in this section are in addition to any other penalties which may be imposed for a violation of P.L. 1979, c. 496 ([C. 55:13B-1](#) et seq.).

- a.** A person who knowingly owns or operates a boarding or rooming house without a valid license issued pursuant to section 7 of P.L. 1979, c. 496 ([C. 55:13B-7](#)) commits a disorderly persons offense.
- b.** An owner or operator of a boarding or rooming house who knowingly fails to correct or abate any violation within the time period specified in a notice or report of violation or any order of the Commissioner of Community Affairs rendered as a result of an inspection conducted by the Department of Community Affairs or any duly authorized municipal or county inspector commits a disorderly persons offense.
- c.** An owner or operator of a boarding or rooming house who knowingly fails to comply with an order of the commissioner issued after a finding of imminent hazard pursuant to section 11 of P.L. 1979, c. 496 ([C. 55:13B-11](#)) commits a crime of the fourth degree.
- d.** Where a corporation is the owner or operator of a boarding or rooming house, the corporate officers, as well as the corporation, are liable for violations of subsections a., b. and c. of this section.
- e.** It is no defense to a violation of this section that the owner or operator of the rooming or boarding house has not collected rent, or has been unable to collect rent, from the residents of the premises.

### **History**

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L. 1985, c. 413, 2.

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## [N.J. Stat. § 55:13B-11.2](#)

Current through New Jersey 220th First Annual Session, L. 2022, c. 130 and J.R. 10

***LexisNexis® New Jersey Annotated Statutes > Title 55. Tenement Houses and Public Housing (Subts. 1 — 2) > Subtitle 1A. Hotels and Multiple Dwellings (Chs. 13A — 13C) > Chapter 13B. Rooming and Boarding House Act (§§ 55:13B-1 — 55:13B-21)***

### **§ 55:13B-11.2. Each violation separate**

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Where a notice, order or report served or issued pursuant to the provisions of P.L. 1979, c. 496 ([C. 55:13B-1](#) et seq.) specifies several conditions in need of correction or abatement, failure to correct or abate each condition constitutes a separate offense under that act.

### **History**

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L. 1985, c. 413, 3.

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## **N.J. Stat. § 55:13B-12**

Current through New Jersey 220th First Annual Session, L. 2022, c. 130 and J.R. 10

**LexisNexis® New Jersey Annotated Statutes > Title 55. Tenement Houses and Public Housing (Subts. 1 — 2) > Subtitle 1A. Hotels and Multiple Dwellings (Chs. 13A — 13C) > Chapter 13B. Rooming and Boarding House Act (§§ 55:13B-1 — 55:13B-21)**

### **§ 55:13B-12. Service of notices or orders**

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Notices or orders issued pursuant to this act shall be served upon the owner or operator by posting them by certified mail, return receipt requested, to the owner or operator of a rooming or boarding house or, if necessary, by leaving them with the owner or a person above the age of 14 at the owner's dwelling unit or place of business. The date of service shall be considered to be the third day after mailing or after the date the notice or order is left at the owner's dwelling unit or place of business.

### **History**

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L. 1979, c. 496, 12.

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## [N.J. Stat. § 55:13B-13](#)

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### **§ 55:13B-13. Continuance of powers and duties of commissioner under Hotel and Multiple Dwelling Law**

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Nothing in this act shall be construed to abrogate or impair the powers and duties of the commissioner under the “Hotel and Multiple Dwelling Law,” P.L.1967, c. 76 ([C. 55:13A-1](#) et seq.) with respect to any hotel, motel or established guest house, or any dormitory owned or operated by any nonprofit institution of primary, secondary or higher education to provide housing for its students, or any multiple dwelling except those defined herein as rooming or boarding houses.

### **History**

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L. 1979, c. 496, 13.

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## [N.J. Stat. § 55:13B-14](#)

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### **§ 55:13B-14. Prohibition of notice to leave or other action in retaliation; enforcement of rights or complaint by resident**

---

No owner, operator or employee shall serve notice upon a resident to leave the premises, or take any other action in retaliation for: (a) The efforts of the resident or a person acting on his behalf to secure or enforce any rights under a contract, the laws of this State or any of its subdivisions, or the laws of the United States; or (b) The good faith complaint of a resident or a person acting on his behalf to a governmental authority concerning the owner, operator or employee's alleged violation of this act or any health or safety law, regulation, code or ordinance, or other law or regulation which has as its objective the regulation of rooming houses or boarding houses.

### **History**

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L. 1979, c. 496, 14.

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## [N.J. Stat. § 55:13B-15](#)

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### **§ 55:13B-15. Local governments or officers; authorization to inspect; reports; preemption of regulations; supplying information**

a. Any county or municipality in this State may be authorized by the commissioner to perform such inspection within its corporate limits as may be necessary to carry out the provisions of this act, subject to the control and supervision of the commissioner and in accordance with any rules and regulations promulgated by him governing the conduct of such inspections. Every county or municipality so authorized shall furnish the commissioner with such reports and information as he may require.

b. No owner or operator subject to the provisions of this act shall also be subject to regulation by any county or municipality of this State for the same purpose or end, except for construction regulations issued by a municipality pursuant to the "State Uniform Construction Code Act," P.L.1975, c. 217 ([C. 52:27D-119](#) et seq.).

c. Any municipal tax assessor, tax collector, or official charged with responsibility for enforcing a housing or property maintenance ordinance or code, county recorder of deeds or local enforcing agency established pursuant to the "State Uniform Construction Code Act," shall, upon request of the commissioner provide him with such information as will assist him in determining the location of any building or structure subject to the provisions of this act.

### **History**

L. 1979, c. 496, 15.

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## **N.J. Stat. § 55:13B-16**

Current through New Jersey 220th First Annual Session, L. 2022, c. 130 and J.R. 10

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### **§ 55:13B-16. Severability**

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If any section, subsection, paragraph, sentence or other part of this act is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this act directly involved in the controversy in which said judgment shall have been rendered.

### **History**

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L. 1979, c. 496, 16.

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## [N.J. Stat. § 55:13B-17](#)

Current through New Jersey 220th First Annual Session, L. 2022, c. 130 and J.R. 10

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### **§ 55:13B-17. Legislative findings and declarations**

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The Legislature hereby finds and declares that the well-being of residents of rooming houses, boarding houses and residential health care facilities in the State of New Jersey requires a declaration of a bill of rights for such residents.

### **History**

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L. 1979, c. 500, 1.

Annotations

### **Notes to Decisions**

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**Governments: Legislation: Statutory Remedies & Rights**

**Healthcare Law: Actions Against Facilities: Facility Liability: Nursing Facilities**

**Governments: Legislation: Statutory Remedies & Rights**

Superior Court of New Jersey, Appellate Division held that inhabitants of an assisted living residence may not assert a private cause of action for the facility's alleged breach of their statutory bill of rights. [Estate of Burns v. Care One at Stanwick, LLC, 2021 N.J. Super. LEXIS 79 \(App.Div. June 15, 2021\)](#).

**Healthcare Law: Actions Against Facilities: Facility Liability: Nursing Facilities**

Superior Court of New Jersey, Appellate Division held that inhabitants of an assisted living residence may not assert a private cause of action for the facility's alleged breach of their statutory bill of rights. [Estate of Burns v. Care One at Stanwick, LLC, 2021 N.J. Super. LEXIS 79 \(App.Div. June 15, 2021\)](#).

### **Research References & Practice Aids**

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**Administrative Code:**

[N.J.A.C. 5:27A-14.1](#) (2013), CHAPTER STANDARDS FOR LICENSURE OF RESIDENTIAL HEALTH CARE FACILITIES NOT LOCATED WITH, AND OPERATED BY, LICENSED HEALTH CARE FACILITIES, Policies and procedures regarding resident rights.

[N.J.A.C. 8:43-14.1](#) (2013), CHAPTER STANDARDS FOR LICENSURE OF RESIDENTIAL HEALTH CARE FACILITIES LOCATED WITH, AND OPERATED BY, LICENSED HEALTH CARE FACILITIES, Policies and procedures regarding resident rights.

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## **N.J. Stat. § 55:13B-18**

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### **§ 55:13B-18. Boarding facility defined**

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For the purposes of this act, “boarding facility” means rooming house, boarding house or residential health care facility.

### **History**

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L. 1979, c. 500, 2.

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## [N.J. Stat. § 55:13B-19](#)

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### **§ 55:13B-19. Rights of resident of boarding facility**

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Every resident of a boarding facility shall have the right:

- a. To manage his own financial affairs;
- b. To wear his own clothing;
- c. To determine his own dress, hair style, or other personal effects according to individual preference;
- d. To retain and use his personal property in his immediate living quarters, so as to maintain individuality and personal dignity, except where the boarding facility can demonstrate that such would be unsafe, impractical to do so, infringes upon the rights of others and that mere convenience is not the facility's motive to restrict this right;
- e. To receive and send unopened correspondence;
- f. To unaccompanied access to a telephone at a reasonable hour and to a private phone at the resident's expense;
- g. To privacy;
- h. To retain the services of his own personal physician at his own expense or under a health care plan and to confidentiality and privacy concerning his medical condition and treatment;
- i. To unrestricted communication, including personal visitation with any person of his choice, at any reasonable hour;
- j. To make contacts with the community and to achieve the highest level of independence, autonomy, and interaction with the community of which he is capable;
- k. To present grievances on behalf of himself or others to the operator, State governmental agencies or other persons without threat of reprisal in any form or manner whatsoever;
- l. To a safe and decent living environment and considerate and respectful care that recognizes the dignity and individuality of the resident;
- m. To refuse to perform services for the boarding facility, except as contracted for by the resident and the operator;
- n. To practice the religion of his or her choice, or to abstain from religious practice; and
- o. To not be deprived of any constitutional, civil or legal right solely by reason of residence in a boarding facility.

### **History**

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L. 1979, c. 500, 3.

Annotations

## CASE NOTES

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**Governments: Legislation: Statutory Remedies & Rights**

**Governments: State & Territorial Governments: Property**

**Healthcare Law: Actions Against Facilities: Facility Liability: Nursing Facilities**

**Real Property Law: Landlord & Tenant: General Overview**

**Governments: Legislation: Statutory Remedies & Rights**

Superior Court of New Jersey, Appellate Division held that inhabitants of an assisted living residence may not assert a private cause of action for the facility's alleged breach of their statutory bill of rights. [Estate of Burns v. Care One at Stanwick, LLC, 2021 N.J. Super. LEXIS 79 \(App.Div. June 15, 2021\)](#).

**Governments: State & Territorial Governments: Property**

Where a party challenged whether the application of fire safety provisions contained in the Rooming and Boarding House Act of 1979, [N.J. Stat. Ann. 55:13B-1](#) et seq., applied to religious organizations that provided rooming and boarding facilities to the needy, the provisions did apply; the state had the power to impose public safety requirements on religious and secular institutions. [Market Street Mission v. Bureau of Rooming & Boarding House Standards, Dep't of Community Affairs, 110 N.J. 335, 541 A.2d 668, 1988 N.J. LEXIS 41 \(N.J. 1988\)](#).

**Healthcare Law: Actions Against Facilities: Facility Liability: Nursing Facilities**

Superior Court of New Jersey, Appellate Division held that inhabitants of an assisted living residence may not assert a private cause of action for the facility's alleged breach of their statutory bill of rights. [Estate of Burns v. Care One at Stanwick, LLC, 2021 N.J. Super. LEXIS 79 \(App.Div. June 15, 2021\)](#).

**Real Property Law: Landlord & Tenant: General Overview**

Where a party challenged whether the application of fire safety provisions contained in the Rooming and Boarding House Act of 1979, [N.J. Stat. Ann. 55:13B-1](#) et seq., applied to religious organizations that provided rooming and boarding facilities to the needy, the provisions did apply; the state had the power to impose public safety requirements on religious and secular institutions. [Market Street Mission v. Bureau of Rooming & Boarding House Standards, Dep't of Community Affairs, 110 N.J. 335, 541 A.2d 668, 1988 N.J. LEXIS 41 \(N.J. 1988\)](#).

## Research References & Practice Aids

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**Administrative Code:**

[N.J.A.C. 5:27-3.12](#) (2013), CHAPTER REGULATIONS GOVERNING ROOMING AND BOARDING HOUSES, Limited tenure hotel guests.

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## [N.J. Stat. § 55:13B-20](#)

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### **§ 55:13B-20. Notice of rights; giving to residents; posting; contents**

The operator of a boarding facility shall ensure that a written notice of the rights set forth in this act be given to every resident upon admittance to the boarding facility and to each individual already in residence. The operator shall also post this notice in a conspicuous public place in the boarding facility. This notice shall include the name, address and telephone numbers of the Office of the Ombudsman for the Institutionalized Elderly, county welfare agency and county office on aging.

### **History**

L. 1979, c. 500, 4.

Annotations

### **Notes to Decisions**

**Governments: Legislation: Statutory Remedies & Rights**

**Healthcare Law: Actions Against Facilities: Facility Liability: Nursing Facilities**

**Governments: Legislation: Statutory Remedies & Rights**

Superior Court of New Jersey, Appellate Division held that inhabitants of an assisted living residence may not assert a private cause of action for the facility's alleged breach of their statutory bill of rights. [Estate of Burns v. Care One at Stanwick, LLC, 2021 N.J. Super. LEXIS 79 \(App.Div. June 15, 2021\)](#).

**Healthcare Law: Actions Against Facilities: Facility Liability: Nursing Facilities**

Superior Court of New Jersey, Appellate Division held that inhabitants of an assisted living residence may not assert a private cause of action for the facility's alleged breach of their statutory bill of rights. [Estate of Burns v. Care One at Stanwick, LLC, 2021 N.J. Super. LEXIS 79 \(App.Div. June 15, 2021\)](#).

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## [N.J. Stat. § 55:13B-21](#)

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### **§ 55:13B-21. Violation of rights; action for damages; costs and attorney's fees**

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Any person or resident whose rights as defined herein are violated shall have a cause of action against any person committing such violation. The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual and punitive damages for their violation. Any plaintiff who prevails in any such action shall be entitled to recover reasonable attorney's fees and costs of the action.

### **History**

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L. 1979, c. 500, 5.

Annotations

### **Notes to Decisions**

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**Governments: Legislation: Statutory Remedies & Rights**

**Healthcare Law: Actions Against Facilities: Facility Liability: Nursing Facilities**

**Governments: Legislation: Statutory Remedies & Rights**

Superior Court of New Jersey, Appellate Division held that inhabitants of an assisted living residence may not assert a private cause of action for the facility's alleged breach of their statutory bill of rights. [Estate of Burns v. Care One at Stanwick, LLC, 2021 N.J. Super. LEXIS 79 \(App.Div. June 15, 2021\)](#).

**Healthcare Law: Actions Against Facilities: Facility Liability: Nursing Facilities**

Superior Court of New Jersey, Appellate Division held that inhabitants of an assisted living residence may not assert a private cause of action for the facility's alleged breach of their statutory bill of rights. [Estate of Burns v. Care One at Stanwick, LLC, 2021 N.J. Super. LEXIS 79 \(App.Div. June 15, 2021\)](#).