

CHAPTER 60

AN ACT concerning State regulation of cooperative sober living residences and boarding houses generally, amending and supplementing P.L.1979, c.496, and making an appropriation.

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

1. Section 3 of P.L.1979, c.496 (C.55:13B-3) is amended to read as follows:

C.55:13B-3 Terms defined.

3. As used in P.L.1979, c.496 (C.55:13B-1 et seq.):

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 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)

m. "Cooperative sober living residence" means a boarding house that serves solely as a home for individuals who are recovering from drug or alcohol addiction and is intended to provide an environment where the residents can support each other's sobriety and recovery.

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

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

7. 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 \$25,000 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 \$25,000, 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.

f. The commissioner shall maintain and publish on the department's Internet website a list of each licensed cooperative sober living residence in the State, including the location and contact information for each licensed cooperative sober living residence.

3. Section 9 of P.L.1979, c.496 (C.55:13B-9) is amended to read as follows:

C.55:13B-9 Inspection, review of records; violations.

9. 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.), except that in the case of a cooperative sober living residence, the commissioner shall ensure that an unannounced inspection and record review of a licensed cooperative sober living residence is conducted at least twice 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.

C.55:13B-9.1 Notice of event jeopardizing health, safety, welfare, cooperative sober living residences.

4. a. The operator of a cooperative sober living residence shall immediately notify the Department of Community Affairs via electronic mail, or via fax, on a form prescribed by the commissioner, if an event occurs that jeopardizes the health, safety, or welfare of residents or staff, including, but not limited to:

(1) Fire, flood, disaster, accident, or other unanticipated event that results in the serious injury or death of a resident or staff member, the evacuation of residents from the cooperative sober living residence, or closure of the cooperative sober living residence for six or more hours;

(2) Serious injury or death of a resident of the cooperative sober living residence, including overdose;

(3) Outbreak of a communicable disease or other condition that adversely affects multiple residents or staff;

(4) Alleged or suspected crimes that endanger the life or safety of residents or staff or which jeopardize the operations or fiscal stability of the cooperative sober living residence;

(5) Disciplinary actions concerning staff, including termination, resulting from inappropriate staff interaction with residents; and

(6) Criminal convictions or disciplinary sanctions imposed on staff or board members or representatives of the governing authority by licensing or credentialing boards since the prior application for licensure.

b. The owner or operator of a cooperative sober living residence shall submit to the Department of Community Affairs a written report within five working days of an incident which requires reporting pursuant to subsection a. of this section. The written report shall contain detailed information of the incident, which shall include, but not be limited to, identification of any known factors that contributed to the occurrence of the incident and corrective actions and timeframes being implemented by the cooperative sober living residence to minimize the risk of further incident.

C.55:13B-8.1 Cooperative sober living residences, requirements.

5. The commissioner shall, in consultation with the Commissioner of Health and the Commissioner of Human Services, require cooperative sober living residences to:

a. provide two operators who are certified as meeting qualifications, established by the commissioner, requisite to manage the operations of a cooperative sober living house, which

include, but are not limited to, enforcing the rules of the cooperative sober living residence and assisting residents in recovery from alcohol and drug addiction in a manner to be determined by the commissioner and consistent with subsection c. of this section, one of whom shall be present on-site from 7:00 p.m. to 7:00 a.m. when residents are present and at least one of whom shall reside in the residence and exercise some level of control over the operation of the residence and establishes the residence's rules;

b. forbid possession or use of alcohol or illicit drugs within the residence and subject residents to random testing for alcohol and drug use; and

c. encourage residents to: attend self-help programs that are centered on recovery from alcohol and drug addiction; participate in activities related to maintaining sobriety and continuing recovery from alcohol and drug addiction, including, but not limited to, on-site peer-led meetings; and receive off-site services deemed desirable or necessary to maintain sobriety.

6. There is appropriated \$100,000 from the General Fund to the Department of Community Affairs to effectuate the purposes of P.L.2025, c.60 (C.55:13B-9.1 et al.).

7. This act shall take effect on the first day of the fourth month next following the date of enactment, provided that section 3 of this act shall take effect on the first day of the calendar year next following enactment and further provided that the Commissioner of Community Affairs shall be permitted to take anticipatory action necessary to implement the provisions of P.L.2025, c.60 (C.55:13B-9.1 et al.), including the promulgation of necessary rules or regulations to ensure the proper qualification and responsibilities of operators of cooperative sober living residences pursuant to subsection a. of section 5 of P.L.2025, c.60 (C.55:13B-8.1).

Approved June 3, 2025.