

55:13C-1 to 55:13C-6

LEGISLATIVE HISTORY CHECKLIST

NJSA: 55:13C-1 to 55:13C-6 (Homeless-shelters-provide for licensing)

LAWS OF: 1985 **CHAPTER:** 48

Bill No: A300

Sponsor(s): Schwartz, Perun and Pelly

Date Introduced: Pre-filed

Committee: **Assembly:** Housing and Urban Policy
Senate: Institutions, Health and Welfare

Amended during passage: Yes Substituted for S1686 (not attached since identical to A300). Amendments during passage denoted by asterisks.

Date of Passage: **Assembly:** February 23, 1984
Senate: January 24, 1985

Date of Approval: February 13, 1985

Following statements are attached if available:

Sponsor statement:		Yes	Also attached: Senate amendments, adopted 10-18-84 (w/ statement).
Committee statement:	Assembly	Yes	
	Senate	Yes	
Fiscal Note:		No	
Veto Message:		No	
Message on Signing:		No	

Following were printed:

Reports:	Yes
Hearings:	Yes

974.90 New Jersey. Governor's Task Force on the Homeless.
H842 Report...Oct. 7, 1983. Trenton, 1983.
1983k (see especially p. 10)

LIBRARY

(over)

974.90 New Jersey. Legislature. Assembly. Housing and Urban Policy Committee.
H842 Public hearing on emergency provisions for the homeless,
1983e held 3-31-83. Trenton, 1983.

See newspaper clipping file in New Jersey Reference Section, "NJ-Homeless-1984--".

2-13-85

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 300

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblyman SCHWARTZ, Assemblywoman PERUN and
Assemblyman PELLY

AN ACT concerning emergency shelters for the homeless.

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

1 1. The Legislature finds and determines:

2 a. Recent high levels of unemployment and low levels of housing
3 production, particularly of housing affordable to low income per-
4 sons, have combined to increase the number of people lacking
5 housing beyond the capacity of existing facilities.

6 b. There is an ever present need for the emergency shelter for
7 victims of fire, natural disasters, domestic violence and other
8 causes of homelessness.

9 c. It is a matter of urgent public concern that safe and habitable
10 shelter be available at all times to all residents of this State, and
11 that governmental procedures be expedited if this shelter is to
12 be provided.

13 d. The Department of Community Affairs is the agency of State
14 government responsible for enforcing the "State Uniform Con-
15 struction Code Act," P. L. 1975, c. 217 (C. 52:27D-119 et seq.),
16 the "Hotel and Multiple Dwelling Law," P. L. 1967, c. 76 (C.
17 55:13A-1 et seq.), and the "Rooming and Boarding House Act of
18 1979," P. L. 1979, c. 496 (C. 55:13B-1 et ***[seq.]*** *al.*), and it,
19 therefore, has the staff and the expertise needed to ****[regulate]****
20 ****establish uniform regulations concerning**** emergency shelters
21 for the homeless; and the Departments of Human Services and
22 Health are required to work together with the Department of

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

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted June 18, 1984.**

****—Senate amendments adopted October 18, 1984.**

23 Community Affairs in the implementation of the "Rooming and
24 Boarding House Act of 1979."

1 2. For purposes of this act, an "emergency shelter for the home-
2 less" means a building or structure in which a public entity or a
3 private, nonprofit organization provides shelter, or food and
4 shelter, for a limited period of time to individuals and families
5 having neither a home nor the means to obtain a home or other
6 temporary lodging.

1 3. Notwithstanding any provision of any other statute ***[**to the
2 contrary, the Department of Community Affairs shall have exclu-
3 sive jurisdiction to license, regulate and inspect emergency shelters
4 for the homeless in this State and to issue all necessary permits,
5 approvals and certificates of occupancy, including temporary per-
6 mits, approvals and certificates of occupancy.**]*** **or any municipal*
7 *ordinance **other than a zoning ordinance,** or regulation to the*
8 *contrary, the licensing, regulation and inspection of emergency*
9 *shelters for the homeless in all municipalities of this State and the*
10 *issuance of all necessary permits, approvals and certificates of*
11 *occupancy, shall be **conducted by a public officer designated by*
12 *the municipality** in accordance with the regulations promulgated*
13 *by the Commissioner of the Department of Community Affairs*
14 *pursuant to section 5 of this act.**

1 4. ***[**For a period of one year from the effective date of this act,
2 or until**]*** **Until the** promulgation of permanent rules pursuant
3 to section 5 of this act, the Department of Community Affairs shall
4 encourage operators and prospective operators of emergency
5 shelters for the homeless to apply for ***[**temporary**]*** **all appli-*
6 *cable municipal** licenses, permits, approvals and certificates of
7 occupancy***[**; evaluate the applications in a timely manner**]*** *,
8 *and** provide technical assistance to the operators and prospective
9 operators in order to enable them to qualify for approval of their
10 applications***[**; and, on finding that any shelter for which an
11 application has been made is safe and habitable, shall issue the
12 appropriate license, permit, approval or certificate of occupancy**]**.*

1 5. Within one year of the effective date of this act, the Commis-
2 sioner of the Department of Community Affairs shall, after
3 consultation with the Commissioners of the Departments of Health
4 and Human Services, promulgate administrative rules establishing
5 standards for the licensing of emergency shelters for the homeless
6 and for the issuance of permits, approvals and certificates of occu-
7 pancy pursuant to the "Administrative Procedure Act," P. L.
8 1968, c. 410 (C. 52:14B-1 et seq.). ***The standards shall not in-*
9 *clude any provision intended to supersede municipal zoning.***

1 **6. Any emergency shelter for the homeless which has had its
2 license, permit or approval revoked, or has its application for licens-
3 ing denied, or has failed to file an application for licensing with the
4 municipality within 30 days of receipt of written notice from public
5 officer to file an application, is subject to regulation as a hotel under
6 the "Hotel and Multiple Dwelling Law," P. L. 1967, c. 76 (C.
7 55:13A-1 et seq.) and other applicable statutes and municipal ordin-
8 ances.**

1 **[6.]** **7.** This act shall take effect immediately.

1 2. For purposes of this act, an "emergency shelter for the home-
 2 less" means a building or structure in which a public entity or a
 3 private, nonprofit organization provides shelter, or food and
 4 shelter, for a limited period of time to individuals and families
 5 having neither a home nor the means to obtain a home or other
 6 temporary lodging.

1 3. Notwithstanding any provision of any other statute to the
 2 contrary, the Department of Community Affairs shall have exclu-
 3 sive jurisdiction to license, regulate and inspect emergency shelters
 4 for the homeless in this State and to issue all necessary permits,
 5 approvals and certificates of occupancy, including temporary per-
 6 mits, approvals and certificates of occupancy.

1 4. For a period of one year from the effective date of this act,
 2 or until promulgation of permanent rules pursuant to section 5 of
 3 this act, the Department of Community Affairs shall encourage
 4 operators and prospective operators of emergency shelters for the
 5 homeless to apply for temporary licenses, permits, approvals and
 6 certificates of occupancy; evaluate the applications in a timely
 7 manner; provide technical assistance to the operators and prospec-
 8 tive operators in order to enable them to qualify for approval of
 9 their applications; and, on finding that any shelter for which an
 10 application has been made is safe and habitable, shall issue the
 11 appropriate license, permit, approval or certificate of occupancy.

1 5. Within one year of the effective date of this act, the Commis-
 2 sioner of the Department of Community Affairs shall, after
 3 consultation with the Commissioners of the Departments of Health
 4 and Human Services, promulgate administrative rules establishing
 5 standards for the licensing of emergency shelters for the homeless
 6 and for the issuance of permits, approvals and certificates of occu-
 7 pancy pursuant to the "Administrative Procedure Act," P. L.
 8 1968, c. 410 (C. 52:14B-1 et seq.).

1 6. This act shall take effect immediately.

STATEMENT

This bill provides that the Commissioner of the Department of Community Affairs, after consultation with the Commissioners of the Department of Human Services and the Department of Health, shall adopt administrative rules governing the licensing of shelters for homeless persons and the issuance of certificates of occupancy and other permits and approvals. These rules are to be promulgated within one year of the enactment of this bill; pending their promulgation, the Department of Community Affairs

A300 (1989)

is authorized to issue temporary licenses, permits, certificates and approvals upon its finding that an applicant shelter is "safe and habitable"; and the department is also directed to "encourage" shelter operators to apply.

This bill is intended to expedite the establishment of adequate shelters for homeless persons by providing for uniform Statewide licensing standards and centralizing their administration in the Department of Community Affairs.

ASSEMBLY HOUSING AND URBAN POLICY
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 300

STATE OF NEW JERSEY

DATED: JANUARY 30, 1984

This bill is intended to expedite the establishment of adequate shelters for homeless persons by providing for uniform Statewide licensing standards and centralizing their administration in the Department of Community Affairs.

It provides that the Commissioner of Community Affairs, after consultation with the Commissioners of Human Services and Health, shall adopt administrative rules governing the licensing of such shelters and the issuance of certificates of occupancy and other permits and approvals. These rules are to be promulgated within one year of the enactments of this legislation; pending their promulgation, the Department of Community Affairs is authorized to issue temporary licenses, permits, certificates and approvals upon its finding that an applicant shelter is "safe and habitable"; and the department is also directed to "encourage" shelter operators to apply.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 300

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 18, 1984

The purpose of this bill is to expedite the establishment of shelters for homeless persons by providing for uniform Statewide licensing standards which will govern municipal regulations of the shelters.

As amended by committee, this bill directs the Commissioner of the Department of Community Affairs in consultation with the Commissioners of the Departments of Human Services and Health to adopt administrative rules governing the licensing, regulation and inspection of shelters for homeless persons and the issuance of certificates of occupancy and other permits and approvals. The bill provides that the rules shall be promulgated within one year of the enactment of the bill. Pending their promulgation, the Department of Community Affairs is authorized to encourage and assist operators of emergency shelters for the homeless to apply for all applicable municipal licenses, permits, certificates and approvals.

The committee adopted several amendments at the request of the sponsor. The amendments delete the provisions which give the Department of Community Affairs exclusive jurisdiction over the licensing, regulation and inspection of emergency shelters and insert a provision which states that the licensing, regulation and inspection of shelters shall be in accordance with regulations promulgated by the Department of Community Affairs. The amendments also delete provisions which authorize the department to issue temporary licenses (during the first year the act is in effect) and, instead, establish the department's role as one of providing technical assistance in the operating of the shelters.

These amendments make this bill identical to Senate Bill No. 1686 (Lynch) which is currently pending before the Senate County and Municipal Government Committee.

ADOPTED
OCT 18 1984

SENATE Amendments
(Proposed by Senator Lynch)

to 81/106

to

Assembly Bill No. 300 SR
(Sponsored by Assemblyman Schwartz,
Assemblywoman Perun &
Assemblyman Pelly)

Amend:

Page	Sec.	Line
1	1	19
2	3	7
2	3	10
2	5	8
2	5	8
2	6	1

After "to", omit "regulate", insert "establish uniform regulations concerning"

After "ordinance" insert "other than a zoning ordinance,"

After "be" insert "conducted by a public officer designated by the municipality"

After ")." insert "The standards shall not include any provision intended to supersede municipal zoning."

After

~~After "zoning."~~ Insert new section as follows:

6. Any emergency shelter for the homeless which has had its license, permit or approval revoked, or has its application for licensing denied, or has failed to file an application for licensing with the municipality within 30 days of receipt of written notice from public officer to file ^{an} such application, ^{is} ~~shall be~~ subject to regulation as a hotel under the "Hotel and Multiple Dwelling Law" /P.L. 1967, c.76/ (C.55:13A-1 et seq.) and other applicable statutes and municipal ordinances."

55:13A-13.2

Omit "6." insert "7."

STATEMENT

These amendments propose that state standards for the licensing, regulation and inspection of emergency shelters for the homeless in all municipalities ^{shall} not supersede the provisions of municipal

SEANTE Amendments
(Proposed by Senator Lynch)

to

Assembly Bill No. 300 SR
(Sponsored by Assemblyman Schwartz,
Assemblywoman Perun &
Assemblyman Pelly)

Amend:

Page	Sec.	Line

zoning ordinances. The inspection of these homeless shelters shall be conducted by a public officer designated by the municipality. Further, the amendments propose that any emergency shelter which has had its license revoked, approval revoked, licensing application denied or has failed to file a licensing application with the municipality, shall be subject to regulation as a hotel under the "Hotel and Multiple Dwelling Law" (P.L. 1967, c.76 C.55:13A-1 et seq.) and other applicable statutes and municipal ordinances.