

40:55D-66.1 and 40:55D-66.2

LEGISLATIVE HISTORY CHECKLIST

HJSA 40:55D-66.1 and 40:55D-66.2 (Victims of domestic violence--permit community shelters in residential areas)

LAWS OF 1979 CHAPTER 338

Bill No. S3244

Sponsor(s) Lipman and others

Date Introduced May 10, 1979

Committee: Assembly -----

Senate County and Municipal Government

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

Date of Passage: Assembly Jan. 3, 1980

Senate Aug. 6, 1979

Date of approval Jan. 22, 1980

Following statements are attached if available:

Sponsor statement Yes ~~Yes~~

Committee Statement: Assembly ~~Yes~~ No

Senate Yes ~~Yes~~

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing Yes ~~Yes~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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SENATE, No. 3244

STATE OF NEW JERSEY

INTRODUCED MAY 10, 1979

By Senators LIPMAN, YATES, PERSKIE, A. RUSSO, HERBERT
and ORICCHIO

Referred to Committee on County and Municipal Government

AN Act to amend the title of "An act concerning community residences for the developmentally disabled, and supplementing the 'Municipal Land Use Law,' approved January 12, 1976 (P. L. 1975, c. 291)," approved December 7, 1978 (P. L. 1978, c. 159, C. 40:55D-66.1 et seq.), so that the same shall read "An act concerning community residences for the developmentally disabled and community ***[spousal assault shelters]*** **shelters for victims of domestic violence**, and supplementing the 'Municipal Land Use Law,' approved January 14, 1976 (P. L. 1975, c. 291)," and to amend the body of said act.

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

1 1. The title of P. L. 1978, c. 159 (C. 40:55D-66.1 et seq.) is
2 amended to read as follows: An act concerning community resi-
3 dences for the developmentally disabled *and community* ***[spousal**
4 **assault shelters]*** **shelters for victims of domestic violence**, and
5 supplementing the "Municipal Land Use Law," approved Janu-
6 ary 14, 1976 (P. L. 1975, c. 291).

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

3 1. Community residences for the developmentally disabled *and*
4 *community* ***[spousal assault shelters]*** **shelters for victims of*
5 *domestic violence** shall be a permitted use in all residential dis-
6 tricts of a municipality, and the requirements therefor shall be the
7 same as for single family dwelling units located within such dis-
8 tricts; provided, however, that, in the case of a community residence
9 for the developmentally disabled *or community* ***[spousal assault**
10 **shelter]*** **shelter for victims of domestic violence** housing more

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

11 than six persons, excluding resident staff, a "[Zoning ordinance]"
 12 **zoning ordinance** may require for the use or conversion to use
 13 of a dwelling unit to such a community residence *or shelter*, a con-
 14 ditional use permit in accordance with section 54 of the act to which
 15 this act is a supplement (C. 40:55D-67). Any requirements imposed
 16 for the issuance of a conditional use permit shall be reasonably
 17 related to the health, safety and welfare of the residents of the
 18 district; provided, however, that a municipality may deny such a
 19 permit to any proposed community residence for the developmen-
 19A tally disabled *or community* "[spousal assault shelter]" **shelter*
 19B *for victims of domestic violence** which would be located within 1500
 20 feet of an existing such residence *or shelter*; provided further,
 21 however, that a municipality may deny the issuance of any addi-
 22 tional such permits if the number of [developmentally disabled
 23 and mentally ill] persons, *other than resident staff*, resident at
 24 existing such community residences *or community shelters* within
 25 the municipality exceeds 50 persons, or 0.5% of the population of
 26 the municipality, whichever is greater.

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

3 2. As used in this act[.]: a. "community residence for the de-
 4 velopmentally disabled" means any community residential facility
 5 licensed pursuant to P. L. 1977, c. 448 (C. 30:11B-1 et seq.) pro-
 6 viding food, shelter and personal guidance, under such supervision
 7 as required, to not more than 15 developmentally disabled or
 8 mentally ill persons, who require assistance, temporarily or perma-
 9 nently, in order to live in the community, and shall include, but not
 10 be limited to: group homes, half-way houses, intermediate care
 11 facilities, supervised apartment living arrangements, and hostels.
 12 Such a residence shall not be considered a health care facility within
 13 the meaning of the "Health Care Facilities Planning Act" (P. L.
 14 1971, c. 136; C. 26:2H-1 et seq.). In the case of such a community
 15 residence housing mentally ill persons, such residence shall have
 16 been approved for a purchase of service contract or an affiliation
 17 agreement pursuant to such procedures as shall be established by
 18 regulation of the Division of Mental Health and Hospitals of the
 19 Department of Human Services. As used in this act, "develop-
 20 mentally disabled person" means a person who is developmentally
 21 disabled as defined in section 2 of P. L. 1977, c. 448 (C. 30:11B-2),
 22 and "mentally ill person" means a person who is afflicted with a
 23 mental illness as defined in R. S. 30:4-23, but shall not include a
 24 person who has been committed after having been found not guilty

25 of a criminal offense by reason of insanity or having been found
26 unfit to be tried on a criminal charge.

27 b. "Community *[spousal assault shelter]* *shelter for victims
28 of domestic violence*" means any shelter approved for a purchase
29 of service contract and certified pursuant to standards and proce-
30 dures established by regulation of the Department of Human Ser-
31 vices pursuant to P. L., c. (C.) (now
32 pending before the Legislature as Senate No. 807), providing food,
33 shelter, medical care, legal assistance, personal guidance, and other
34 services to not more than 15 persons who have been victims of
35 *[spousal assault]* *domestic violence*, including any children
36 of such victims, who temporarily require shelter and assistance in
37 order to protect their physical or psychological welfare.

1 4. This act shall take effect *[immediately, but shall remain in-
2 operative until the enactment]* *upon the effective date* of Senate
3 No. 807 (now pending before the Legislature).

SENATE, No. 3244

STATE OF NEW JERSEY

INTRODUCED MAY 10, 1979

By Senators LIPMAN, YATES, PERSKIE, A. RUSSO, HERBERT
and ORECHIO

Referred to Committee on County and Municipal Government

AN Act to amend the title of "An act concerning community residences for the developmentally disabled, and supplementing the 'Municipal Land Use Law,' approved January 12, 1976 (P. L. 1975, c. 291)," approved December 7, 1978 (P. L. 1978, c. 159, C. 40:55D-66.1 et seq.), so that the same shall read "An act concerning community residences for the developmentally disabled and community spousal assault shelters, and supplementing the 'Municipal Land Use Law,' approved January 14, 1976 (P. L. 1975, c. 291)," and to amend the body of said act.

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

1 1. The title of P. L. 1978, c. 159 (C. 40:55D-66.1 et seq.) is
2 amended to read as follows: An act concerning community resi-
3 dences for the developmentally disabled *and community spousal*
4 *assault shelters*, and supplementing the "Municipal Land Use
5 Law," approved January 14, 1976 (P. L. 1975, c. 291).

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

3 1. Community residences for the developmentally disabled *and*
4 *community spousal assault shelters* shall be a permitted use in
5 all residential districts of a municipality, and the requirements
6 therefor shall be the same as for single family dwelling units
7 located within such districts; provided, however, that, in the case
8 of a community residence for the developmentally disabled *or*
9 *community spousal assault shelter* housing more than six persons,
10 excluding resident staff, a Zoning ordinance may require for the
11 use or conversion to use of a dwelling unit to such a community
12 residence *or shelter*, a conditional use permit in accordance with
13 section 54 of the act to which this act is a supplement

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

14 (C. 40:55D-67). Any requirements imposed for the issuance of a
 15 conditional use permit shall be reasonably related to the health,
 16 safety and welfare of the residents of the district; provided, how-
 17 ever, that a municipality may deny such a permit to any proposed
 18 community residence for the developmentally disabled *or com-*
 19 *munity spousal assault shelter* which would be located within 1500
 20 feet of an existing such residence *or shelter*; provided further,
 21 however, that a municipality may deny the issuance of any addi-
 22 tional such permits if the number of [developmentally disabled
 23 and mentally ill] persons, *other than resident staff*, resident at
 24 existing such community residences *or community shelters* within
 25 the municipality exceeds 50 persons, or 0.5% of the population of
 26 the municipality, whichever is greater.

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

3 2. As used in this act[.]: a. "community residence for the de-
 4 velopmentally disabled" means any community residential facility
 5 licensed pursuant to P. L. 1977, c. 448 (C. 30:11B-1 et seq.) pro-
 6 viding food, shelter and personal guidance, under such supervision
 7 as required, to not more than 15 developmentally disabled or
 8 mentally ill persons, who require assistance, temporarily or perma-
 9 nently, in order to live in the community, and shall include, but not
 10 be limited to: group homes, half-way houses, intermediate care
 11 facilities, supervised apartment living arrangements, and hostels.
 12 Such a residence shall not be considered a health care facility within
 13 the meaning of the "Health Care Facilities Planning Act" (P. L.
 14 1971, c. 136; C. 26:2H-1 et seq.). In the case of such a community
 15 residence housing mentally ill persons, such residence shall have
 16 been approved for a purchase of service contract or an affiliation
 17 agreement pursuant to such procedures as shall be established by
 18 regulation of the Division of Mental Health and Hospitals of the
 19 Department of Human Services. As used in this act, "develop-
 20 mentally disabled person" means a person who is developmentally
 21 disabled as defined in section 2 of P. L. 1977, c. 448 (C. 30:11B-2),
 22 and "mentally ill person" means a person who is afflicted with a
 23 mental illness as defined in R. S. 30:4-23, but shall not include a
 24 person who has been committed after having been found not guilty
 25 of a criminal offense by reason of insanity or having been found
 26 unfit to be tried on a criminal charge.

27 b. "*Community spousal assault shelter*" means any shelter ap-
 28 proved for a purchase of service contract and certified pursuant to
 29 standards and procedures established by regulation of the Depart-
 30 ment of Human Services pursuant to P. L., c.

31 (C.) (now pending before the Legislature as Senate
32 No. 807), providing food, shelter, medical care, legal assistance,
33 personal guidance, and other services to not more than 15 persons
34 who have been victims of spousal assault, including any children
35 of such victims, who temporarily require shelter and assistance in
36 order to protect their physical or psychological welfare.

1 4. This act shall take effect immediately, but shall remain in-
2 operative until the enactment of Senate No. 807 (now pending
3 before the Legislature).

STATEMENT

This bill is intended as a companion measure to Senate Bill No. 807, the "Spousal Assault Shelter Act." The bill would amend the recently enacted legislation permitting the location of community residences for the developmentally disabled in residential districts of municipalities (P. L. 1978, c. 159; C. 40:55D-66.1 et seq.), to include community spousal assault shelters within the provisions of the law.

The bill would require that any such shelter be approved and certified by the Department of Human Services pursuant to the provisions of Senate Bill No. 807. The bill would take effect only upon enactment of Senate Bill No. 807, which provides standards for the establishment and operation of such shelters.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3244

STATE OF NEW JERSEY

DATED: JUNE 21, 1979

Senate Bill No. 3244 is a companion measure to Senate Bill No. 807, the "Shelters for Victims of Domestic Violence Act." The bill would amend the recently enacted legislation permitting the location of community residences for the developmentally disabled in residential districts of municipalities (P. L. 1978, c. 159; C. 40:55D-66.1 et seq.), to include community shelters for victims of domestic violence within the provisions of the law.

The bill would require that any such shelter be approved and certified by the Department of Human Services pursuant to the provisions of Senate Bill No. 807, which provides standards for the establishment and operation of such shelters.

As with community residences for the developmentally disabled, the bill would provide that community shelters for victims of domestic violence housing not more than 15 persons excluding resident staff, shall be a permitted use in all residential districts of a municipality. A municipality may, however, require that any such shelter housing more than six persons, excluding resident staff, shall obtain a conditional use permit from the planning board. The planning board's standards and specifications for such a conditional use shall be reasonably related to the health, safety and welfare of the residents of the district.

The planning board may deny such a conditional use permit to any shelter which would be located within 1,500 feet of another or of any community residence for the developmentally disabled and may deny the issuance of any additional permits whenever the population of existing community residences or shelters for victims of domestic violence exceeds 50 persons, or 0.5% of the municipal population, whichever is greater.

Opinions received: New Jersey League of Municipalities—opposed

"We strongly oppose any special exception to the Municipal Land Use Law that would bypass the planning and zoning requirements as set forth in that law. We were on record of opposing the legislation permitting the location of community residences for the develop-

mentally disabled in residential districts and we strongly oppose this companion measure which would include community spousal assault shelters.”

The bill was supported in the committee by representatives of the Division on Women of the Department of Community Affairs, the New Jersey Conference of Mayors, and of six different organizations which provide shelter and counseling to victims of domestic violence.

Committee amendments: The Senate committee amended the bill to accord its language with that of Senate Bill No. 807, at the request of the sponsor. The committee also clarified the effective date of the legislation.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

JANUARY 22, 1980

FOR FURTHER INFORMATION

KATHRYN FORSYTH

Governor Brendan Byrne today signed two bills to encourage further development of shelters for battered wives and children and other victims of domestic violence, and to ensure that those shelters provide appropriate and adequate services.

The bills, S-807, and S-3244, were both sponsored by Senator Wynona Lipman (D-Essex).

S-807, entitled the "Shelters for Victims of Domestic Violence Act," requires the Commissioner of Human Services, in consultation with a newly formed ten-member Advisory Council, to establish departmental guidelines for shelters operated by public or private agencies and assist those shelters which will be operated in accordance with those standards.

Members of the Advisory Council will include the Director of the Division on Women, the Director of the Division of Youth and Family Services, the Director of Public Welfare, the Commissioner of Education, the Executive Director of SLEPA, one representative of New Jersey Legal Services, one former domestic violence shelter resident and three representatives of shelters.

The first five members will serve ex-officio. The other appointees have not yet been announced.

The bill includes no appropriation, but clarifies existing laws to provide that counties or municipalities may appropriate funds for the support of any private, non-private shelter.

S-3244, amends a 1978 law which prohibited municipalities from excluding community residences housing developmentally disabled people from residential districts to include shelters for victims of domestic violence within the provisions of the law.

The 1978 law does not take away all local zoning options. It allows municipalities to require a conditional use permit for community residences and establishes location standards to avoid a heavy concentration of shelters for developmentally disabled people in any one area. These provisions will also apply to the shelters for domestic violence.

The Department of Human Services has been using federal Title XX funds to contract with local organizations to operate shelters for battered wives and children since 1977, and the Division on Women has also been providing advocacy and technical assistance to the shelters.

Currently, there are 21 such shelters in New Jersey. Thirteen are funded all or in part by Title XX funds and eight others are supported by private contributions, SLEPA money and a variety of local funding sources.

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