

VETO MESSAGE: Yes

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

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NEWSPAPER ARTICLES: No

LAW/RWH

P.L.2013, CHAPTER 204, *approved January 17, 2014*
Senate, No. 1889 (*First Reprint*)

1 AN ACT concerning emergency shelters for the homeless and
2 amending and supplementing P.L.1985, c.48.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.1985, c.48 (C.55:13C-2) is amended to read
8 as follows:

9 **【For purposes of】** As used in this act 【, an】:

10 "Emergency condition" means and includes, but is not limited to,
11 a snow emergency ¹【or】¹ excessive cold or heat ¹, storms or other
12 weather-related conditions¹ .

13 **【"emergency】** "Emergency shelter for the homeless" means a
14 building or structure in which a public entity or a private, nonprofit
15 organization provides shelter, or food and shelter, [for a limited
16 period of time] to individuals and families having neither a home
17 nor the means to obtain a home or other temporary lodging.

18 "Licensed capacity" means the number of individuals specified
19 by a public officer of a municipality or the Department of
20 Community Affairs as the maximum occupancy level of an
21 emergency shelter for the homeless, or the number of individuals
22 indicated on the certificate of occupancy of the shelter.

23 (cf: P.L.1985, c.48, s.2)
24

25 2. (New section) a. Except as provided in subsection b. of this
26 section, an emergency shelter for the homeless shall not refuse to
27 provide shelter, or food and shelter, for a minimum of 72 hours, to
28 an individual or family seeking these services, unless the shelter is
29 at its licensed capacity ¹or the basis for refusal is otherwise
30 authorized by law or regulation¹.

31 b. In the event of an emergency condition, an emergency shelter
32 for the homeless, which has been authorized by a public officer of a
33 municipality or the Department of Community Affairs to provide
34 shelter, or food and shelter, to a specified number of individuals in
35 excess of its licensed capacity because of emergency conditions,
36 shall not refuse to provide shelter, or food and shelter, for a

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate amendments adopted in accordance with Governor's recommendations November 18, 2013.

1 minimum of 24 hours from the commencement of the emergency
2 condition or for the duration of the emergency condition, whichever
3 is longer, to an individual or family seeking these services, unless
4 the shelter is at its licensed capacity plus any authorized excess
5 capacity ¹or the basis for refusal is otherwise authorized by law or
6 regulation¹.

7
8 3. The Commissioner of Community Affairs, pursuant to the
9 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B- 1 et
10 seq.), ¹~~shall~~ may¹ adopt rules and regulations necessary to
11 effectuate the purposes of this act.

12
13 4. This act shall take effect on the first day of the seventh month
14 next following the date of enactment, but the Commissioner of
15 Community Affairs may take such anticipatory administrative
16 action in advance thereof as shall be necessary for the
17 implementation of this act.

18

19

20

21

22 _____
23 Prohibits emergency shelters for the homeless from refusing to
24 provide services for minimum time frame unless shelters are at
maximum capacity.

SENATE, No. 1889

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MAY 14, 2012

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Senator BRIAN P. STACK

District 33 (Hudson)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblyman JASON O'DONNELL

District 31 (Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

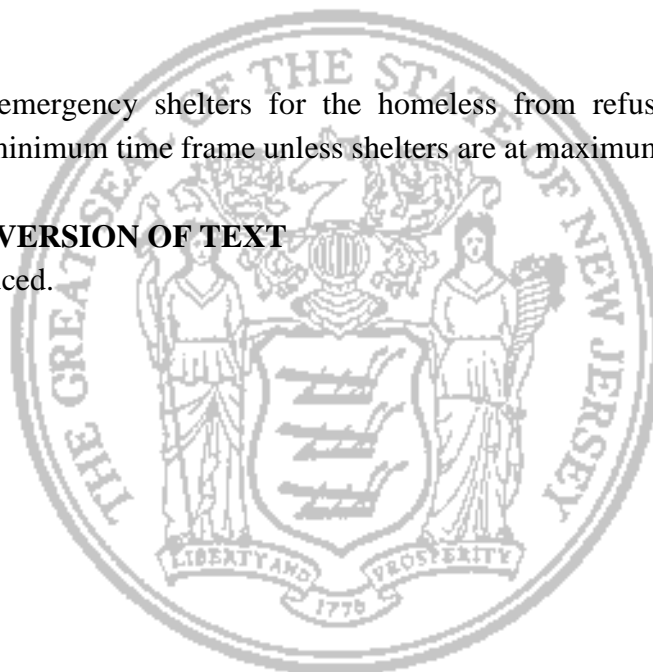
Senator Allen and Assemblyman Johnson

SYNOPSIS

Prohibits emergency shelters for the homeless from refusing to provide services for minimum time frame unless shelters are at maximum capacity.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/25/2013)

1 AN ACT concerning emergency shelters for the homeless and
2 amending and supplementing P.L.1985, c.48.

3

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

6

7 1. Section 2 of P.L.1985, c.48 (C.55:13C-2) is amended to read
8 as follows:

9 **【For purposes of】** As used in this act [, an];

10 "Emergency condition" means and includes, but is not limited to,
11 a snow emergency or excessive cold or heat.

12 **【"emergency】** "Emergency shelter for the homeless" means a
13 building or structure in which a public entity or a private, nonprofit
14 organization provides shelter, or food and shelter, 【for a limited
15 period of time】 to individuals and families having neither a home
16 nor the means to obtain a home or other temporary lodging.

17 "Licensed capacity" means the number of individuals specified
18 by a public officer of a municipality or the Department of
19 Community Affairs as the maximum occupancy level of an
20 emergency shelter for the homeless, or the number of individuals
21 indicated on the certificate of occupancy of the shelter.

22 (cf: P.L.1985, c.48, s.2)

23

24 2. (New section) a. Except as provided in subsection b. of this
25 section, an emergency shelter for the homeless shall not refuse to
26 provide shelter, or food and shelter, for a minimum of 72 hours, to
27 an individual or family seeking these services, unless the shelter is
28 at its licensed capacity.

29 b. In the event of an emergency condition, an emergency shelter
30 for the homeless, which has been authorized by a public officer of a
31 municipality or the Department of Community Affairs to provide
32 shelter, or food and shelter, to a specified number of individuals in
33 excess of its licensed capacity because of emergency conditions,
34 shall not refuse to provide shelter, or food and shelter, for a
35 minimum of 24 hours from the commencement of the emergency
36 condition or for the duration of the emergency condition, whichever
37 is longer, to an individual or family seeking these services, unless
38 the shelter is at its licensed capacity plus any authorized excess
39 capacity.

40

41 3. The Commissioner of Community Affairs, pursuant to the
42 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B- 1 et
43 seq.), shall adopt rules and regulations necessary to effectuate the
44 purposes of this act.

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 4. This act shall take effect on the first day of the seventh month
2 next following the date of enactment, but the Commissioner of
3 Community Affairs may take such anticipatory administrative
4 action in advance thereof as shall be necessary for the
5 implementation of this act.

6

7

8

STATEMENT

9

10 This bill prohibits emergency shelters for the homeless from
11 refusing to provide shelter, or food and shelter, for a minimum of
12 72 hours, to an individual or family seeking these services, unless
13 the shelter is at its maximum occupancy level (defined in the bill as
14 "licensed capacity"). Under current law, the shelters must provide
15 these services for a "limited period of time," which, under the
16 regulations of the Department of Community Affairs, means a
17 minimum stay of less than 24 hours.

18 In addition, the bill provides an exception in the event of
19 emergency conditions, such as snow emergencies or excessive cold
20 or heat. In the event of emergency conditions, emergency shelters
21 for the homeless, which have been authorized to provide shelter, or
22 food and shelter, to individuals in excess of their licensed capacity,
23 are prohibited from refusing to provide these services, for a
24 minimum of 24 hours from the commencement of the emergency
25 condition or for the duration of the emergency condition, whichever
26 is longer, unless the shelters are at their licensed capacity plus any
27 authorized excess capacity.

28 This bill is intended to ensure that emergency shelters for the
29 homeless do not refuse to provide shelter, or food and shelter, to
30 homeless individuals when the shelters have the capacity to do so,
31 and to clarify and expand the minimum time frames for a stay at
32 these shelters.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1889

STATE OF NEW JERSEY

DATED: JUNE 7, 2012

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 1889.

As reported, this bill prohibits an emergency shelter for the homeless from refusing to provide shelter, food, or both, for a minimum of 72 hours, to an individual or family seeking these services, unless the shelter is at its maximum occupancy level (defined in the bill as "licensed capacity"). Current law provides that emergency shelters are to provide these services for a "limited period of time," which, under the regulations of the Department of Community Affairs, means less than 24 hours.

The bill provides an exception in the event of an emergency condition, such as a snow emergency or excessive cold or heat, in which case the emergency shelter is prohibited from refusing to provide these services for a minimum of 24 hours from the commencement of the emergency condition or for the duration of the emergency condition, whichever is longer, unless the shelter is at its licensed capacity, plus any authorized excess capacity.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1889

STATE OF NEW JERSEY

DATED: JUNE 18, 2012

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1889.

The bill prohibits an emergency shelter for the homeless from refusing to provide shelter, food, or both, for a minimum of 72 hours, to an individual or family seeking these services, unless the shelter is at its maximum occupancy level (defined in the bill as "licensed capacity"). Current law provides that emergency shelters are to provide these services for a "limited period of time," which, under the regulations of the Department of Community Affairs, means less than 24 hours.

The bill provides an exception in the event of an emergency condition, such as a snow emergency or excessive cold or heat, in which case the emergency shelter is prohibited from refusing to provide these services for a minimum of 24 hours from the commencement of the emergency condition or for the duration of the emergency condition, whichever is longer, unless the shelter is at its licensed capacity, plus any authorized excess capacity.

FISCAL IMPACT:

The Office of Legislative Services has determined that the enactment of this legislation is unlikely to have any impact on State and municipal finances. According to the Bureau of Rooming and Boarding House Inspection in the Division of Codes and Standards in the Department of Community Affairs, this legislation would place in statute certain standards applicable to emergency shelters for the homeless that are already in the New Jersey Administrative Code. The Bureau has informally indicated that this legislation would have no major effect on emergency shelters for the homeless because a shelter's emergency capacity is fixed at the time it is granted a certificate of occupancy. Therefore, the shelter already has the authority to accept a number of individuals above its licensed capacity. Generally, a shelter's emergency capacity is 20% to 25% higher than its licensed capacity. The frequency at which an emergency shelter is required to provide shelter, or food and shelter, to persons above its licensed capacity depends on the length of the period of time for which the emergency conditions exist.

Some emergency shelters provide services to all homeless individuals while others assist only those who are eligible for Emergency Assistance funds provided through the Department of Human Services (DHS). If a homeless individual is not eligible for Emergency Assistance, they may receive support from the DHS through the Social Services for the Homeless grants-in-aid program. When a person enters a homeless shelter, the county Board of Social Services determines those services for which a person is eligible and which type of assistance is most appropriate. According to the DHS, Emergency Assistance is provided on an as-needed basis and there is no cap on the total amount provided Statewide.

The extent to which this bill affects the number of persons served and the amount of food and shelter provided by an emergency shelter for the homeless depends on the type of services it already offers. If shelters are required to provide shelter, or food and shelter, for a minimum of 72 hours to an individual or family seeking those services, there could be less turnover among shelter residents and fewer beds available for additional persons. If the 72-hour minimum assistance period established by the bill results in the provision of more services to persons not eligible for Emergency Assistance, then the emergency shelter could lose the ability to provide services for which it could receive payment. The 24-hour service delivery period established at N.J.A.C.5:15-2.1 is only a minimum; some emergency shelters may already be providing shelter, or food and shelter, for at least 72 hours. Only in the case of a municipal or county homeless shelter not currently allowing stays of 72 hours could this possible outcome have an effect on local revenue.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1889
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: JUNE 20, 2012

SUMMARY

- Synopsis:** Prohibits emergency shelters for the homeless from refusing to provide services for minimum time frame unless shelters are at maximum capacity.
- Type of Impact:** No fiscal impact.
- Agencies Affected:** Departments of Community Affairs and Human Services, counties, and municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	No Fiscal Impact – See comments below		
Local Cost	No Fiscal Impact – See comments below		

- The Office of Legislative Services (OLS) concludes that the enactment of Senate Bill No. 1889 would have no impact on State and municipal finances.
- A homeless shelter’s emergency capacity is established when the shelter receives its certificate of occupancy. Therefore, the shelters already have the resources to accept additional persons, above their licensed capacity, when emergency conditions exist.
- The extent to which this bill affects the services, specifically food and shelter, currently provided by emergency shelters for the homeless will depend on the level of assistance already offered at each facility.

BILL DESCRIPTION

Senate Bill No. 1889 of 2012 prohibits emergency shelters for the homeless from refusing to provide shelter, or food and shelter, for a minimum of 72 hours, to an individual or family seeking these services, unless the shelter is at its maximum occupancy level (defined in the bill as “licensed capacity”). Under current law, the shelters must provide these services for a

“limited period of time,” which, under the regulations of the Department of Community Affairs, means a minimum stay of 24 hours.

In addition, the bill provides an exception in the event of emergency conditions, such as snow emergencies or excessive cold or heat. In the event of emergency conditions, emergency shelters for the homeless, which have to be authorized to provide shelter, or food and shelter, to individuals in excess of their licensed capacity, are prohibited from refusing to provide these services, for a minimum of 24 hours from the commencement of the emergency condition or for the duration of the emergency condition, whichever is longer, unless the shelters are at their licensed capacity plus any authorized excess emergency capacity.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS has determined that the enactment of Senate Bill No. 1889 would have no impact on State and municipal finances. According to the Bureau of Rooming and Boarding House Inspection in the Division of Codes and Standards in the Department of Community Affairs, this legislation would place in statute certain standards applicable to emergency shelters for the homeless that are already in the New Jersey Administrative Code. The Bureau has informally indicated that this legislation would have no major effect on emergency shelters for the homeless because a shelter’s emergency capacity is fixed at the time it is granted a certificate of occupancy. Therefore, the shelter already has the resources necessary to accept a number individuals above its licensed capacity. Generally, a shelter’s emergency capacity is 20 percent to 25 percent higher than its licensed capacity. The frequency at which an emergency shelter is required to provide shelter, or food and shelter, to persons above its licensed capacity depends on the length of the period of time for which the emergency conditions exist.

Some emergency shelters provide services to all homeless individuals while others assist only those who are eligible for Emergency Assistance funds provided through the Temporary Assistance for Need Families (TANF) Program. If a homeless individual is not eligible for Emergency Assistance, they may receive support from the Department of Human Services (DHS) through the Social Services for the Homeless grants-in-aid program. When a person enters a homeless shelter, the county Board of Social Services determines those services for which a person is eligible and which type of assistance is most appropriate. According to the DHS, Emergency Assistance is provided on an as-needed basis and there is no cap on the total amount provided Statewide.

The extent to which this bill affects the number of persons served and the amount of food and shelter provided by an emergency shelter for the homeless depends on the type of services it already offers. If shelters are required to provide shelter, or food and shelter, for a minimum of 72 hours to an individual or family seeking those services, there could be less turnover among shelter residents and fewer beds available for additional persons. If the 72-hour minimum assistance period established by the bill results in the provision of more services to persons not eligible for Emergency Assistance, than the emergency shelter could lose the ability to provide services for which they could receive payment. The 24-hour service delivery period established

at N.J.A.C.5:15-2.1 is only a *minimum*; some emergency shelters may already be providing shelter, or food and shelter, for at least 72 hours.

Section: Local Government

*Analyst: Scott A. Brodsky
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1889

STATE OF NEW JERSEY

DATED: JUNE 10, 2013

The Assembly Human Services Committee reports favorably Senate Bill No. 1889.

The bill prohibits an emergency shelter for the homeless from refusing to provide shelter, food, or both, for a minimum of 72 hours, to an individual or family seeking these services, unless the shelter is at its maximum occupancy level (defined in the bill as "licensed capacity"). Current law provides that emergency shelters are to provide these services for a "limited period of time," which, under the regulations of the Department of Community Affairs, means less than 24 hours.

The bill provides an exception in the event of an emergency condition, such as a snow emergency or excessive cold or heat, in which case the emergency shelter is prohibited from refusing to provide these services for a minimum of 24 hours from the commencement of the emergency condition or for the duration of the emergency condition, whichever is longer, unless the shelter is at its licensed capacity, plus any authorized excess capacity.

This bill is identical to Assembly Bill No. 2937 (Jasey/Caputo/O'Donnell/Vainieri Huttel), which the committee also reported favorably on this date.

ASSEMBLY, No. 2937

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MAY 14, 2012

Sponsored by:

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblyman JASON O'DONNELL

District 31 (Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Johnson

SYNOPSIS

Prohibits emergency shelters for the homeless from refusing to provide services for minimum time frame unless shelters are at maximum capacity.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2013)

1 AN ACT concerning emergency shelters for the homeless and
2 amending and supplementing P.L.1985, c.48.

3

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

6

7 1. Section 2 of P.L.1985, c.48 (C.55:13C-2) is amended to read
8 as follows:

9 **【For purposes of】** As used in this act [, an];

10 "Emergency condition" means and includes, but is not limited to,
11 a snow emergency or excessive cold or heat.

12 **【"emergency】** "Emergency shelter for the homeless" means a
13 building or structure in which a public entity or a private, nonprofit
14 organization provides shelter, or food and shelter, 【for a limited
15 period of time】 to individuals and families having neither a home
16 nor the means to obtain a home or other temporary lodging.

17 "Licensed capacity" means the number of individuals specified
18 by a public officer of a municipality or the Department of
19 Community Affairs as the maximum occupancy level of an
20 emergency shelter for the homeless, or the number of individuals
21 indicated on the certificate of occupancy of the shelter.

22 (cf: P.L.1985, c.48, s.2)

23

24 2. (New section) a. Except as provided in subsection b. of this
25 section, an emergency shelter for the homeless shall not refuse to
26 provide shelter, or food and shelter, for a minimum of 72 hours, to
27 an individual or family seeking these services, unless the shelter is
28 at its licensed capacity.

29 b. In the event of an emergency condition, an emergency shelter
30 for the homeless, which has been authorized by a public officer of a
31 municipality or the Department of Community Affairs to provide
32 shelter, or food and shelter, to a specified number of individuals in
33 excess of its licensed capacity because of emergency conditions,
34 shall not refuse to provide shelter, or food and shelter, for a
35 minimum of 24 hours from the commencement of the emergency
36 condition or for the duration of the emergency condition, whichever
37 is longer, to an individual or family seeking these services, unless
38 the shelter is at its licensed capacity plus any authorized excess
39 capacity.

40

41 3. The Commissioner of Community Affairs, pursuant to the
42 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B- 1 et
43 seq.), shall adopt rules and regulations necessary to effectuate the
44 purposes of this act.

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 4. This act shall take effect on the first day of the seventh month
2 next following the date of enactment, but the Commissioner of
3 Community Affairs may take such anticipatory administrative
4 action in advance thereof as shall be necessary for the
5 implementation of this act.

6

7

8

STATEMENT

9

10 This bill prohibits emergency shelters for the homeless from
11 refusing to provide shelter, or food and shelter, for a minimum of
12 72 hours, to an individual or family seeking these services, unless
13 the shelter is at its maximum occupancy level (defined in the bill as
14 "licensed capacity"). Under current law, the shelters must provide
15 these services for a "limited period of time," which, under the
16 regulations of the Department of Community Affairs, means a
17 minimum stay of less than 24 hours.

18 In addition, the bill provides an exception in the event of
19 emergency conditions, such as snow emergencies or excessive cold
20 or heat. In the event of emergency conditions, emergency shelters
21 for the homeless, which have been authorized to provide shelter, or
22 food and shelter, to individuals in excess of their licensed capacity,
23 are prohibited from refusing to provide these services, for a
24 minimum of 24 hours from the commencement of the emergency
25 condition or for the duration of the emergency condition, whichever
26 is longer, unless the shelters are at their licensed capacity plus any
27 authorized excess capacity.

28 This bill is intended to ensure that emergency shelters for the
29 homeless do not refuse to provide shelter, or food and shelter, to
30 homeless individuals when the shelters have the capacity to do so,
31 and to clarify and expand the minimum time frames for a stay at
32 these shelters.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 2937
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: JUNE 20, 2012

SUMMARY

- Synopsis:** Prohibits emergency shelters for the homeless from refusing to provide services for minimum time frame unless shelters are at maximum capacity.
- Type of Impact:** No fiscal impact.
- Agencies Affected:** Departments of Community Affairs and Human Services, counties, and municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	No Fiscal Impact – See comments below		
Local Cost	No Fiscal Impact –See comments below		

- The Office of Legislative Services (OLS) concludes that the enactment of Assembly Bill No. 2937 is unlikely to have any impact on State and municipal finances.
- A homeless shelter’s emergency capacity is established when the shelter receives its certificate of occupancy. Therefore, the shelters already have the resources to accept additional persons, above their licensed capacity, when emergency conditions exist.
- The extent to which this bill affects the services. specifically food and shelter, currently provided by emergency shelters for the homeless will depend on the level of assistance already offered at each facility.

BILL DESCRIPTION

Assembly Bill No. 2937 of 2012 prohibits emergency shelters for the homeless from refusing to provide shelter, or food and shelter, for a minimum of 72 hours, to an individual or family seeking these services, unless the shelter is at its maximum occupancy level (defined in the bill as “licensed capacity”). Under current law, the shelters must provide these services for a “limited period of time,” which, under the regulations of the Department of Community Affairs, means a minimum stay of 24 hours.

In addition, the bill provides an exception in the event of emergency conditions, such as snow emergencies or excessive cold or heat. In the event of emergency conditions, emergency shelters for the homeless, which have to be authorized to provide shelter, or food and shelter, to individuals in excess of their licensed capacity, are prohibited from refusing to provide these services, for a minimum of 24 hours from the commencement of the emergency condition or for the duration of the emergency condition, whichever is longer, unless the shelters are at their licensed capacity plus any authorized excess emergency capacity.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS has determined that the enactment of Assembly Bill No. 2937 is unlikely to have any impact on State and municipal finances. According to the Bureau of Rooming and Boarding House Inspection in the Division of Codes and Standards in the Department of Community Affairs, this legislation would place in statute certain standards applicable to emergency shelters for the homeless that are already in the New Jersey Administrative Code. The Bureau has informally indicated that this legislation would have no major effect on emergency shelters for the homeless because a shelter's emergency capacity is fixed at the time it is granted a certificate of occupancy. Therefore, the shelter already has the authority necessary to accept a number individuals above its licensed capacity. Generally, a shelter's emergency capacity is 20 percent to 25 percent higher than its licensed capacity. The frequency at which an emergency shelter is required to provide shelter, or food and shelter, to persons above its licensed capacity depends on the length of the period of time for which the emergency conditions exist.

Some emergency shelters provide services to all homeless individuals while others assist only those who are eligible for Emergency Assistance funds provided through the Department of Human Services (DHS). If a homeless individual is not eligible for Emergency Assistance, they may receive support from the DHS through the Social Services for the Homeless grants-in-aid program. When a person enters a homeless shelter, the county Board of Social Services determines those services for which a person is eligible and which type of assistance is most appropriate. According to the DHS, Emergency Assistance is provided on an as-needed basis and there is no cap on the total amount provided Statewide.

The extent to which this bill affects the number of persons served and the amount of food and shelter provided by an emergency shelter for the homeless depends on the type of services it already offers. If shelters are required to provide shelter, or food and shelter, for a minimum of 72 hours to an individual or family seeking those services, there could be less turnover among shelter residents and fewer beds available for additional persons. If the 72-hour minimum assistance period established by the bill results in the provision of more services to persons not eligible for Emergency Assistance, then the emergency shelter could lose the ability to provide services for which it could receive payment. Only in the case of a municipal or county homeless shelter not currently allowing stays of 72 hours could this possible outcome have an effect on local revenue. The 24-hour service delivery period established at N.J.A.C.5:15-2.1 is only a *minimum*; some emergency shelters may already be providing shelter, or food and shelter, for at least 72 hours.

Section: Local Government

*Analyst: Scott A. Brodsky
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2937

STATE OF NEW JERSEY

DATED: JUNE 10, 2013

The Assembly Human Services Committee reports favorably on Assembly Bill No. 2937.

The bill prohibits an emergency shelter for the homeless from refusing to provide shelter, food, or both, for a minimum of 72 hours, to an individual or family seeking these services, unless the shelter is at its maximum occupancy level (defined in the bill as "licensed capacity"). Current law provides that emergency shelters are to provide these services for a "limited period of time," which, under the regulations of the Department of Community Affairs, means less than 24 hours.

The bill provides an exception in the event of an emergency condition, such as a snow emergency or excessive cold or heat, in which case the emergency shelter is prohibited from refusing to provide these services for a minimum of 24 hours from the commencement of the emergency condition or for the duration of the emergency condition, whichever is longer, unless the shelter is at its licensed capacity, plus any authorized excess capacity.

This bill is identical to Senate Bill No. 1889 (Codey/Stack), which the committee also reported favorably on this date.

SENATE BILL NO. 1889

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1889 with my recommendations for reconsideration.

This bill mandates access to homeless shelters for a minimum of seventy-two hours unless the shelter is at its licensed capacity. In addition, when there is an "emergency condition," the bill allows a municipality or the Department of Community Affairs to authorize shelters to exceed the licensed capacity.

Unquestionably, homeless shelters should provide services within their lawful capacity. Providing housing and care for those lacking adequate shelter must be a priority of our state, as evidenced by my creation of the Interagency Council on Homelessness ("ICH"). Among other things, I tasked ICH with developing a ten-year plan to prevent and end homelessness in this State.

I return this bill with important recommendations for improvement that will help guarantee the safety and comfort of shelter residents. The care of the homeless often requires difficult decisions regarding the best interests of those seeking access, and those charged with their care. As drafted, this bill fails to provide guidance concerning circumstances where a shelter should appropriately refuse to admit persons that may pose a danger to themselves or to others, or who might interfere with the care, comfort, or safety of those being housed. We should not create a climate of fear and distrust in our shelters, and must avoid circumstances that would have the perverse result of discouraging the homeless from seeking out care. For these reasons, I recommend that the bill be amended

to specify appropriate and reasonable standards for admission at a shelter.

Accordingly, I herewith return Senate Bill No. 1889 and recommend that it be amended as follows:

Page 2, Section 1, Line 11: Delete "or" and insert ", "

Page 2, Section 1, Line 11: After "heat" insert ", storms or other weather-related conditions"

Page 2, Section 2, Line 28: After "capacity" insert "or the basis for refusal is otherwise authorized by law or regulation"

Page 2, Section 2, Line 39: After "capacity" insert "or the basis for refusal is otherwise authorized by law or regulation"

Page 2, Section 3, Line 43: Delete "shall" and insert "may"

[seal]

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Charles B. McKenna

Chief Counsel to the Governor