

SENATE, No. 1889

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED MAY 14, 2012

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

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.



S1889 CODEY

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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:

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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)

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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.

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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.

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STATEMENT

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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.