[Second Reprint]

SENATE, No. 2354

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED NOVEMBER 13, 2008

Sponsored by:
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SYNOPSIS

Permits counties to create County Homelessness Trust Funds.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on May 14, 2009, with amendments.

(Sponsorship Updated As Of: 5/22/2009)

AN ACT addressing homelessness by permitting the establishment of County Homelessness Trust Funds, amending N.J.S.22A:4-17, and supplementing P.L.1984, c.180 (C.52:27D-280 et seq.).

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

1. (New section) This act shall be known and may be cited as the "County Homelessness Trust Fund Act."

2. (New section) The Legislature finds and declares:

a. The creation of county homelessness trust funds in counties that have completed and endorsed a plan to end homelessness will provide some of the additional funds necessary to move homeless or formerly homeless individuals toward the goal of permanent affordable housing and self-sufficiency.

b. Despite laudable efforts by all levels of government, private individuals, nonprofit organizations, and charitable foundations to end homelessness, the number of homeless persons in New Jersey is unacceptably high. The State's homeless population, furthermore, includes a large number of families with children, youth, veterans, the elderly, and employed persons.

c. Fiscal and social costs of homelessness are high for both the public and private sectors and declares that ending homelessness should be a joint goal for State and local government.

d. A myriad of factors contribute to homelessness, including a shortage of affordable housing; a shortage of jobs that pay wages and benefits sufficient to support a family; high property taxes which undermine housing affordability; a lack of an accessible and affordable health care system available to all who suffer from physical and mental illnesses and chemical and alcohol dependency; domestic violence; and a lack of education and job skills necessary to acquire adequate wage jobs in the economy of the twenty-first century.

3. (New section) As used in this act:

"Community based organization" means a nonprofit, private, or public organization funded with public or private funds, or both, that provides housing and services to families and individuals who are homeless.

"County homeless housing grant program" means the vehicle by which competitive grants are awarded by the governing body of the county, utilizing moneys from the [2]**[**homeless housing account**]** <u>Homelessness Housing Trust Fund</u>[2], for activities directly related to

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 <u>thus</u> is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Senate SCU committee amendments adopted December 8, 2008.
[2]Senate SBA committee amendments adopted May 14, 2009.

housing homeless individuals and families, preventing homelessness, and other efforts directly related to permanently housing homeless persons, as administered by the local government or its designated subcontractor.

"County Homelessness Trust Fund Task Force" means the voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It shall include a representative of the county, representatives from each of the three municipalities in the county with the largest populations of homeless people, representatives from the organization responsible for developing, implementing, or both, the local plan to end homelessness, at least three homeless or formerly homeless persons, and three representatives of local private or nonprofit organizations with experiencing in assisting the homeless or providing low-income housing. Among the responsibilities of the County Homelessness Trust Fund Task Force is to assess priorities for funding, review of applications, and preparation of an annual report and an annual measurement of the progress of the trust fund.

"Department" means the Department of Community Affairs, unless otherwise designated.

"Director" means the Director of the Division of Housing in the Department of Community Affairs.

"Homeless person" means an individual living outside, or in a building not meant for human habitation or in which the person has no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist, or temporarily in the home of another household, or in a motel.

"Housing authority" means any of the public corporations created pursuant to section 17 of P.L.1992, c.79 (C.40A:12A-17).

"Housing continuum" means the progression of individuals along a housing-focused scale with homelessness at one end and home ownership at the other.

"Homeless housing plan" means the plan approved by a local government to address housing for homeless persons that includes measurable and achievable objectives to end homelessness in [2][that community and has been approved by the governing body of the county or municipality] <u>the county</u>[2].

"Local government" means a county [2][or municipal][2] government.

"Outcome measurement" means the process of comparing specific measures of success against ultimate and interim goals.

4. (New section) A local government may adopt a homeless housing plan to [1][the][1] address [1]<u>the</u>[1] housing needs of homeless persons within its jurisdiction, which shall be in accordance with the provisions of P.L. , c. (C.) (pending before the

Legislature as this bill). The plan shall include provisions for establishing a trust fund for the purposes of receiving funds pursuant to P.L. , c. (C.) (pending before the Legislature as this bill), and shall evidence a strategic local scheme to identify and address the needs of the homeless within the jurisdiction, including strategies to reduce the need for emergency room care, hospital care, law enforcement, foster care, and other social services associated with the homeless and homelessness.

5. (New section) a. Amounts raised by the surcharge imposed pursuant to section 8 of P.L. , c. (C.) (pending before the Legislature as this bill) shall be deposited into a "County Homelessness Trust Fund" to be created by the county and shall be used exclusively for the purposes authorized by P.L. , c. (C.) (pending before the Legislature as this bill). Any interest or other income earned on monies deposited into the county trust fund shall be credited to the fund to be used for the same purposes as the principal. A county may deposit other funds into the County Homelessness Trust Fund, as it may, from time to time, deem appropriate.

b. No monies in the trust [2]fund[2] shall be utilized to pay or discharge the principal or interest on any indebtedness incurred for any purpose by the [2][trust] county[2] or any other governmental entity.

c. Amounts raised by the surcharge must be expended for the purposes detailed in section [1][9] 6[1] of P.L. , c. (C.) (pending before the Legislature as this bill) within four years of being collected.

d. Any monies in the trust [2]fund[2] that are not expended after four years will be transferred to the [2][New Jersey Interagency Council on Homelessness] Department of Community Affairs[2] which will contract with a community based organization in the same county where the Homelessness Trust Fund exists for the purposes of P.L. , c. (C.) (pending before the Legislature as this bill).

6. (New section) a. Each county shall utilize its County Homelessness Trust Fund [1], with the advice of the County Homelessness Trust Fund Task Force,[1] for the operation of a homeless housing grant program. This program is established in order to provide:

(1) for the acquisition, construction, or rehabilitation of housing projects or units within housing projects that supply permanent affordable housing for homeless persons or families, including those at risk of homelessness;

(2) rental assistance vouchers, including tenant and project based subsidies, for affordable housing projects or units within

housing projects that provide permanent affordable housing for homeless persons or families, including those at risk of homelessness;

(3) supportive services as may be required by homeless individuals or families in order to obtain or maintain, or both, permanent affordable housing; and

(4) prevention services for at risk homeless individuals or families so that they can obtain and maintain permanent affordable housing.

b. Grants awarded by the governing body of the county shall be used to support projects that:

(1) measurably reduce homelessness;

(2) demonstrate government cost savings over time;

(3) employ evidence-based models;

(4) can be replicated in other counties;

(5) include an outcome measurement component;

(6) are consistent with the local homeless housing plan; or

(7) fund the acquisition, construction, or rehabilitation projects that will serve homeless individuals or families for a period of at least 30 years or the equal to the longest term of affordability required by other funding sources.

c. Each county that has established a County Homelessness Trust Fund shall transmit information concerning the uses of the funds to the New Jersey Housing and Mortgage Finance Agency in accordance with requirements established by that agency.

7. (New section) A county may collaborate with any other county that has established a County [2]**[**Homeless**]** <u>Homelessness</u>[2] Trust Fund to provide joint funding for projects permitted under P.L. , c. (C.) (pending before the Legislature as this bill).

8. N.J.S.22A:4-17 is amended to read as follows:

22A:4-17. <u>a.</u> All fees, costs, allowances, percentages and other perquisites of whatever kind which surrogates, county clerks in their several capacities, registers of deeds and mortgages, and sheriffs or persons employed in their offices are entitled to charge and receive for any official acts or services they may render shall be for the sole use of the county and shall be accounted for regularly to the county treasurer; however, such monies shall be utilized to increase the salaries of surrogates, county clerks, registers of deeds and mortgages and sheriffs, except as provided in section 6 of P.L.2001, c.370 (C.22A:4-8.1), section 7 of P.L.1985, c.422 (C.22A:4-17.1) and section 4 of P.L.1988, c.109 (C.22A:4-17.2).

Such accounting shall be made on or before the fifteenth day of each month on form blanks supplied by the county treasurer. The statement of account shall clearly set forth all sums charged or taxed or which shall have accrued or become payable during the

preceding month. Such statements shall be made under oath and filed in the office of the county treasurer as public records.

Such statements when received by the county treasurer shall be forthwith audited by the county auditor or other proper officer.

On or before the twentieth day of each month surrogates, county clerks, registers of deeds and mortgages, and sheriffs shall pay over the amount of such fees and moneys to the county treasurer and such officers shall be personally liable to the county for such fees and moneys.

The penalty for each day's neglect to file the required statement of account or to pay over such moneys shall be one hundred dollars ($100.00) to be recovered in the name of the board of chosen freeholders of the county in a civil action in the Superior Court, and said officers may also be proceeded against by proceeding in lieu of prerogative writ.

b. (1) In addition to the fees authorized in N.J.S.22A:4-4.1, and except as provided in paragraph (2) of this subsection, upon resolution or ordinance of the county governing body, as appropriate, a surcharge of three dollars shall be charged for each document recorded, which will be in addition to any other charge allowed by law. The county treasurer shall deposit the surcharges so collected into a fund that shall be used by the county to accomplish the purposes of P.L. , c. (C.) (pending before the Legislature as this bill). This fund shall be known as the "Homelessness Housing Trust Fund." Five percent of the fund may be used annually by the county for administrative costs related to administration of the fund and the grant program established pursuant to P.L. , c. (C.) (pending before the Legislature as this bill), and the remainder only for homelessness housing programs as described in P.L. , c. (C.) (pending before the Legislature as this bill).

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

(cf: P.L.2001, c.370, s.7)

9. This act shall take effect immediately.