

## [N.J. Stat. § 55:13C-1](#)

Current through New Jersey 220th First Annual Session, L. 2022, c. 130 and J.R. 10

**LexisNexis® New Jersey Annotated Statutes > Title 55. Tenement Houses and Public Housing (Subts. 1 — 2) > Subtitle 1A. Hotels and Multiple Dwellings (Chs. 13A — 13C) > Chapter 13C. Emergency Shelter for the Homeless (§§ 55:13C-1 — 55:13C-6)**

### **§ 55:13C-1. Findings, determinations**

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The Legislature finds and determines:

- a. Recent high levels of unemployment and low levels of housing production, particularly of housing affordable to low income persons, have combined to increase the number of people lacking housing, beyond the capacity of existing facilities.
- b. There is an ever present need for the emergency shelter for victims of fire, natural disasters, domestic violence and other causes of homelessness.
- c. It is a matter of urgent public concern that safe and habitable shelter be available at all times to all residents of this State, and that governmental procedures be expedited if this shelter is to be provided.
- d. The Department of Community Affairs is the agency of State government responsible for enforcing the “State Uniform Construction Code Act,” P.L. 1975, c. 217 ([C. 52:27D-119](#) et seq.), the “Hotel and Multiple Dwelling Law,” P.L. 1967, c. 76 ([C. 55:13A-1](#) et seq.), and the “Rooming and Boarding House Act of 1979,” P.L. 1979, c. 496 ([C. 55:13B-1](#) et al.), and it, therefore, has the staff and the expertise needed to establish uniform regulations concerning emergency shelters for the homeless; and the Departments of Human Services and Health are required to work together with the Department of Community Affairs in the implementation of the “Rooming and Boarding House Act of 1979.”

### **History**

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L. 1985, c. 48, § 1, eff. Feb. 13, 1985.

Annotations

### **Research References & Practice Aids**

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#### **Cross References:**

Definitions, see [32:32-2](#).

#### **Administrative Code:**

[N.J.A.C. 5:15-1.1](#) (2013), CHAPTER EMERGENCY SHELTERS FOR THE HOMELESS, Title.

[N.J.A.C. 5:15-2.1](#) (2013), CHAPTER EMERGENCY SHELTERS FOR THE HOMELESS, Definitions.

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## [N.J. Stat. § 55:13C-2](#)

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### **§ 55:13C-2. Definitions**

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“Emergency condition” means and includes, but is not limited to, a snow emergency, excessive cold or heat, storms or other weather-related conditions.

“Emergency shelter for the homeless” means a building or structure in which a public entity or a private, nonprofit organization provides shelter, or food and shelter, to individuals and families having neither a home nor the means to obtain a home or other temporary lodging.

“Licensed capacity” means the number of individuals specified by a public officer of a municipality or the Department of Community Affairs as the maximum occupancy level of an emergency shelter for the homeless, or the number of individuals indicated on the certificate of occupancy of the shelter.

### **History**

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L. 1985, c. 48, § 2, eff. Feb. 13, 1985; amended [2013, c. 204](#), § 1, eff. Aug. 1, 2014.

Annotations

### **Notes**

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#### **Editor's Notes**

L. [2013, c. 204](#), as enacted, contains recommendations made by the Governor on conditional veto of the legislation (Senate Bill No. 1889). In the amendment to this section, the Governor recommended the addition of “storms or other weather-related conditions” in the definition of “Emergency condition.”

#### **Effective Dates:**

Section 4 of L. [2013, c. 204](#) provides: “This act shall take effect on the first day of the seventh month next following the date of enactment, but the Commissioner of Community Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.” Chapter 204, L. 2013, was approved on Jan. 17, 2014.

#### **Amendment Note:**

2013 amendment, by Chapter 204, rewrote the section, which formerly read: “For purposes of this act, an ‘emergency shelter for the homeless’ means a building or structure in which a public entity or a private, nonprofit organization provides shelter, or food and shelter, for a limited period of time to individuals and families having neither a home nor the means to obtain a home or other temporary lodging.”

## Research References & Practice Aids

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### Administrative Code:

[N.J.A.C. 5:15-2.1](#) (2013), CHAPTER EMERGENCY SHELTERS FOR THE HOMELESS, Definitions.

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## [N.J. Stat. § 55:13C-2.1](#)

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### **§ 55:13C-2.1. Refusal of admittance to homeless shelter to certain mentally ill people prohibited; exceptions**

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No person shall be refused admittance to an emergency shelter for the homeless based on a perception or belief that the person has a mental illness, unless there is a reasonable basis to believe that the person poses a danger to self, others, or property, or if the basis for the refusal is otherwise authorized by law or regulation.

### **History**

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L. [2013, c. 203](#), § 1, eff. Jan. 17, 2014.

Annotations

### **Notes**

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#### **Editor's Notes**

This section as enacted contains recommendations made by the Governor on conditional veto of the legislation (Senate Bill No. 1888).

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## [N.J. Stat. § 55:13C-2.2](#)

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### **§ 55:13C-2.2. Grounds for refusal of services**

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a. Except as provided in subsection b. of this section, an emergency shelter for the homeless shall not refuse 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 licensed capacity or the basis for refusal is otherwise authorized by law or regulation.

b. In the event of an emergency condition, an emergency shelter for the homeless, which has been authorized by a public officer of a municipality or the Department of Community Affairs to provide shelter, or food and shelter, to a specified number of individuals in excess of its licensed capacity because of emergency conditions, shall not refuse to provide shelter, or food and shelter, for a minimum of 24 hours from the commencement of the emergency condition or for the duration of the emergency condition, whichever is longer, to an individual or family seeking these services, unless the shelter is at its licensed capacity plus any authorized excess capacity or the basis for refusal is otherwise authorized by law or regulation.

### **History**

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L. [2013, c. 204](#), § 2, eff. Aug. 1, 2014.

Annotations

### **Notes**

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#### **Editor's Notes**

L. [2013, c. 204](#), as enacted, contains recommendations made by the Governor on conditional veto of the legislation (Senate Bill No. 1889). The Governor recommended the addition of “or the basis for refusal is otherwise authorized by law or regulation” in subsections a. and b. of this section.

#### **Effective Dates:**

Section 4 of L. [2013, c. 204](#) provides: “This act shall take effect on the first day of the seventh month next following the date of enactment, but the Commissioner of Community Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.” Chapter 204, L. 2013, was approved on Jan. 17, 2014.

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## [N.J. Stat. § 55:13C-2.3](#)

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### § 55:13C-2.3. Rules, regulations

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

### History

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L. [2013, c. 204](#), § 3, eff. Aug. 1, 2014.

Annotations

### Notes

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#### **Editor's Notes**

L. [2013, c. 204](#), which enacted this section, also enacted [55:13C-2.2](#) and amended [55:13C-2](#).

L. [2013, c. 204](#), as enacted, contains recommendations made by the Governor on conditional veto of the legislation (Senate Bill No. 1889). The Governor recommended that “shall adopt” be changed to “may adopt” in this section.

#### **Effective Dates:**

Section 4 of L. [2013, c. 204](#) provides: “This act shall take effect on the first day of the seventh month next following the date of enactment, but the Commissioner of Community Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.” Chapter 204, L. 2013, was approved on Jan. 17, 2014.

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## [N.J. Stat. § 55:13C-2.4](#)

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### **§ 55:13C-2.4. Determination by emergency shelter for the homeless if client is a veteran**

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An emergency shelter for the homeless established pursuant to P.L.1985, c.48 ([C.55:13C-1](#) et seq.) shall, as part of the client intake process, inquire as to whether the individual who is to receive services is a military veteran. In the event that the individual responds in the affirmative, the shelter shall provide the individual with information concerning special services and resources that are available to the individual based on the individual's status as a military veteran. Each emergency shelter for the homeless established in this State shall establish standard protocols and procedures for making inquiries and providing information as required by this section.

### **History**

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L. [2019, c. 463](#), § 2, effective May 1, 2020.

Annotations

### **Notes**

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#### **Editor's Notes**

Section 3 of L. [2019, c. 463](#) provides: "The Commissioner of Health and the Commissioner of Community Affairs shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 ([C.52:14B-1](#) et seq.), adopt any rules and regulations as each commissioner deems necessary to carry out the provisions of this act."

#### **Effective Dates**

Section 4 of L. [2019, c. 463](#) provides: "This act shall take effect on the first day of the fourth month next following the date of enactment, except that the Commissioner of Health and the Commissioner of Community Affairs may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act." Chapter 463, L. 2019, was approved on Jan. 21, 2020.

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## [N.J. Stat. § 55:13C-3](#)

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### **§ 55:13C-3. State regulation.**

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Notwithstanding any provision of any other statute or any municipal ordinance other than a zoning ordinance, or regulation to the contrary, the licensing, regulation and inspection of emergency shelters for the homeless in all municipalities of this State and the issuance of all necessary permits, approvals and certificates of occupancy shall be conducted by a public officer designated by the municipality in accordance with the regulations promulgated by the Commissioner of the Department of Community Affairs pursuant to section 5 of P.L.1985, c.48 ([C.55:13C-5](#)). A municipality shall file with the commissioner a copy of an inspection report prepared following an inspection conducted by the public officer pursuant to this section. The commissioner may prescribe a standard inspection report format to be used by the public officer.

The Department of Community Affairs shall post on its Internet website each inspection report filed with the commissioner pursuant to this section, along with any other inspection report prepared by or on behalf of the department for an emergency shelter for the homeless.

If an inspection reveals a serious health and safety violation at an emergency shelter for the homeless, the department shall post the inspection report, including the name of the shelter and the owner of the shelter, on its website no later than 72 hours following the inspection. If a license of an emergency shelter for the homeless is suspended, the department shall post the suspension on its website no later than 72 hours following the suspension. The department shall update its website to reflect the correction of a serious health and safety violation, and the lifting of a suspension.

The department shall notify, as soon as possible, the Commissioner of Human Services, or the commissioner's designee, and the director of the county board of social services or county welfare agency, as appropriate, in the county in which an emergency shelter for the homeless is located, of a serious health and safety violation at the shelter and of any suspension of a license to operate such shelter.

### **History**

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L. 1985, c. 48, 3, eff. Feb. 13, 1985; amended by [2015, c. 6](#), § 3, effective February 5, 2015.

Annotations

### **Notes**

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**Editor's Notes:**

No placement of individuals in facilities which were suspended or in violation of license, see [30:1-12.4](#).

**Amendment Notes**

2015 amendment, by Chapter 6, in the first paragraph, substituted "P.L.1985, c.48 (C.55:13C-5)" for "this act" in the first sentence and added the second and final sentences; and added the second through final paragraphs.

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### **§ 55:13C-4. Assistance to operators**

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Until the promulgation of permanent rules pursuant to section 5 of this act, the Department of Community Affairs shall encourage operators and prospective operators of emergency shelters for the homeless to apply for all applicable municipal licenses, permits, approvals and certificates of occupancy, and provide technical assistance to the operators and prospective operators in order to enable them to qualify for approval of their applications.

### **History**

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L. 1985, c. 48, 4, eff. Feb. 13, 1985.

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## [N.J. Stat. § 55:13C-5](#)

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### **§ 55:13C-5. Standards**

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Within one year of the effective date of this act, the Commissioner of the Department of Community Affairs shall, after consultation with the Commissioners of the Departments of Health and Human Services, promulgate administrative rules establishing standards for the licensing of emergency shelters for the homeless and for the issuance of permits, approvals and certificates of occupancy, pursuant to the “Administrative Procedure Act,” P.L. 1968, c. 410 ([C. 52:14B-1](#) et seq.). The standards shall not include any provision intended to supersede municipal zoning.

### **History**

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L. 1985, c. 48, 5, eff. Feb. 13, 1985.

Annotations

### **Research References & Practice Aids**

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#### **Administrative Code:**

[N.J.A.C. 5:15](#) (2013), CHAPTER EMERGENCY SHELTERS FOR THE HOMELESS, 5, Chapter 15 — Chapter Notes.

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## [N.J. Stat. § 55:13C-6](#)

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### **§ 55:13C-6. Subject to regulation as hotel**

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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 application, is 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.

### **History**

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L. 1985, c. 48, 6, eff. Feb. 13, 1985.

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