

[First Reprint]

ASSEMBLY, No. 4177

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 14, 2018

Sponsored by:

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Senator TROY SINGLETON

District 7 (Burlington)

Senator M. TERESA RUIZ

District 29 (Essex)

Co-Sponsored by:

Assemblywoman Chaparro, Assemblyman Schaer, Assemblywomen Vainieri Huttel, Murphy, Reynolds-Jackson, DiMaso, Pinkin, Assemblymen Conaway, Wimberly, Senators Greenstein, Madden, Pou, Assemblywoman Lopez, Assemblyman Chiaravalloti and Assemblywoman Mosquera

SYNOPSIS

Allows county homelessness trust funds to be used for code blue emergency shelter services.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on December 3, 2018, with amendments.

(Sponsorship Updated As Of: 2/1/2019)

1 AN ACT concerning the use of county homelessness trust funds and
2 amending P.L.2009, c.123 ¹and N.J.S.22A:4-17¹.

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.2009, c.123 (C.52:27D-287b) is amended to
8 read as follows:

9 2. The Legislature finds and declares:

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

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

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

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

33 e. It is critical that emergency shelters for the homeless are
34 able to provide sufficient and adequate shelter services to all
35 homeless individuals in their communities when a Code Blue alert
36 is in effect due to severely cold weather. Allowing county
37 homelessness trust funds to be used in support of emergency shelter
38 for the homeless services provided in connection with a Code Blue
39 alert would create an additional funding source to help ensure that
40 this goal is met.

41 (cf: P.L.2009, c.123, s.2)

42

43 2. Section 3 of P.L.2009, c.123 (C.52:27D-287c) is amended to
44 read as follows:

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 SBA committee amendments adopted December 3, 2018.

1 3. As used in **[this act]** P.L.2009, c.123 (C.52:27D-287a et
2 al.):

3 “Code Blue alert” means an alert declared pursuant to section 3
4 of P.L.2017, c.68 (C.App.A:9-43.20).

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

9 "County homeless housing grant program" means the vehicle by
10 which competitive grants are awarded by the governing body of the
11 county, utilizing moneys from the County Homelessness Housing
12 Trust Fund, for activities directly related to housing homeless
13 individuals and families, preventing homelessness, and other efforts
14 directly related to permanently housing homeless persons, as
15 administered by the local government or its designated
16 subcontractor, or directly related to temporarily housing homeless
17 persons in connection with a Code Blue alert.

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

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

35 "Director" means the Director of the Division of Housing and
36 Community Resources in the Department of Community Affairs.

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

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

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

1 "Homeless housing plan" means the plan approved by a local
2 government to address housing for homeless persons that includes
3 measurable and achievable objectives to end homelessness in the
4 county.

5 "Local government" means a county government.

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

8 (cf: P.L.2009, c.123, s.3)

9

10 3. Section 6 of P.L.2009, c.123 (C.52:27D-287f) is amended to
11 read as follows:

12 6. a. Each county shall utilize its County Homelessness Trust
13 Fund with the advice of the County Homelessness Trust Fund Task
14 Force for the operation of a homeless housing grant program. This
15 program is established in order to provide:

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

20 (2) rental assistance vouchers, including tenant and project
21 based subsidies, for affordable housing projects or units within
22 housing projects that provide permanent affordable housing for
23 homeless persons or families, including those at risk of
24 homelessness;

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

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

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

33 (1) measurably reduce homelessness;

34 (2) demonstrate government cost savings over time;

35 (3) employ evidence-based models;

36 (4) can be replicated in other counties;

37 (5) include an outcome measurement component;

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

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

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

47 d. The governing body of a county may by resolution establish
48 a preference for veterans that gives first priority, in the distribution

1 of grants, for the benefit of homeless veterans, including those at
2 risk of homelessness.

3 e. A county may utilize its County Homelessness Trust Fund to
4 support emergency shelter for the homeless services provided in
5 connection with a Code Blue alert.

6 (cf: P.L.2017, c.320, s.1)

7

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

9 22A:4-17. a. All fees, costs, allowances, percentages and other
10 perquisites of whatever kind which surrogates, county clerks in
11 their several capacities, registers of deeds and mortgages, and
12 sheriffs or persons employed in their offices are entitled to charge
13 and receive for any official acts or services they may render shall be
14 for the sole use of the county and shall be accounted for regularly to
15 the county treasurer; however, such monies shall be utilized to
16 increase the salaries of surrogates, county clerks, registers of deeds
17 and mortgages and sheriffs, except as provided in section 6 of
18 P.L.2001, c.370 (C.22A:4-8.1), section 7 of P.L.1985, c.422
19 (C.22A:4-17.1) and section 4 of P.L.1988, c.109 (C.22A:4-17.2).

20 Such accounting shall be made on or before the fifteenth day of
21 each month on form blanks supplied by the county treasurer. The
22 statement of account shall clearly set forth all sums charged or
23 taxed or which shall have accrued or become payable during the
24 preceding month. Such statements shall be made under oath and
25 filed in the office of the county treasurer as public records.

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

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

33 The penalty for each day's neglect to file the required statement
34 of account or to pay over such moneys shall be one hundred dollars
35 (\$100.00) to be recovered in the name of the board of chosen
36 freeholders of the county in a civil action in the Superior Court, and
37 said officers may also be proceeded against by proceeding in lieu of
38 prerogative writ.

39 b. (1) In addition to the fees authorized in N.J.S.22A:4-4.1,
40 and except as provided in paragraph (2) of this subsection, upon
41 resolution or ordinance of the county governing body, as
42 appropriate, a surcharge of :

43 (a) three dollars ; or

44 (b) five dollars, of which two dollars shall be used for the
45 purpose required by subsection e. of section 6 of P.L.2009, c.123
46 (C.52:27D-287f),

47 which surcharge shall be charged for each document recorded,
48 which will be in addition to any other charge allowed by law. The

1 county treasurer shall deposit the surcharges so collected into a fund
2 that shall be used by the county to accomplish the purposes of
3 P.L.2009, c.123 (C.52:27D-287a et al.). This fund shall be known
4 as the "County Homelessness Housing Trust Fund." Five percent of
5 the fund may be used annually by the county for administrative
6 costs related to administration of the fund and the grant program
7 established pursuant to P.L.2009, c.123 (C.52:27D-287a et al.), and
8 the remainder only for homelessness housing programs as described
9 in P.L.2009, c.123 (C.52:27D-287a et al.).

10 (2) The surcharge imposed in this section does not apply to
11 assignments or substitutions of previously recorded deeds of trust.¹
12 (cf: P.L.2009, c.123, s.8)

13

14 ¹**[4.]** 5.¹ This act shall take effect immediately.