

CHAPTER 125**CAPITAL FUNDING PROGRAM FOR COMMUNITY
BASED SUBSTITUTE CARE, GENERAL SOCIAL
SERVICE AND PARTIAL CARE FACILITIES****Authority**

N.J.S.A. 30:1-12, P.L. 1980, c.119; P.L.
1984, c.7, and P.L. 1989, c.184.

Source and Effective Date

R.1995 d.260, effective April 26, 1995.
See: 27 N.J.R. 431(a), 27 N.J.R. 2232(a).

Executive Order No. 66(1978) Expiration Date

Chapter 125, Capital Funding Program for Community Based Substitute Care, General Social Service and Partial Care Facilities, expires on April 26, 2000.

Chapter Historical Note

Chapter 125, Capital Funding Program For Community Based Substitute Care, General Social Service and Partial Care Facilities, formerly contained the Comprehensive Social Services Plan for Title XX, which was filed September 24, 1975, as R.1975 d.282 and became effective October 1, 1975. See: 7 N.J.R. 314(c), 7 N.J.R. 419(c). Chapter 125 was repealed by R.1983 d.587, effective December 19, 1983. See 15 N.J.R. 208(d), 15 N.J.R. 2125(a). Chapter 125 was adopted as new rules by R.1984 d.305, effective July 16, 1984. See: 16 N.J.R. 835(a), 16 N.J.R. 1994(b). Pursuant to Executive Order No. 66(1978), Chapter 125 expired on July 16, 1989. Chapter 125 was adopted as new rules by R.1990 d.277, effective June 4, 1990. See: 21 N.J.R. 1514(a), 22 N.J.R. 1994(b), 22 N.J.R. 1724(c).

Pursuant to Executive Order No. 66(1978), Chapter 125 was readopted as R.1995 d.260. See: Source and Effective Date. See, also, section annotations.

See section annotations for specific rulemaking activity.

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SUBCHAPTER 1. GENERAL PROVISIONS**10:125-1.1 Legal authority, applicability, scope, purpose**

(a) This chapter applies to State contracts for the renovation and construction of community based facilities. This chapter implements one portion of the New Jersey Public Purpose Buildings Construction Bond Act of 1980, one portion of the New Jersey Human Services Facilities Construction Bond Act of 1984 and one portion of the Public Purpose Buildings and Community-Based Facilities Construction Bond Act of 1989 and complements N.J.A.C. 10:3-2. The purpose of the program is to utilize funds from the New Jersey Public Purpose Buildings Construction Bond Act of 1980, the New Jersey Human Services Facilities Construction Bond Act of 1984 and the Public Purpose Buildings and Community-Based Facilities Construction Bond Act of 1989 to assist in the renovation, purchase and construction of community based substitute care, general social service and partial care facilities which provide services to families and children under the auspices of the Division of Youth and Family Services. The scope of this program is limited to the purposes mentioned above for those who are either parties to or candidates for a service contract with the Division.

(b) In order to achieve the purposes of this chapter, the Department hereby delegates the responsibility for providing services and to regulate the provision of service to the Division.

Amended by R.1995 d.260, effective June 5, 1995.
See: 27 N.J.R. 431(a), 27 N.J.R. 2232(a).

10:125-1.2 Definitions

The following words when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise.

“Agency” means a New Jersey public or non-profit private organization (as defined by New Jersey statute) applying for funding under this program.

“Capital Funding Agreement” means the agreement in the form of a written contract between the Department of Human Services or its duly authorized agent and the agency, which sets forth the terms and conditions applicable to awarding the funds.

“Department” means the New Jersey Department of Human Services.

“Division” means the Division of Youth and Family Services, New Jersey Department of Human Services.

“Facility” means the building(s) which may be constructed, purchased, renovated, remodeled, extended, and/or other.

erwise improved through this program. This also includes the land on which the building(s) is (are) situated.

"General social services" means the provision of services less than three hours per session outside clients' home which are intended to prevent or reduce abuse, neglect, exploitation, or the need for substitute care but with the aim for clients to become self-sufficient and/or to achieve or maintain a permanent tranquil home.

"Partial care" means the provision of services three or more hours per session outside clients' home which are intended to prevent or reduce abuse, neglect, exploitation, or the need for substitute care but with the aim for clients to become self-sufficient in a permanent tranquil home.

"Shall" means a mandatory requirement.

"Substitute care" means the provision of temporary or permanent care to clients whose needs prevent them from remaining in their own home.

10:125-1.3 Program priorities

(a) Priority shall be given to facilities which provide the following services:

1. Programs serving victims of abuse and/or neglect;
2. Programs intended to preserve families in crisis;
3. Community based programs which will serve either clients in institutions or clients at risk of institutionalization; and
4. Programs intended to preserve and strengthen families.

10:125-1.4 Capital funding priorities

(a) Capital funding priorities of facilities shall be considered when:

1. Life safety violations exist and where the safety of the service population is in question or jeopardy;
2. Assistance is required to maintain appropriate standards of licensing and/or certification;
3. A significant improvement in programming will be realized and is needed to protect the investment of the State and/or the agency which shall provide the continuation of services;
4. Assistance is required in the purchase or construction of a facility which shall meet an identified service need.

SUBCHAPTER 2. ELIGIBLE AGENCIES

10:125-2.1 Funding stipulations

(a) Any public or non-profit private agency incorporated in the State of New Jersey may apply for a contract under these regulations but shall adhere to the following conditions:

1. The agency shall comply with the State Uniform Construction Code N.J.A.C. 5:23, as well as the appropriate Manual of Standards established for the type of program it operates. Copies of the Division's standards, where applicable, are available upon request.

2. The agency shall sign a Capital Funding Agreement in which it agrees to abide by all existing Department guidelines and regulations for the use of capital funds and to use the funds exclusively for the renovation, purchase or construction of a Division-approved facility.

3. All Capital Funding Agreements under this chapter shall conform to the Department of Human Services standard agreement language pursuant to N.J.A.C. 10:3-2.

4. If an agency receives funds for planning and design services, it shall execute an agreement which conforms to the Department of Human Services standard form language for such services.

5. The agency shall agree to provide services for a specified time period and shall agree to reserve appropriate service units for Division referrals, as specified in the Capital Funding Agreement.

6. All Capital Funding Agreements and parties thereto shall comply with Department Administrative Orders.

7. As prescribed by the Department, facilities applying for a Capital Funding Agreement under this program shall submit to inspection by the Director, Office of Facilities and Maintenance and/or other regulatory offices of the State.

8. The Department or the Division may require that the agency provide or obtain matching funds for the project. This match shall be provided in accordance with Department and Division specifications. The agency portion of the total project costs may come from one or both of the following sources:

- i. Actual cash under control of the agency; and
- ii. A mortgage secured on the subject property.

SUBCHAPTER 3. ADMINISTRATION OF THE CAPITAL FUNDING PROGRAM

10:125-3.1 Procedure requirements

(a) All Capital Funding Agreements shall comply with the following procedures prior to final approval:

1. The agency shall submit, on a form supplied by the Division, a proposal to renovate, purchase or construct buildings for the purposes of providing services to clients under the auspices of the Division.

2. The proposal shall be reviewed by a committee composed of representatives of planning, operational and accountability units of the Division. After review, the proposal shall be submitted to the Director of the Division for review and approval and/or disapproval. If approval is secured, the proposal shall be submitted to the capital facilities approval unit of the Department for review and approval and/or disapproval.

3. After review by the Division and the Departmental capital facilities planning staff, the Commissioner may approve State financial participation in the development of those capital funding proposals which comply with the regulations of the Department.

4. The Commissioner shall grant final approval of all capital improvement program contracts executed with agency sponsors.

10:125-3.2 Payment schedules

The Division and the agency shall negotiate a reasonable payment schedule. Such payment schedule shall be specified in the Capital Funding Agreement.

10:125-3.3 Records and reports

Each agency shall establish and maintain appropriate methods for conducting fiscal affairs. Adequate records

shall be accessible, and reports shall be submitted to the Division as requested.

10:125-3.4 Interim inspections

The Department and the Division shall have the right to conduct inspections at various stages of construction for the purposes of reviewing construction progress, work quality and project expenditures.

10:125-3.5 Assurance of non-discrimination

The Division shall obtain assurance from each applicant that all portions and services of the entire facility for the construction of which or in connection with which aid under the New Jersey Public Purpose Buildings Construction Bond Act of 1980 or under the New Jersey Human Services Facilities Construction Bond Act of 1984 or under the Public Purpose Buildings and Community-Based Facilities Construction Bond Act of 1989 is sought shall be made available without discrimination on account of race, creed, color, national origin or handicapping condition; and that no professionally qualified person shall be discriminated against on account of race, creed, color, national origin or handicapping condition with respect to the privilege of professional practice in the facility.

Amended by R.1995 d.260, effective June 5, 1995.
See: 27 N.J.R. 431(a), 27 N.J.R. 2232(a).