

## CHAPTER 15

## EMERGENCY SHELTERS FOR THE HOMELESS

## Authority

N.J.S.A. 55:13C-5

## Source and Effective Date

R.1994 d.324, effective July 5, 1994.  
See: 26 N.J.R. 1421(a), 26 N.J.R. 2779(b).

## Executive Order No. 66(1978) Expiration Date

Chapter 15, Emergency Shelters for the Homeless, expires on July 5, 1999.

## Chapter Historical Note

Chapter 15, Emergency Shelters for the Homeless was adopted as R.1989 d.10, effective May 1, 1989. See: 20 N.J.R. 341(b), 21 N.J.R. 1123(b). Pursuant to Executive Order No. 66(1978), Chapter 15 expired on May 1, 1994, and subsequently was adopted as new rules by R.1994 d.324. See: Source and Effective Date. See, also, section annotations for specific rulemaking activity.

## Cross References

Domestic violence shelter standards, see N.J.A.C. 10:130-1.1 et seq.

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## SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT

## 5:15-1.1 Title

This chapter, promulgated pursuant to N.J.S.A. 55:13C-1 et seq., shall be known and may be cited as the "Rules Governing Emergency Shelters for the Homeless."

## 5:15-1.2 Scope and purpose

(a) These rules are promulgated for the purpose of establishing standards to ensure that every emergency shelter in the State of New Jersey is constructed, maintained, and operated in such a manner as will protect the health, safety, and welfare of its occupants.

(b) These rules shall not apply to institutions or facilities subject to the inspection and licensing of the State Department of Human Services or the Department of Corrections; facilities operated by the Division of Youth and Family Services; or facilities subject to the supervision of the Department of Health pursuant to N.J.S.A. 26:1-1 et seq. of the Public Health Law.

(c) Any person, partnership, corporation, organization, county, municipality or other entity, which operates a shelter is subject to the requirements of these rules.

(d) The provisions of these rules apply to any facility providing shelter and services to homeless adults or families and:

1. Is not a hotel or motel facility, a rooming house or a facility which provides shelter substantially similar to a house or an apartment and which includes individual private cooking areas and private bathrooms, except if the hotel, motel or rooming house space is used by a social services agency, and the space is used under a contract or lease with the hotel, motel or rooming house (including

hotels and motels owned or leased by not-for-profit or charitable organizations), in which case these rules shall apply.

2. Is not a boarding home whose owner is licensed pursuant to N.J.S.A. 55:13B-1 et seq.

### 5:15-1.3 Administration and enforcement

(a) It shall be the duty and responsibility of the public officer designated by the municipality to administer and enforce the provisions of these rules with regard to emergency shelters for the homeless located within the municipality, except that an emergency shelter operated by the authority appointing the public officer shall for the scope and purpose of these rules be under the sole jurisdiction of the Bureau.

1. When a municipality does not designate and appoint a public officer to administer and enforce these rules within 90 days of the effective date of these rules, it shall be the duty of the Bureau to administer and enforce them.

2. A municipality shall notify the Bureau of the name and office telephone number of the person appointed.

3. The construction official of a municipality shall issue a temporary certificate of occupancy on a building requiring a certificate of occupancy pursuant to the State Uniform Construction Code when the public officer or Bureau is satisfied that the shelter meets the standards set forth in these rules.

4. The Bureau may enter into an agreement or agreements with any State Department or agency authorizing that department or agency to enforce these rules or the rules of that department or agency.

### 5:15-1.4 Continuation of lawful existing use

The lawful occupancy and use of any emergency shelter for the homeless existing on May 1, 1989 may be continued unless a change is required by the provisions of these rules or unless it is owned or operated by a person who has not obtained a license on or before May 31, 1989.

### 5:15-1.5 Construction and alteration; change of use

(a) No emergency shelter for the homeless may be constructed or altered except in accordance with the Uniform Construction Code (N.J.A.C. 5:23).

(b) No building which is not lawfully occupied and used as an emergency shelter for the homeless on May 1, 1989 shall be used as an emergency shelter for the homeless unless the owner and any operator thereof has been licensed as provided in these rules and unless a certificate of occupancy allowing use as an emergency shelter for the homeless for the number of occupants accommodated or intended to be accommodated is obtained from the construction official having jurisdiction.

(c) A new or amended certificate of occupancy shall be required in the event of any change of use other than the following:

1. A conversion from a one or two-unit dwelling to an emergency shelter occupied or intended to be occupied by five or fewer residents.

2. A conversion from a multiple dwelling to an emergency shelter occupied or designed to be occupied by at least six and not more than 20 residents.

3. A conversion from a hotel to an emergency shelter occupied or intended to be occupied by no more than the designed occupant load.

4. The use of a building, or portion thereof, that is an auditorium, gymnasium or similar A-3 assembly use as defined in the BOCA National Building Code as a Class II shelter as defined in N.J.A.C. 5:15-1.6(b)2.

(d) Nothing in these rules shall be construed to impair the power of the construction official or fire official to enforce any applicable provision of their respective codes pertaining to emergency shelters, including, without limitation, provisions concerning hazardous conditions in existing buildings.

### 5:15-1.6 Licenses

(a) No person or agency shall own or operate an emergency shelter for the homeless without a license from the public official having jurisdiction, or the Bureau.

(b) There shall be three classes of shelters, which shall be as follows:

1. Class I—adult individuals, 24 hour a day shelter;

2. Class II—adult individuals, providing shelter during the night time hours only;

3. Class III—facilities with children.

(c) The annual fee for licenses shall be \$10.00.

(d) Except as otherwise provided in the Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.), no license shall be issued to any person who has at any time been convicted of embezzlement, extortion, crimes against the person or other like offenses, or to any partnership of which such person is a member, or to any association or corporation which said person is an officer, director, employee who will be responsible for the operation of the facility or in which, as a stockholder, such person has or exercises a controlling interest either directly or indirectly.

(e) No license shall be issued to any person who is not qualified pursuant to N.J.A.C. 5:15-4.15(e).

## SUBCHAPTER 4. FACILITY REQUIREMENTS

**5:15-4.1 General requirements**

A licensee shall afford any officer or duly authorized employee or agent of the public officer or Bureau full access at any time to the residents, grounds, and buildings. During facility business hours, employees or agents of the public officer or Bureau shall have access to books and papers relating to the facility.

**5:15-4.2 Building standard requirements**

(a) A building newly constructed after May 1, 1989 for use as a shelter shall be in compliance with the Uniform Construction Code for R-1 use, group occupancy, if residency is for less than 30 days or R-2 if residency is for 30 days or more.

(b) A shelter existing on May 1, 1989 or an existing structure modified for use as a shelter after May 1, 1989 shall conform to the requirements of the Uniform Fire Code (N.J.A.C. 5:18-4) for R-1 use group structures, if residency is for less than 30 days, or R-2 if residency is for 30 days or more.

**5:15-4.3 Equipment and furnishings requirements**

(a) The licensee shall provide equipment and furnishings which support daily activities and do not endanger resident health, safety, and well-being.

(b) All equipment and furnishings shall be durable, clean, and appropriate for their intended function.

(c) The facility must furnish each resident, whether an adult or a child, with a clean bed (or cribs for infants) a minimum of 27 inches in width, solidly constructed, and in good repair which has clean and well-constructed bedding.

(d) Each resident shall be supplied with:

1. Sheets;
2. A pillow case;
3. At least one blanket;
4. Towels;
5. Soap;
6. Toilet tissue; and,
7. A toothbrush and toothpaste.

(e) Bed linens, blankets, and towels shall be clean and washable; and sufficient in number for changes when necessary.

(f) All operable windows must be equipped with screens and locks.

(g) Light fixtures must be shaded to prevent glare. All electrical outlets accessible to children must be adequately protected.

(h) Dining areas must be furnished with dining tables and chairs appropriate to the size and function of the facility.

(i) Living rooms, sitting rooms, lounges, and recreation areas must be furnished with tables, chairs, lighting fixtures, and other equipment appropriate to the size and function of the specific area and of the facility.

(j) Heating systems must be maintained in good working order and shall be able to maintain a temperature of at least 65 degrees Fahrenheit when the outside temperature is zero degrees Fahrenheit.

(k) All family shelters shall insure that all painted interior areas are free from chipping, peeling or flaking paint and that all paint used in these areas is lead-free.

**5:15-4.4 Laundry facilities**

If provided, laundry facilities shall be located in a clean, dry, well-lighted area.

**5:15-4.5 Posting areas**

The licensee shall maintain areas suitable for posting required notices, documents, and other written materials in locations visible to, and accessible to, residents, staff, and visitors.

**5:15-4.6 Housekeeping**

(a) All areas of the facility shall be free of vermin, rodents, and trash.

(b) All areas of the facility, including, but not limited to, the floors, walls, windows, doors, ceilings, fixtures, equipment, and furnishings shall be clean and free from strong odors.

(c) Blankets and pillows shall be laundered as often as necessary for cleanliness and freedom from odors.

(d) Adequate, properly maintained supplies and equipment for housekeeping functions shall be provided.

**5:15-4.7 Maintenance**

(a) The licensee of each facility shall ensure the continued maintenance of the facility.

(b) The building and grounds shall be maintained in a clean, orderly condition and in good repair.

(c) All equipment and furnishings shall be maintained in a clean, orderly condition and in good working order.

(d) Walls and ceiling covering shall be free of peeling paint.

(e) Floors and floor coverings shall be free of cracks and missing or raised portions which constitute a safety hazard.

(f) Electrical systems including appliances, cords, and switches shall be maintained in good working order.

(g) Plumbing and plumbing fixtures shall be maintained in good working order.

(h) Ventilation, air conditioning, and air-changing systems, if provided, shall be maintained in good working order.

(i) Windows and screens shall be kept clean and in good repair.

#### 5:15-4.8 Safety procedures

(a) Chain locks, hasps, bars, padlocks, and similar devices must not be used in any communal area in a way that would inhibit access to an exit.

(b) Doors in residents' rooms in Class III facilities must be able to be secured by the resident, provided such doors can be unlocked from the outside and the inside and keys are available to supervisory and security staff at all times.

(c) Residents shall not have access to storage areas used for cleaning agents, bleaches, insecticides, or any other poisonous, dangerous, or flammable material, unless necessary for work they are performing.

(d) Hallways and corridors shall not be used for storage of equipment or trash.

#### 5:15-4.9 Kitchens; sanitation and sanitary procedures

(a) All kitchens or food services and preparation areas shall be well-lighted and ventilated, and provided with essential and proper equipment adequate for the number of residents to be served, for storage, refrigeration, freezing, preparation, and serving of food.

(b) Food service areas must be provided with sufficient and suitable space and equipment to maintain efficient and sanitary operation of all required functions.

#### 5:15-4.10 Space requirements for shelters

(a) Every Class I and III emergency shelter for the homeless shall contain at least 80 square feet of space for each occupant which shall be calculated on the basis of total gross floor area. For the purposes of this subsection children under the age of 36 months shall not be considered occupants.

(b) Every Class II emergency shelter for the homeless shall contain at least 60 square feet of space for each occupant which shall be calculated on the basis of total gross floor area.

(c) Every Class I and III emergency shelter providing food services shall have space for dining and leisure activities.

(d) When not in use, dining space may be used as leisure space.

#### 5:15-4.11 Bath and toilet facilities

(a) There shall be a minimum of one tub or shower for every 20 individual residents and one sink and one toilet for every 20 residents. Urinals may be substituted for no more than one half of the total toilets required. Separate bathrooms shall be provided for male adults and female adults in ratios appropriate to the percentage of male adults and female adults in the facility census.

(b) Facilities shall provide adequate space and equipment, such as bathtubs, portable tubs, and basins, for the bathing and changing of infants and young children.

(c) Facilities shall assure that bathing and toilet facilities are accessible and in working order with hot and cold water 24 hours a day.

(d) Curtains, dividers, partitions, private stalls, or other similar devices shall be utilized to afford residents privacy when using toilets, showers, and tubs. Private areas for changing clothes shall be provided.

(e) Bathrooms shall be cleaned as often as is necessary to maintain sanitary conditions.

(f) Hot water for bathing and washing shall be maintained at a temperature of 120 degrees Fahrenheit.

#### 5:15-4.12 Sleeping rooms; adult shelter facilities

(a) Sleeping rooms for two or more residents shall conform to the following:

1. A minimum of two feet shall be maintained between beds and for aisles;

2. Sleeping rooms shall have no more people sleeping therein than can be adequately provided for;

3. Separate sleeping rooms shall be provided for men and women;

4. If partitions are used to subdivide sleeping areas within the same room, their minimum height shall be sufficient to afford individual privacy, approximately five feet high;

5. Partitions separating sleeping rooms from other rooms shall be ceiling high and smoke tight;