

**CHAPTER 15****EMERGENCY SHELTERS FOR THE HOMELESS****Authority**

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

**Source and Effective Date**

R.2005 d.54, effective January 11, 2005.  
See: 36 N.J.R. 1266(a), 37 N.J.R. 481(b).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 15, Emergency Shelters for the Homeless, expires on July 10, 2010. See: 41 N.J.R. 2754(a).

**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.

Chapter 15, Emergency Shelters for the Homeless, was adopted as new rules by R.1994 d.324, effective July 5, 1994. See: 26 N.J.R. 1421(a), 26 N.J.R. 2779(b). Pursuant to Executive Order No. 66(1978), Chapter 15 expired on July 5, 1999.

Chapter 15, Emergency Shelters for the Homeless, was adopted as new rules by R.1999 d.260, effective August 16, 1999. See: 31 N.J.R. 1407(a), 31 N.J.R. 2333(a).

Chapter 15, Emergency Shelters for the Homeless, was readopted as R.2005 d.54, effective January 11, 2005. See: Source and Effective Date.

**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).