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PUBLIC HEARING

before

ASSEMBLY HOUSING COMMITTEE

Testimony and discussion relative to proposed rules of the
Department of Community Affairs concerning maintenance and
operation standards of emergency shelters for the homeless
(Proposal No. PRN 1988-65; 20 N.J.R. 341)

April 18, 1988
Room 373
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman John V. Kelly, Chairman
Assemblyman Gerald H. Zecker, Vice Chairman
Assemblyman Robert C. Shinn, Jr.
Assemblywoman Stephanie R. Bush

ALSO PRESENT:

John B. Lee
Office of Legislative Services
Aide, Assembly Housing Committee

New Jersey State Library

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State House Annex
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April 6, 1988

NOTICE OF A PUBLIC HEARING

The

ASSEMBLY HOUSING COMMITTEE

will hold a public hearing

Monday, April 18, 1988 at 10:00 a.m.

in Room 373, State House Annex, Trenton

for the purpose of hearing testimony and discussion relative to proposed rules of the Department of Community Affairs concerning maintenance and operation standards of emergency shelters for the homeless. (Proposal No. PRN 1988-65; 20 N.J.R. 341).

Written testimony may be submitted for inclusion in the official transcript of this hearing. Persons who wish to testify or who need further information on the public hearing should contact John B. Lee, aide to the Committee, in Room 317, State House Annex (Tel.: [609]984-0231).

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ASSEMBLYMAN JOHN V. KELLY (Chairman): Good morning. I have a three-page speech here. I am not even going to deliver it, because I know we want to get to this immediately. Do you mind, Debbie? (speaking to Deborah Smarth, Assembly Majority Staff) I know it is a beautiful thought, but I am not going to read it.

As you know, the homeless are a problem, and some of the rules and regulations we may have a problem with. So I am going to start hearing from you people. Monsignor Vincent E. Puma, come on up. You have the floor, Reverend.

M O N S I G N O R V I N C E N T E. P U M A: Fine. Thank you very much, Chairman. I bring with me Sister Kathy Roe (phonetic spelling), who is Director of our Women's Shelter and our Family Shelter. She is behind me, so if you want to ask questions, you may.

My name is Vincent Puma. I have been a priest for 37 years, 20 years of which have been spent in every phase of service to the economically disadvantaged, from being in charge of Puerto Rican migrant farm workers, director of Cuban refugees in the '60s, director of Spanish social work in the Diocese of Paterson, Chairman of the Paterson United Against Drug Addiction, co-founder of the Inca day programs and housing -- we have constructed 300 town houses -- and so forth.

The last six years have been dedicated to the hungry and the homeless as Chairman of Eva's Kitchen and Sheltering Program. I am also a licensed family counselor, and a therapist in drug addiction and alcoholism.

Eva's Kitchen began six years ago this month with 30 hungry street people. It has grown now to providing up to 300 hot meals daily for men, women, and children. The Kitchen also supplies food to seven other kitchens and pantries in the immediate area. Because of this original Kitchen, we saw the need to open four shelters for men, women, and children, and we bed up to 125 people a night, at the present moment.

One segment is called St. John's Rehabilitation Center, which is very unique. It is called a three-quarter way house. We have 45 men in permanent residence there, and 25 waiting to get in -- for rehabilitation from drugs and alcoholism. This winter, in a six-month period, we fed 58,800 people and bedded 18,000 men, women, and children.

Eva's is presently the largest of its kind in the State of New Jersey, with 25 paid employees and 600 volunteers. I am telling you all of this because I come as an endangered species. There aren't too many people left any more who are willing to stick out their necks on behalf of the unfortunate bottom part of our society. It is not popular; it doesn't pay very much; and those in this work are very tired and burnt out, judged by many to be foolish because they give their hearts for a cause such as this.

You men and women, especially your cohorts in this, have to plan ahead in your work. You must realize that if you are shocked by the sight and smell of bodies in the Port Authority and in Penn Station and in the streets of New York, you haven't seen anything yet. We are not talking any longer about the Bowery type male of years ago; we are now in a period of epidemic. Many are still of the Bowery type. But now the numbers have grown geometrically like a cancer in our society. We include women and children who are on the streets who have been evicted, who are victims of the circumstances of our society in these days. AIDS victims and senior citizens, squirreled away in lonely corners, are looking for a place at times, as are younger and younger victims of the social problems of alcoholism and drug addiction.

You and I have climbed socially and financially in the last 30 years tenfold. We have been able to financially and socially get ourselves out of the mire of, maybe, our parents. But we have so greased the barrel of the poor, that they keep falling back in again. They do not have the advantages we had. They didn't go tenfold better in these 30 years.

With the need to pay a month's security, housing is a terrible problem. A month's security, a month's advance rent, and today we have a new thing. Real estate people call it a "finder's fee." You could pay another \$300 for someone to find a place for you. So you're talking about quite a bit of money for people to get out of the mire at the bottom of the barrel. You can imagine, I'm sure, the heartbreak of people trying to survive at this lowest level.

Then there is a migration -- a migration of the poor forced out of towns like Hoboken, like West New York, where a park bench is becoming and looking like a town house to them. They have priced a square foot so high, that the homeless are migrating to New York City, where 26,000 people a night are sleeping, or to Passaic County, where housing is still run-down, but very inviting.

I visited a shelter in New York a few years ago. I was shocked, because we didn't have our own shelters then, although we had a kitchen. There was a black fellow there, and he waved to me. I said, "Clarence, what are you doing here in New York?" He said, "Oh, I eat in Paterson, but I sleep in New York." So, they migrate quite easily. They find the best spot.

Obviously the subject today is proposed shelter regulations. I must assume that along the way some harsh abuses have promoted your intense interest, but you must understand the shock and the anger we suffered upon receiving seven pages, and 210 rules, which regulate every phase of sheltering down to the language of the cook, but not including the color of the toilet paper. It is a very thorough set of rules, obviously. Our anger is understandable, since we have all suffered from insults on a local level. Yes, from mayors, city managers, fire inspectors, redneck people, and prejudice in general. One politician told me to "bus them to Clifton, and spread them," because there were enough in the Paterson area, and in the Passaic area.

Yes, there is also a fear, because these regulations make a point of placing the future of shelters under the control of city officials. Ladies and gentlemen, we need your help, and we beg for it, but not with more rules and regulations. Rather, as brothers and sisters who appreciate our mutual roles and how we can assist each other. Your capacity and ours together can make it a better world.

With the present regulations, you will be able to successfully shut down every shelter in the State of New Jersey, or limit the number of clients so dramatically that many more hungry and homeless will be on the streets. Many of us will face fines, or even jail again, with municipal authorities. Do we need now to have the State playing the same role that we have already suffered through?

I have already said too much, but before closing I have a few thoughts I would like to summarize as suggestions. I ask you first to please place a moratorium on these proposed rules and regulations for at least one year. Otherwise, you will be legally shutting down the only resources that the hungry and the homeless have in New Jersey. There are enough local ordinances to presently handle any abuses you have found.

Secondly, we need one person to talk to, not a group of officials from the State, many of whom, naturally, have never even seen a shelter at night. Appoint an ombudsman for the destitute, one who would represent you, as well as the money and resources available. It is time for the offices of the State to have a hands-on person making the rounds in your name, to encourage and stroke those who have been doing the work of government for the most destitute of the State these past five years.

Thirdly, please stop the insane practice of finding money that is left over or trickles down from some other source in the middle of winter, to help the homeless, which then arrives in the middle of summer. We have been waiting two

years -- two winters in Paterson -- for \$8500 for emergency food for the hungry people. It arrived last Friday, as I was writing some of these notes.

Last January, on the coldest day of the year, we were called to Trenton and given 10 days to apply for money. We ran around like chickens for 10 days to submit complex proposals, and we have not yet received, in Paterson, one cent. New proposals have arrived called "Transitional Housing" -- for transitional housing. They allow you 30 days to comply with a total of 27 complex regulations, with a total of 96 segments, such as letters from mayors, town councilmen, local boards, as well as a letter from the Historical Society, before we can home one family. Do we do the same for the average home renter? Do we make them go through all of this? Then why are all these rules on our backs?

What they are really saying is, "Hey, boy, if you want it, you better run for it." Really, we're very, very tired of this kind of a process.

Fourthly, we are in a crisis. Please stop the legal confusion and frustration. Men and women of good will, representing themselves here today, will all be dead before anything can be done with the rules we are working with. Please find a group -- any group like the United Way, for instance -- and allocate money, authority, and resources to them. Let them be your local representative working with the ombudsman. They know the community. They know our track records in the community, and can be trusted. They can move faster and more efficiently than any other group we know of. There are too many mayors, city managers, and redneck people who are offended by the sight of the hungry and the homeless to have these regulations that you have created in good faith used by them to further insult the integrity and dignity of the poor, as well as the shelter operators and thousands of volunteers in this State.

In essence, you will be saying, by these regulations, "There is no room for you in the inn, nor in our hearts." Or also we might be saying, "It is illegal, without a license, to be hungry, homeless, and miserable." There is an old adage which says that a person who gives hope, gives life. I pray and I beg you to restore hope and a sense of confidence to us who are in the field, and give life a chance. There are people out there who need your warmth, your compassion, your consideration.

I thank you very much for allowing me these moments in your presence. Thank you, sir.

ASSEMBLYMAN KELLY: Thank you, Monsignor. I would like to ask you one question.

MONSIGNOR PUMA: Yes, sir?

ASSEMBLYMAN KELLY: The average stay of the homeless-- What is it, one day, two days, three days, a week, 10 days?

MONSIGNOR PUMA: Twenty-two days.

ASSEMBLYMAN KELLY: Twenty-two days, okay. Thank you.

MONSIGNOR PUMA: I'm talking about single men now. Families are quite different. They are a little longer. We have families, as well as single people.

ASSEMBLYMAN KELLY: What is the average stay of a family?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Sometimes up to three months.

MONSIGNOR PUMA: Three months, four months, and it is very expensive, because you have 24-hour service. You have three shifts of supervisors. You have to have chefs. It is very, very expensive work. We are carrying it with volunteers, for the most part. It costs us \$100 a day to house a family, believe it or not, considering three shifts, the food involved, all the factors involved with safety. It's expensive. We do not charge that, obviously, but we have to carry that kind of a burden. It is very expensive.

ASSEMBLYMAN KELLY: Thank you very much for your time.

We will now hear from Mr. Connolly, Director, Division of Housing and Development, New Jersey Department of Community Affairs. Come on up, sir. You have the floor. ~~is an~~
~~W I L L I A M M. C O N N O L L Y~~ The floor and the hot seat, I think.

ASSEMBLYMAN KELLY: Yes, you've got the hot seat.

MR. CONNOLLY: Thank you for giving us an opportunity to be here this morning. I don't live in a cave, so I've read the press releases and the newspaper articles and the letters that have brought us here today. I just want to say one thing at the outset: Does anyone really believe that we are getting ready to shut down shelters, or that we care to? We are dismayed at suggestions that that is what we would do.

Commissioner Coleman has been the State government's most ardent advocate of increased funding for programs to meet the needs of the homeless. He was the first one to champion, within the State government, a comprehensive approach, and we may see final legislative action on that comprehensive approach later today. We are certainly heartened by that.

We have increased our housing programs many-fold to try to meet the underlying causes of homelessness. We have instituted Project Self-Sufficiency, that Commissioner Coleman has spoken of here a number of times. We took steps four years ago to make sure that local building inspectors wouldn't misuse or misapply our building codes in order to discourage or harass the operators of shelters. We conceived, and we have run the award-winning Homelessness Prevention Program, which is the most cost-effective way to deal with the problem of homelessness. It helped to prevent more than 10,000 families from becoming homeless in the last three years.

We have provided, over the last three years, \$2 million in direct assistance to shelters, in order to enable them to improve conditions or expand shelters. In the coming

fiscal year, we will provide another \$2 million for that purpose.

We understand the problems, and we support the often heroic efforts of the nonprofit shelter providers to deal with this problem. We are not the kind of people who would "force us to close some of our shelters and drastically curtail the activities of others." We understand the fears and the resentments which might cause such a reaction, but we cannot allow such understanding to lead us to forget that the homeless, too, have some rights.

There should be no homeless in the United States of America, but while there are, they should be able to find shelter with dignity. No person or family should ever have to conclude that it is better to sleep upon a grate in the street than in a shelter, because a grate is a safer place to be, or a more decent place to be.

The law we are about to implement at this point in time, Chapter 48 of the Laws of 1985, recognizes these kinds of responsibilities. It hasn't been an easy law to implement. In preparing the rules to implement that law, we have been guided by two basic principles:

- 1) That existing shelters should not be forced to close or reduce capacity until adequate, decent space is available sufficient to meet the need, and

- 2) That the State would have to provide funding sufficient for providers of shelter to begin the process of meeting the necessary minimum standards.

The standards themselves were first proposed on February 16. We had previously shared them with the Department of Human Services and the Department of Health, as the law requires, and the proposed standards reflect their comments. We also shared them with the Public Advocate. We received quite a number of comments on the proposed standards, and revisions have been made. We are seeking to set up meetings

with all of the groups or individuals who have filed comments. The first such meeting is scheduled for April 20, with representatives of the Catholic Conference, Catholic Charities of Middlesex County, and Catholic Community Services of Essex County.

The proposed standards cover a number of things: The rights of residents, how much space, what sort of staffing, fire safety, maintenance, and coordination of shelter operations with social service agencies. The standards make distinctions amongst three kinds of shelters. They do not establish the same sort of requirements for every shelter. The three kinds being: Overnight only shelters that serve single individuals; 24-hour-a-day shelters that serve single individuals; and family shelters.

Based on the comments we received, I would like to share with you what we believe the key areas of concern are. Number one is the cost of staffing. The proposed requirements do establish some staffing requirements. Staffing is important to the decent operation of a shelter. If it is going to be safe, if it is going to be decent, there has to be an appropriate number of staffers present. I don't think anyone would question that. We made it clear in the regulations that volunteers do count, so people didn't think they had to go out and hire paid staff to meet these requirements.

We also did a little bit of research. We discovered that the total amount of staff serving in shelters today corresponds with the staffing requirements we have set forth in the regulations. That does not mean that each individual shelter can meet those standards, but it does mean they are in the ball park. We didn't have individual staffing information available to us, but we did have aggregate numbers. And aggregate statewide, the standards do not require additional staff, although this, as I say, could differ from place to place.

Second is the cost of space. Again, space is important. Obviously there is a minimum amount of space below which conditions are unacceptable. The regulations propose 50 square feet per person in overnight shelters. Based on the comments we received thus far, we are considering reducing that to 40 square feet per person. Let me just put that in a little better perspective: Forty square feet per person is not a lot of space. It is a bed, with three feet between beds, and a four-foot aisle down the room -- down the middle of the room -- the entire building filled in that way. By way of comparison, the armed services require, in a recruit barracks, 70 square feet per person. It is the lowest minimum I have ever seen in any form of regulations. Housing codes typically require 100 square feet.

Some of the statements I am sure you have seen that they would require the reduction of a given shelter from 40 occupants to six occupants-- That is an exaggeration. Someone just lost his slide rule or something, because that is utterly impossible. If you take our standards at 40 square feet per person, plus 12 square feet for dining and recreation space, and work those numbers backwards, you will find out that this shelter that allegedly is going to have to cut down to six, must currently be providing seven and three-quarter square feet per person. Obviously, there is no shelter that is providing seven and three-quarter square feet per person. You could not lie down without lying upon one another in seven and three-quarter square feet per person. There is a little bit of exaggeration, but all of the concern is something that concerns us, too.

What is an appropriate minimum square footage? That is one of the things we hope to find out when we meet with all of the people who filed comments. While we suggested a number, no one else suggested a number. I'm sure they have some opinions, and we need to elicit those in order to arrive at a final determination.

There was real fear of local enforcement of these rules. This is an area in which perhaps the greatest misunderstanding has occurred. One of the primary intents of this law was to eliminate that problem. These standards are completely preemptive. They make it impossible for local officials to use or misuse any form of code or regulation at the local level to harass, or to create trouble for a shelter operator, since these standards will be uniform across the State.

Second, and most important, if a municipality takes up the option it has to enforce these rules -- and it is just an option-- They have to take an affirmative step in order to be able to enforce them; otherwise, they will be enforced directly from the State. Any action taken by a municipality against a shelter will be appealable to the State government, which should provide a very substantial protection from the kinds of fears many shelter operators have. In fact, it is going to be a major improvement in the current state of affairs, not a step backwards in the current state of affairs.

I want to emphasize one thing about the standards. We didn't make them out of whole cloth. They are, in fact, based on standards currently being used in the City of New York. Those standards are always out of extensive litigation in New York. In New York there have been two kinds of lawsuits regarding the homeless: One over the obligation of government to provide shelter, and the second kind over the standards that that shelter shall meet once it has been provided. We have only had the first kind of litigation in New Jersey. There has been extensive litigation over the right to shelter. There has been no litigation over the standards that shelters should meet once they are provided. The reason for that is, in fact, this law. A number of the people who would bring such litigation have, in fact, told me that they are awaiting the outcome of these standards, because these standards represent a more

reasonable approach to settling what minimum standards there should be in shelters, than extensive litigation. But our standards are, in fact, based on the outcome of that litigation in New York and those court settlements. So they do have some sort of judicial-- They have had at least some sort of judicial review.

Let me now just say a few words about our plans to implement these standards. As disclosed in the proposed rules, they provide that a waiver of the rules will be granted whenever there is an unmet need for shelter in the area. This is a most unusual provision in a licensing regulation. There is no requirement to obtain a waiver, other than that there is an unmet need for shelter in the area. I don't know how we could have been any clearer about our intent, which is not to close down shelters.

I want to add that we have received supportive comments. The Public Advocate has indicated support for many of the health and safety standards that are in the proposed rules, especially those which require a minimum level of service to the homeless. The Public Advocate also suggested, in his comments, that we have an obligation to provide funds that will help to meet these standards. We accept that obligation. The Department of Community Affairs and the Department of Human Services have the funds to assist shelter operators to meet these standards.

The law we are implementing is a wise one. It won't be necessary to litigate shelter conditions in New Jersey, because the Executive Branch and the Legislative Branch have faced up to the issue. We will, after these standards are implemented, have a standard process by which we can be sure that shelter is available and that shelter is funded where the need is greatest. We will have a uniform and preemptive standard which will prevent the harassment of shelter operators by any level of government.

I am sure that everyone on this Committee knows that shelters are not the answer to homelessness. The Department of Community Affairs has made great strides in beginning to attack the root causes of homelessness in New Jersey. Governor Kean has recommended greater State expenditures on housing in his Fiscal Year 1988-89 budget than were committed by all of his predecessors in all of their terms combined. We are mounting a very real attack on the underlying causes of poverty and welfare dependency. While we still need shelters, we all need to make a firm and unyielding commitment to provide shelter with decency and with dignity.

Thank you.

ASSEMBLYMAN KELLY: Are there any questions? Mr. Zecker?

ASSEMBLYMAN ZECKER: No.

ASSEMBLYMAN KELLY: Ms. Bush?

ASSEMBLYWOMAN BUSH: No.

ASSEMBLYMAN KELLY: I have some questions. When you were proposing this legislation, did anyone discuss this with the suppliers of these shelters for the homeless?

MR. CONNOLLY: We did, in fact, have some meetings with people who provide shelter, yes.

ASSEMBLYMAN KELLY: We did? With whom? I am just curious.

MR. CONNOLLY: I can't name them off the top of my head, but with four or five different providers.

ASSEMBLYMAN KELLY: Do you agree that if we had to enforce these space requirements, we would decrease the number of beds available?

MR. CONNOLLY: If we enforced them rigidly, absolutely, but the rules suggest that we will not do so.

ASSEMBLYMAN KELLY: Yeah, but I don't like rules that say you may or may not enforce them. You have a rule that you can enforce, though. Is that true?

MR. CONNOLLY: Given that there is a law that says there should be a set of standards, we have no choice but to have a set of standards. We can't have standards that are no standards. We have done the best we can to blend the fact that we need to have standards --- because the law says we need to have them -- but, as I say, I think it is a wise law, with the availability of funding to make sure that where there is any deficiency, it can be corrected.

ASSEMBLYMAN KELLY: Okay, that's enough. Thank you. No questions from anyone else? (no response) Thank you again.

Who's next? We have one group here, which I think is going to speak-- We have Regina Purcell, Sister Florence, Thomas Catlaw. Do you all want to come up here at one time?

R E G I N A M. P U R C E L L: I think we will come up one after another, if that is okay.

ASSEMBLYMAN KELLY: All right. We don't want anyone to be repetitive, though. We are not going to repeat things, are we?

MS. PURCELL: No, as a matter of fact we purposely did not do that.

Good morning, Mr. Chairman and members of the Committee. My name is Regina Purcell. I am Associate Director of the New Jersey Catholic Conference. I have filed written comments with this Committee, and I understand you already have copies of the comments we sent to the Department of Community Affairs. The others you mentioned, Mr. Chairman, will be discussing the specific negative impact of the regulations on the homeless. They are all shelter operators. I will be discussing the more general concerns we have with the regulations.

The New Jersey Catholic Conference is vitally interested in the regulations, because 46% of the shelter beds in our State are provided through the auspices of the Catholic Church. We do support the need to ensure the health, safety,

and welfare of shelter residents. Nevertheless, we oppose the regulations in their present form, and believe revisions must be made in several areas, including staffing and space requirements. It is our contention that the regulations are so stringent and pose such excessive burdens on the shelter operators, that many will be forced to shut their doors.

It is indeed an irony when we look at why the regulations were written in the first place. As was mentioned, a law was passed in 1985 directing the Department to establish standards for the operation and maintenance of the shelters. We submit, though, that the regulations, as written, are contrary to the legislative intent. In March, 1983, this Committee heard testimony from nonprofit organizations about the difficulty they were having in getting licenses for shelters at the local level. Many localities were inappropriately imposing on them, standards set for the operation of hotels and motels. This was done in an obvious attempt to prevent shelters from opening, at a time when increasing numbers of homeless were on our streets.

The Committee saw the need not only for more shelters, but a need to alleviate the excessive burdens placed on shelters by local government, by creating a centralized licensing system and uniform standards. The standards the Department has arrived at, though, do not meet that intent. How did we end up with such strict prohibitive regulations that have the opposite effect of the legislation; that is, forcing the closure of shelters, rather than encouraging their creation?

We asked that question of the Department of Community Affairs, and Bill Connolly has answered that this morning. We are especially interested in that answer, since our shelter operators had no input into the regulations. As Mr. Connolly mentioned, the regulations are based on those governing shelters in the State of New York. There are, however, several marked differences between our two states that have not been

taken into consideration. First and foremost is the fact that New York shelters receive 100% of the funding needed to comply with the regulations. As a matter of fact, procedures for receiving the money are actually written into the regulations themselves. There is no such funding mechanism in our State.

Regulations in New York were written prior to the opening of most of the shelters, so they were able to plan accordingly. Our shelters, many of which have been in existence for several years, are located in buildings that make it structurally impossible to comply with the regulations, even if enough money were available for renovations, which it is not.

So, not only did the Department write regulations without an assurance of adequate and continual funding, but they are more stringent, in many cases, than those of New York. For example, meals are not required in the shelters in New York. If a shelter does not have kitchen facilities, then shelter residents are given restaurant allowances. Adult shelters allow for permanent waivers of substantial sections of the regulations for desirable or necessary reasons. Our shelters would be allowed a waiver for 45 days only, and still must prove that they would come into compliance eventually with the regulations. Shelters in New York with under 20 beds, or 10 families, are exempt from the regulations altogether.

ASSEMBLYMAN KELLY: May I hold you for one minute?

MS. PURCELL: Yes.

ASSEMBLYMAN KELLY: Mr. Connolly, you were shaking your head.

MR. CONNOLLY (speaking from audience): That is not correct.

ASSEMBLYMAN KELLY: What do you mean?

MR. CONNOLLY: There is a provision in the rules that says you can obtain a waiver simply by having asked for it, without any plan whatever, for a period of 45 days, but that within the 45 days, there has to be some discussion about what

sort of funding is going to be necessary to bring it up to the standard.

MS. PURCELL: And how they will come into compliance with the standard.

ASSEMBLYMAN KELLY: In other words--as in our State.

MR. CONNOLLY: Not within 45 days.

MS. PURCELL: Right, but they must prove that they will eventually come into compliance with the regulations.

MR. CONNOLLY: That isn't what it says.

ASSEMBLYMAN KELLY: Well, okay, continue.

MR. CONNOLLY: They do have to come into compliance; they don't have to prove it. The relationship has to be understood. We are not judge and jury. We are here to help. That is what has been missed.

ASSEMBLYMAN KELLY: Okay, continue.

MS. PURCELL: I think just to comment on that, and to point out-- I understand the Department of Community Affairs' intent is not to close shelters. We have been told that from the beginning. However, what we read in the shelters tells us the opposite. So, we are getting conflicting messages from them.

One more point regarding the difference between New York and New Jersey shelter systems, is that the cities in New York have assumed their obligation to the homeless by opening and operating their own shelters. We cannot say the same, unfortunately, for our cities in New Jersey. I am not suggesting that we issue regulations identical to those in New York. Rather, we must look at the particular needs in New Jersey, and arrive at a set of regulations that serve the needs of the homeless, without inhibiting the nonprofit organizations which run and operate shelters in New Jersey from providing those needs. Of paramount importance is the availability of a sufficient and stable source of funding and technical assistance. When you received the recommendations of the Task

Force on the Homeless in 1983, Governor Kean stated: "I believe that with these steps" -- that is, the recommendations the Task Force made -- "our State and our society can move toward the goals outlined by the Task Force, namely all persons, regardless of fault, are entitled to the basic human needs of shelter and food, and it is the obligation of government to ensure that these needs are met."

We call upon the Department of Community Affairs to assume its obligation to the homeless, by delaying adoption of the regulations until a solution is reached with the input of the shelter licensees, and until ongoing funding sources and technical assistance are publicly and permanently assured.

Thank you, Mr. Chairman.

ASSEMBLYMAN KELLY: Thank you. Any questions? Mr. Shinn?

ASSEMBLYMAN SHINN: I guess I have just a little concern about the phasing in of the regulations. I think that is what everyone's concern is.

MS. PURCELL: Right.

ASSEMBLYMAN SHINN: Is 45 days enough time, under a waiver, to get a finance compliance response to the Department? I can see where that may take more time. Then, after you put your compliance document in, what is the perceived time frame beyond the submission of that document to implementation? I think that is where everyone is, how quick, or how long-- What kind of time frame do you have overall, to come into compliance with the regs? I guess the phasing of the whole process is my concern.

ASSEMBLYMAN KELLY: Well, I don't want to see regulations that phase out these nonprofit organizations. I think they are doing an excellent job. Maybe they need some assistance, but we don't want to phase them out.

ASSEMBLYMAN SHINN: Absolutely not.

MS. PURCELL: Thank you.

ASSEMBLYMAN SHINN: May I get an answer from Mr. Connolly on what he perceives--

ASSEMBLYMAN KELLY: Get an answer.

ASSEMBLYMAN SHINN: Let's say I assume there are very few shelters that can comply with the regs as they now exist.

MR. CONNOLLY (speaking from audience): I have some problems with that.

ASSEMBLYMAN SHINN: It means we have everyone coming into some sort of waiver for compliance in this 45-day scenario. Once they request a waiver -- and I assume that is going to be easy to get -- then they have 45 days to provide a financial plan on how they are going to come into compliance. Once they give you that, then what reaction do you have? First you are inundated with all of these plans. Are you geared to handle reviewing the plans, and then where do you go from the receipt of the plan for implementation -- to implementation? I think it might save some testimony, if we had that.

MR. CONNOLLY: That is going to give us, for the very first time, some concrete information on how much money is needed from the State government to make this system work, which is something we don't have now. It is all speculation. It is very easy for people to say we will provide additional funding, because no one knows exactly how much is needed.

When we have gone through the first round of visiting the shelters, and identifying the needs, it is going to be there in a way that I bet no one can argue with. This is how much money is necessary. There is no question in our minds that there needs to be a reliable source of this kind of funding, particularly for operations from year to year, and we are going to know what that is. It is going to be very difficult for anyone to look the other way. That is one of the values we see in the process, because some people do look the other way.

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ASSEMBLYMAN SHINN: I guess, just as a follow-up, whatever we have to do to dispel the perception that we are going to put people in the street, where there are facilities to house them---I guess that is what we are all concerned with.

MR. CONNOLLY: That is why we plan to meet with everybody who files a copy.

ASSEMBLYMAN KELLY: That is what we are not going to let happen.

MR. CONNOLLY: Yes.

ASSEMBLYWOMAN BUSH: Mr. Chairman, if I may, a question of Mr. Connolly.

ASSEMBLYMAN KELLY: Go right ahead.

ASSEMBLYWOMAN BUSH: Are you saying then that the Department of Community Affairs is going to guarantee all of these nonprofit organizations the money they need to come into compliance with these new rules? That is what I thought I heard you say earlier.

MR. CONNOLLY: I am not the Legislature. Because we do not have that kind of direct funding in New Jersey, that is why the waiver procedure is there. What we are guaranteeing is that if the funding is needed and it cannot be provided, we are not going to shut them down. Whether we are going to guarantee funding, I'm afraid is a question for you folks.

ASSEMBLYWOMAN BUSH: So you're not guaranteeing funding, but you are guaranteeing unlimited waivers?

MR. CONNOLLY: We do have a substantial amount of funds. Two million dollars for improvements in shelters, plus a significant increase in the CEAS funding in the Department of Human Services budget. That provides substantial opportunity to provide funding. Whether it is enough is one of those questions nobody knows, until we go through the process.

ASSEMBLYWOMAN BUSH: How long can the waivers continue?

MR. CONNOLLY: By the terms of the rules, they are indefinite if funding cannot be provided. That shouldn't

happen, but since we don't print money, that is the only thing we can do.

ASSEMBLYWOMAN BUSH: It seems like a gigantic loophole. to house ASSEMBLYMAN KELLY: Can you give money to a Catholic organization, or to any church? (inaudible affirmative response; Mr. Connolly not speaking into microphone) You can? Good, I'm glad to hear that.

MR. CONNOLLY: They are all structured in such a way that the church/state issue has been resolved.

ASSEMBLYMAN KELLY: Well, Sister, I don't want to-- They're holding us up. You're next.

SISTER FLORENCE EDWARD KEARNEY: Thank you. My name is Sister Florence Edward Kearney, and I am the Executive Director of Catholic Charities, Diocese of Metuchen. I appreciate the opportunity to come before you to address the proposed new rules for emergency shelters for the homeless, and some grave concerns I have regarding these proposals.

It is clear that the fundamental purpose of these regulations is to improve the circumstances that the homeless find themselves in. This is commendable in intent. Even so, I am compelled to respond to these proposed rules and regulations.

First of all, it saddens me that what have been considered temporary emergency shelters are now being institutionalized and, therefore, must be regulated. In a State that has the second highest per capita income in the country, the fact of 25,000 to 30,000 homeless is a sad commentary.

I am concerned that no level or department of government in the State of New Jersey is responsible for the full operational funding of homeless shelters. Consequently, the few available shelters are inadequately supported, poorly staffed, underserviced, and fortunate each year not to close because of inadequate funding.

To impose on these fragile homeless shelters an array of physical, staffing, and service requirements will not benefit the homeless. It will only cause the closing of shelters. ~~As At~~ present, there ~~are~~ only 1300 beds for approximately 25,000 to 30,000 homeless in our State. Presently, shelters are meeting 5%, or less, of the need. This is a grave concern.

The staffing pattern of the shelters managed by Catholic Charities consists of a shelter coordinator, caseworkers, mental health clinician, nurses, a secretary, and a van driver who are available from eight a.m. to nine p.m. One responsible person is "on call" during other hours.

Everyday from nine p.m. to eight a.m. and all day on weekends, two staff members are present. These employees assist and supervise the residents, resolve problem situations, do off-hour admissions, maintain order, and attend to medical/psychiatric emergencies. Two staff have been found to be an adequate number for this. The regulation requires a larger staffing pattern. I question what four employees would be doing, especially overnight. Why are four staff necessary, when one is permitted to sleep? Is the shelter income, already stretched, to pay for someone to sleep?

The cost increase to hire two additional persons for two shifts seven nights a week would be approximately \$115,000 per annum. Where do these resources come from? Is the State, which is mandating the regulations, going to pay for their implementation?

An additional cost of approximately \$7000 would be the requirement to do an intake within 24 hours. Our experience has been to accept persons in the shelter on holidays, weekends, or during the night conditionally, with the proviso that a comprehensive screening occurs on the next working day. The resident understands this.

The services establishing linkage and arranging services with other agencies are most appropriate. A sophisticated, knowledgeable, skilled worker would be needed for this position at a cost of \$16,000, or more, in today's market.

The economic impact of this increased staffing is so significant, that shelters would not be able to bear these additional operating expenses. The 5% of the homeless who are currently being assisted would be reduced as shelters close.

Another area of grave concern is the space requirements. These are a challenge that Catholic Charities cannot meet. Neither of our shelters has a dining room or a leisure area. To comply with space in the family shelter, a total of 1684 square feet is needed. Our multi-purpose room is only 1000 square feet. How does the shelter comply? Reducing the census by 30 only makes these people homeless again. Is an appropriate size leisure room worth that cost? Even reducing the requirement to 40 square feet does not resolve this situation.

The men's shelter is even more drastic; 960 square feet are required, but only one room, 323 square feet, is available. Even the new facility planned for Camp Kilmer cannot comply. The space requirements for sleeping areas also have a major impact for the two existing shelters, and even the future family shelter site. In the men's shelter, where 40 men sleep in 20 bunk beds, only seven bunk beds would be in compliance according to the proposed regulations. What happens to the remaining 26 men?

The same situation exists in the family shelter. Bunk beds now accommodate 24 persons in three dormitories. Each dormitory, according to the new regulations, would house 14. Where do the remaining 30 people go, back to the streets or their cars?

These space requirements are too restrictive. Even if capital construction was possible, the \$800,000 set aside by the Department of Community Affairs would be quite inadequate. Once again, the purpose of the rules and regulations is commendable. The practicality leaves much to be desired.

ASSEMBLYMAN KELLY: Thank you. Are there any questions? Mr. Shinn?

ASSEMBLYMAN SHINN: No.

ASSEMBLYMAN KELLY: Assemblywoman Bush?

ASSEMBLYWOMAN BUSH: No questions.

ASSEMBLYMAN KELLY: Assemblyman Zecker?

ASSEMBLYMAN ZECKER: No.

ASSEMBLYMAN KELLY: Thank you, Sister. Who's next?

W I L L I A M B. W A T S O N: William Watson.

ASSEMBLYMAN KELLY: William Watson, okay.

MR. WATSON: Mr. Chairman, I am William B. Watson, Associate Executive Director of Catholic Community Services, Archdiocese of Newark.

In Essex County, our agency operates a shelter for men with a capacity of 70 beds, and a shelter for women and children with a capacity of 60 beds. This is approximately 65% of all the available shelter beds in Essex County. If the space requirements of these rules were implemented, we would have to eliminate a total of 45 of these 130 beds. We would also lose approximately \$200,000 in operating revenue -- this is important -- since governmental reimbursement is on a per bed, per diem basis. Additional capital funding would also be necessary, and it is doubtful if the facilities could handle it structurally.

If the rules regarding staffing requirements were implemented in these two shelters, there would be increased annual staffing costs of \$320,000. We have no confidence that the government will pick up these increased costs on an annual basis, over a short-term or long-term period of time. As a

matter of fact, as an example, of the 70 beds existing in the men's shelter presently, only 26 of these beds are funded by CEAS funding, which was mentioned before. The other beds are picked up by the Archdiocese of Newark and United Way. We receive absolutely no funding from the Department of Community Affairs.

Again, we feel that the implementation of these rules will severely reduce, or potentially close these shelters. Mr. Chairman, these are not public relation figures; these are figures done by our accounting department, under the supervision of our controller.

We are not here, Mr. Chairman, to advocate our agency. We are here to advocate the needs of the homeless in the greater Newark area. These rules in no way will encourage the expansion of much needed services, but will, instead, set the present minimum standards in concrete.

As indicated in our written statement, we believe that when the State mandates costly life, safety, and staffing standards, however good the intention, they should pay for them. This has not been-- I am not critical of it, but this has not been the history of funding of private agencies. Private agencies do not have a wide enough fiscal base to do this. In 25 years as a social worker in Newark, I have seen standards far from encouraging the development of new services, but I have seen standards prohibit the development of new services, because it is always the private agencies that are on the cutting edge of meeting community needs, and the private agencies simply do not have developmental money to meet these new needs.

We were the first ones there with the homeless, and increased costs will simply reduce our effort. I have seen this phenomenon, by the way, in child-care homes and in day-care centers. It is true in group homes for the deinstitutionalized mentally ill, and it is true in various

other residential programs operated by private social service agencies. I'm saying, meeting the needs of those targeted groups, in fact, has been reduced because of the proliferation of standards over the last 10 years. Now we ask, Mr. Chairman, that the Assembly Housing Committee sensitize themselves to the plight of private, nonprofit agencies, as the laws and regulations increase their costs. We believe the laws should differ. I am talking specifically about the Boarding House Act that was first passed after the fires in Asbury Park. The law makes no distinction between commercially operated, profit-making boarding homes and philanthropic social service agencies, which cannot pass on the costs to consumers.

Our mission at Catholic Community Services, as it has been for over 85 years of existence-- As a matter of fact, we were incorporated by the New Jersey State Legislature in 1903. Our mission is to carry out our corporal works of mercy, particularly to shelter the homeless. Those four words were said 2000 years ago. We ask your support in this effort. We ask your cognizance in a very precise way of how these regulations would hinder or destroy this effort. It has been said that if the State met all costs, and there was a 45-day waiver, there would be no problems. I say to you, that I have been trying to open up another women and children shelter for one year. We run our St. Rocco's Women and Children Shelter with 60 beds. We wanted to increase it to 120 beds. For one year, I have been trying to get funding, first through local government, then through State government, to open up this facility, and we haven't even gotten to first base on it yet.

So, my experience-- I want to make certain that I am not critical of the fine men who work for our State. I am critical, after 25 years experience, of rules that start regulating social delivery systems, that contradict the very purpose they were set up to provide. I oppose the 45-day

waiver, Mr. Chairman. I, on behalf of our agency, request that these rules be postponed until the Department of Community Affairs does a very precise study of their impact socially and economically over the next 10 years.

Thank you, sir.

ASSEMBLYMAN KELLY: Thank you. Any questions?
Assemblywoman Bush?

ASSEMBLYWOMAN BUSH: None at this time.

ASSEMBLYMAN KELLY: Mr. Shinn?

ASSEMBLYMAN SHINN: No.

ASSEMBLYMAN KELLY: Mr. Zecker?

ASSEMBLYMAN ZECKER: No.

ASSEMBLYMAN KELLY: Thank you.

MR. WATSON: Thank you.

ASSEMBLYMAN KELLY: Now, who's next? Felipe Chavana?

T H O M A S C A T L A W: Excuse me, I'm Tom Catlaw. I'm still here.

ASSEMBLYMAN KELLY: Oh, I'm sorry; I apologize. I thought Mr. Watson was taking your place.

MR. CATLAW: He always cuts in front of me.

ASSEMBLYMAN KELLY: Okay.

MR. CATLAW: First of all, thank you for the opportunity to address you this morning with regard to the proposed regulations on the shelters.

My name is Tom Catlaw, from Catholic Community Services in Hudson County. We presently operate St. Lucy's Homeless Program in Jersey City, which consists of a shelter for single men and women -- 125 people a night -- the Francisca Residence for Women and Children, and a counseling and outreach program for families and individuals.

First of all, I want to applaud the intent of these regulations; regulations to see that homeless individuals are not subjected to facilities that could cause danger to their well-being. However, I believe we must look at the extent to

which these regulations go, and also to the long-range impact, both economically and socially of these regulations.

The majority of shelters that are operated in the State of New Jersey are operated by church and nonprofit groups as an emergency response to the crises of individuals who do not have housing available to them. I believe we must keep this in mind: It is an emergency response. I would not want to see large sums of money going into temporary facilities that were never intended for this use, to either institutionalize the homeless, or to divert resources away from the core problems of the homeless.

I doubt the existence of homeless people, unfortunately, will ever completely vanish. There is a need -- a definite need -- for government to develop permanent temporary -- it sounds like a contradiction, but I'll say permanent temporary living facilities to assist these individuals in the future. However, I do not believe the majority of shelters that are in existence today see their role as permanent. Ours is a crisis response to human suffering. Our program in Jersey City opened in December of 1986, as an immediate response to the serious problem of homelessness in Jersey City. The Archbishop of Newark, Theodore McCarrick, instructed our agency to respond to the need for temporary shelter, and gave us the former St. Lucy school building in Jersey City.

With the tremendous support and sponsorship of the City of Jersey City, within a month we were able to open a shelter for the winter of '86 that averaged over 170 people a night. That is a very important part in operating a shelter. There has to be a joint relationship of the nonprofit and the municipality, or the State government. In this area, we were very fortunate to have a response from the City of Jersey City. Otherwise, we would not be in existence.

We are a nonprofit agency. We can only carry part of the responsibility. No nonprofit agency can carry out the mandates of the State or city government or, for that matter, the Federal government. Simply, the impact of these regulations, depending on the debate on our St. Lucy's program, could be anywhere from reducing our shelter occupancy from 120 to 40 people, or to increase the operational budget from \$100,000 to \$200,000, in addition to capital improvement cost estimates anywhere from \$25,000 to \$250,000, with all the city -- local compliances, as well as those interested in this particular document.

But, more important than the financial end of it, I believe that the limited funding available will always be available. We should be concentrating on providing these shelters that presently operate with the funds to be able to continue to provide the services for which they were started, and concentrating and directing our efforts toward the long-range problem of housing unavailability to the growing population in New Jersey, and not institutionalizing the shelter system, which addresses only the symptoms of our problems.

Thank you, Mr. Chairman.

ASSEMBLYMAN KELLY: Thank you. Any questions?
Assemblywoman Bush?

ASSEMBLYWOMAN BUSH: No.

ASSEMBLYMAN KELLY: Mr. Shinn?

ASSEMBLYMAN SHINN: No.

ASSEMBLYMAN KELLY: Mr. Zecker?

ASSEMBLYMAN ZECKER: No.

ASSEMBLYMAN KELLY: Thank you. Now, Felipe Chavana.
Did I pronounce that correctly?

F E L I P E C H A V A N A, E S Q.: Yes. My name is Felipe Chavana. I am with Legal Services of New Jersey. I wish to thank the Chairman and the members of the Committee for the

invitation to speak here on behalf of Legal Services programs throughout the State.

We are going to be submitting written comments, and do not wish to take up the time of the Committee in view of the number of providers and others who are here, who may not have that opportunity.

I do want to say one thing, however. The waiver provisions have to be looked at very carefully, because the history of waiver provisions is that while they exist, the stringent regulations, once approved, provide a method by which local communities can come in and shut down shelters and other facilities. That has been the history around waivers and stringent regulations. Once they are enacted, they are sometimes used by local agencies that are not in favor of the particular use. So, they have to be looked at very carefully. There has to be an impact statement that makes it clear that displacement will be minimized; that evictions or shutdowns of shelters will be only the last resort measure, and not something that is relied on readily by anyone, including local municipalities.

Thank you.

ASSEMBLYMAN KELLY: Thank you. Ms. Eleanor Vine? No? There's no Eleanor Vine? (no response)

UNIDENTIFIED SPEAKER FROM AUDIENCE: I don't see her here.

ASSEMBLYMAN KELLY: Okay. Jane Baldwin-Leclair?

J A N E B A L D W I N - L E C L A I R: I am Jane Baldwin-Leclair. I am the Assistant Director of Jersey Battered Women's Service, Inc. I will be testifying-- I will be presenting testimony from our Executive Director, Dianne Arbour. In the testimony, we will be making a request that the Department of Human Services continue to monitor the facility, as well as problematic guidelines around domestic violence programs. Plus, we also have some concerns specifically about

the regulations, which I will go into anyway, if we are to continue to be supervised by DCA. Okay?

The Department is to be commended, of course, for its effort on the regulations to protect the homeless, particularly their health, safety, and welfare.

The Jersey Battered Women's Service, however, is opposed to specific DCA regulations for shelters of victims of domestic violence. The Department of Human Services, through its Division of Youth and Family Services, has contracted with shelters for the past 11 years, since DYFS has overseen and monitored, and had access to shelters since 1977. In addition, the Division of Youth and Family Services has a plan for policy and program development for these facilities. In light of their history of working with domestic violence programs, they should continue to work with domestic violence programs.

Although the proposed regulations seem applicable to all shelters, shelters for victims of domestic violence are unique and serve a specialized population. These shelters serve families who are forced to flee their homes to escape further acts of violence from spouses or partners. Unlike residents of general homeless shelters, their primary need is protection; their state of homelessness is secondary.

To ensure residents' safety and protection, as well as that of staff and volunteers, shelters for victims of domestic violence are required to maintain strict policies on confidentiality of location and persons in residence. In fact, the New Jersey Legislature, in recognizing the inherent danger involved in serving this population, extended testimonial privilege to encompass the contents of communications with victim counselors.

The proposed regulations provide full access to any officer at any time; access to visitors; and access to records indicating full names of residents. These regulations would jeopardize the safety of residents, staff, and volunteers, and

are in direct violation of policies established by the Department of Human Services and boards of directors.

Without financial assistance from DCA or other State agencies, battered women's programs would be unable to meet the proposed physical standards. Due to the vital life-safety function domestic violence shelters play in the community, neither the State, nor the county they serve, can afford to see them close.

The proposed staffing requirements are unreasonable for shelters serving victims of domestic violence, unless DCA funds are forthcoming to supplement meager operating budgets. These programs provide a safe, nurturing, homelike living environment 24 hours a day. The greatest staffing needs are during business hours and early evenings, not weekends, when other services are closed, nor eleven p.m. to seven a.m., when the residents are sleeping. The security function in shelters for victims of domestic violence is external, not internal, as with the general homeless population, maybe.

Because shelters for victims of domestic violence serve women and children, I would assume that they would be excluded from the provision to provide separate toilet facilities for male residents.

Requiring battered women's programs to provide for the safekeeping and accountability of residents' funds, places undo hardship on already overburdened staff. Residents must be encouraged, and have been encouraged to open bank accounts as needed, and to keep minimal funds in their possession. Our 10-year history shows little experience with theft.

Locked doors, as proposed in 15:15-4.3p, present hazards in case of child abuse, security, or fire emergency, and may encourage increased drug and alcohol use on facilities, despite rules against such use. Locked doors would make monitoring client behavior much more difficult, and immediate intervention impossible.

Previous BOCA Use Group Classifications would seem to place shelters for battered women with more than five residents under R1 for fewer than 30 days and R2 for over 30 days, the opposite of that proposed in 5:15-42-(A)1. be able to meet and

Because the Department of Human Services has had programmatic responsibility for shelters for victims of domestic violence for the past 11 years, I urge the Committee to recommend that DHS be given licensure responsibility, as well. It is only then that we can ensure that standards will be developed to protect the unique needs of this very specialized population.

ASSEMBLYMAN KELLY: Thank you. I might as well get the other battered women speaker. June Clark? (no response) She's not here, okay. How about Mr. Conrad Callender, Department of Human Services?

C O N R A D C A L L E N D E R: I'm here, but I don't think we are listed to testify.

ASSEMBLYMAN KELLY: Okay. I have your name on this list, so I called you. Karen Beckmeyer, do you wish to testify? (affirmative response from audience) You have the floor.

K A R E N B E C K M E Y E R: Good morning. My name is Karen Beckmeyer. I am with the Division of Youth and Family Services. I would like to thank the Committee for giving me the opportunity to testify this morning.

On behalf of the New Jersey Division of Youth and Family Services, I would just like to offer the following comments. Hopefully, they will be well-received.

The Division of Youth and Family Services supports the overall philosophy and intent of the proposed new rules pertaining to facilities that provide emergency shelter for the homeless. Our concerns, however, focus on the applicability of these standards to our shelters for victims of domestic violence, as was just stated by Ms. Leclair.

Of specific interest to the Division are the programmatic requirements for service delivery, as outlined in subchapter 3 of the proposed new rules. DYFS has been the primary funding agent for domestic violence shelters since 1977. We currently fund approximately \$4 million in domestic violence services, which include 17 battered women shelters, about eight advocacy and support programs, and approximately 19 batterers' programs throughout the State.

In addition to our ongoing commitment to provide adequate protection, support, and prevention services to all vulnerable children and adults, our legal responsibility for the development of domestic violence programs increased with the passage of N.J.S.A. 30:14-1, which is the Shelters for Victims of Domestic Violence Act. This law established the Governor's Advisory Council on Domestic Violence, and charged the Commissioner of the Department of Human Services with the responsibility to establish shelter standards, in conjunction with the Council; to periodically appraise program performance; to provide technical assistance to shelters; and to obtain Federal and State funds to support program operations. With the passage of this legislation, the Commissioner designated the Division of Youth and Family Services as the administrative arm for these functions.

Pursuant to this law, the Division developed what we call "The Standards for Shelters for Victims of Domestic Violence Act," in 1981. These standards established general guidelines for the programmatic operation of domestic violence shelters. These guidelines were developed in a manner which was consistent with the philosophy and intent of the battered women's movement; they were also consistent with the recommendations of the Governor's Advisory Council. Under these regulations, all battered women's shelters were required to comply with the provisions, and are subject to fiscal and programmatic review by the Division of Youth and Family Services.

Now, since these rules have come about, and in light of our longstanding commitment to victims of domestic violence, and by virtue of our continuing contractual relationship with the provider community, the Department of Community Affairs has accepted our recommendation that the Division of Youth and Family Services should continue to conduct programmatic inspections of all the domestic violence shelters, pursuant to the existing DYFS standards. At this time, we are in the process of developing an inter-departmental affiliation agreement for the purpose of formalizing this arrangement.

Within the agreement, the Division of Youth and Family Services assures the Department of Community Affairs that we will administer periodic program inspections pursuant to our standards, and that this agreement will not, in any way, jeopardize the health, safety, and well-being of residents in shelters for victims of domestic violence.

Of additional interest to the Division of Youth and Family Services, are the facility requirements outlined in subchapter 4 of the proposed new rules. Our primary concerns with this section focus, again, on the amount of funds that may be required to comply with this section within a given time frame.

We agree with the facility standards listed in subchapter 4, and recognize that they were developed in the best interests of the client. However, many presently contracted agencies lack the resources to supplement necessary renovation costs. In short, the absence of any new capital bond issue funds has had a serious negative impact on program maintenance and enhancement activities for the past few years.

As a result, many of our programs are currently in need of extensive renovation and repair, in order to comply with existing fire, health, and safety codes. These renovations include such critical areas as: enclosed second means of egresses; window guards; security improvements; new

plumbing and electrical systems; and so on. Additionally, because many of our programs actually developed as small grass-roots organizations, they are, in fact, converted homes. Of course, with that comes a problem with the space requirements. Because they are converted homes, many of them will not meet the requirements for, let's say, dining and leisure activities, as outlined in the rules. We feel a denial of licensure based on any of these requirements would, of course, be very devastating to many of our programs.

What we propose, and what we are urging at this point, is that in an effort to prevent a significant reduction in the current levels of service we provide-- We are urging that our existing programs be given sufficient time and funds with which to comply with all of the standards set forth in subchapter 4, and that, of course, any newly constructed, or newly renovated shelters we develop will comply with the standards prior to securing a license and prior to operation.

Thank you.

ASSEMBLYMAN KELLY: Thank you. Any questions?

ASSEMBLYMAN SHINN: You just touched at the end on the problem I have with the whole process. We have a tremendous shortfall on shelter accommodations. I know in our county we are trying to encourage churches to become involved in opening temporary facilities. That would put them in the category of a new shelter. If they have to meet these regulations, it is going to be more expensive, which is going to be a disincentive for them to bring new facilities on-line to accommodate the need.

Therein lies the rub with me on, do we meet the need before we regulate, or do we regulate before we meet the need? And how many dollars we would normally spend on meeting the need will be spent bringing the shelters up to standards? I guess that is the issue I would like you to comment on from your testimony.

MS. BECKMEYER: At this point, with regard to the number of counties where we do not have a battered women's shelter-- Our goal is to have a battered women's shelter in every county. We currently have 17. That includes two shelters in Essex County, so we have--

ASSEMBLYMAN SHINN: Sixteen. Sixteen counties are covered.

MS. BECKMEYER: Right. So, we have to develop shelters in the remaining counties which have none. At this point, we have advocacy and support programs in each of those counties, which will be the groundwork for future shelter development. As our programs near development, and as they begin their construction, their renovation, or their applications for capital bond funds -- we do have some left, but they are all pretty much targeted -- we would encourage all of our programs to be able to comply with these standards. For the most part, the facility standards are pretty much the same in most counties, as they stand now in terms of the BOCA standards and the uniform fire code, things like that. They are just more clearly spelled out in these regulations, and the license is attached to the piece.

ASSEMBLYMAN SHINN: My question was more in the broader sense. I know the battered spouses' shelters are one issue, but probably the broader need is homelessness. And when you apply these standards to new homeless facilities that are trying to come on-line, it makes it more difficult for the new provider to provide temporary shelter. Therein is sort of my concern. Since you are on the ground floor of this, I thought you may have some insight into that.

MS. BECKMEYER: At this point, we are estimating that between renovating our existing programs and developing new ones, the last capital bond issue request we submitted was in the amount of \$6 million, just for our domestic violence shelters, in terms of the funding that will be attached. That bond request has not been approved at this point.

ASSEMBLYMAN KELLY: Any questions?

ASSEMBLYWOMAN BUSH: No questions.

ASSEMBLYMAN SHINN: Yeah, I have a question of Bill Connolly's Bill, in your testimony-- Were you in the service?

MR. CONNOLLY: Yeah.

ASSEMBLYMAN SHINN: You were?

MR. CONNOLLY: Yes.

ASSEMBLYMAN SHINN: Something is wrong here. On page 5 of your testimony, it says: "It is important to understand just how minimal 40 square feet is. The nearest equivalent I am aware of is the 70 square feet per person in sleeping areas which the armed services require for recruit barracks. That figures is based on extensive empirical research conducted in the late 1940s."

Twenty-five years ago, when I was in the service, our barracks was 1500 square feet up and down. It slept 80 people. That came out to 37 square feet per person. It slept 40 upstairs, 40 downstairs -- 1500 square feet each floor. Our cafeteria was 800 square feet, and fed 320, which allowed us 2.5 square feet to feed each person. We ate in shifts. I lived like that for six months. I came through it in pretty good shape, even kept my hair. I lost it after I got out of the service.

But, you make reference here to the military with those standards which were arrived at in the 1940s. I'll tell you, in 1963, they were not implemented. They might have been nice reports they had, which showed that you get sick unless you have 100 square feet per person. But believe me when I tell you, down at Fort Dix, they did not have that in operation, at least some 20--

MR. CONNOLLY: In 1964, at Fort Riley, Kansas, they did.

ASSEMBLYMAN SHINN: Okay, they did.

MR. CONNOLLY: Like every set of standards, I'm sure they're-- (remainder of sentence inaudible; Mr. Connolly speaking without microphone) Connolly ASSEMBLYMAN SHINN: But, my point is, I personally lived under those circumstances of 2.5 square feet of eating space, and 37 square feet of living space, for six months of my life and, you know, weathered it pretty well. It really wasn't a bad, bad circumstance.

ASSEMBLYMAN KELLY: Are you finished?

ASSEMBLYMAN SHINN: Yeah.

ASSEMBLYMAN KELLY: Thank you.

ASSEMBLYMAN SHINN: Well, when I see a flaw in testimony, Mr. Kelly-- I just wanted to see how it came out.

ASSEMBLYMAN KELLY: I was on a troop ship, and we were packed in tighter than that. (laughter)

Who's next here? Mr. Sciarra? Did I pronounce that properly?

DAVID SCIARRA, ESQ.: Sciarra. (Mr. Sciarra corrects pronunciation of his name)

ASSEMBLYMAN KELLY: Okay.

MR. SCIARRA: Good morning, Mr. Chairman, members of the Committee. I am David Sciarra, an Assistant Deputy Public Advocate, appearing on behalf of Alfred Slocum, Public Advocate of New Jersey. I want to thank you all for affording the Public Advocate an opportunity to discuss with you the standards for the maintenance and operation of emergency shelters proposed for adoption on February 16, 1988 by the Department of Community Affairs.

As you may know, since 1983, the Public Advocate has engaged in numerous activities that seek to address the critical problems of the homeless in our State. For example, our Department participated in the Governor's Task Force on the Homeless, and has represented homeless individuals and families in successful court challenges to regulatory restrictions on

the provision of emergency shelter assistance. Throughout these efforts, we have not only urged the legal right of homeless persons to emergency shelter, but have also emphasized the need for such shelter to be adequate, safe, and suitable.

In view of these strong interests, we welcome DCA's promulgation of the emergency shelter standards pursuant to the Emergency Shelter Licensing Law. I note that this law was intended, really, for two purposes. There was a mention earlier that one of the purposes was to prevent the closure of shelters by local code officials. But in addition to that, the intent of this legislation was to ensure that homeless persons receive emergency shelter under conditions that are adequate, safe, and suitable.

We also note that under this law, DCA was required to issue standards for the licensing of emergency shelter facilities by February 13, 1986. Despite this delay, these standards address many of the shelter and programmatic needs of the homeless, and will provide uniform guidelines to ensure that the homeless live in a safe and suitable environment, rather than in squalid, marginal, and often demeaning conditions.

Our Department supports the health and safety standards in the proposed rule, especially those that require a minimum level of services to the homeless. Additionally, we endorse DCA's effort to develop uniformity in the operation and maintenance of shelter facilities throughout the State. However, we must emphasize that government's responsibility in this area extends far beyond the promulgation of standards. DCA, and all levels of government, must, in addition, work closely with emergency shelter providers in their effort to meet the assistance standards -- these standards -- by offering the necessary technical and financial assistance required by these providers.

There is currently, as you all know, a critical shortage of emergency shelter beds in New Jersey. There are a number of churches, relief groups, and other nonprofit organizations which have taken extraordinary steps to respond to this crisis. These organizations, which possess meager resources, have essentially assumed the responsibility of State, county, and local government, which have inadequately addressed the needs of the homeless. Without the facilities provided by these organizations, many additional individuals and families in this State would be without any emergency shelter at all, and would be rendered homeless.

Consequently, while DCA has a responsibility to enforce their standards, we must all recognize the real world problems facing the homeless and many shelter providers. Therefore, vigorous steps must be taken, first, to provide shelter providers with appropriate financial and technical assistance, and second, to seek whatever additional funding from State, county, and local government necessary to fulfill the needs of providers, in the likely event that the funds through the Emergency Shelter Grant Program are inadequate. Such a pro-active approach offers the only opportunity of protecting the homeless with emergency shelter standards.

Put simply, we must not throw out the baby with the bath water, by increasing the plight of the homeless through the closing of shelters that are unable to satisfy DCA standards because of inadequate financial or technical resources.

Because these commitments and responsibilities are not set forth in the proposed regulations, we urge DCA to adopt a plan to implement such a coordinated approach, and to announce the plan publicly or in the final rule adoption. This plan must ensure that the shelter operators have the support and funds they need to comply with the standards. The plan must also include a mechanism for guaranteeing that local

enforcement of the standards does not unnecessarily close or burden shelters, which need such financial and technical assistance to comply. Only through such action can DCA assure the homeless and emergency shelter providers that these standards will not hurt or exacerbate the crisis facing the homeless in New Jersey, or provide a device for local opponents of homeless facilities to close or harass such providers.

In sum, DCA must assume primary responsibility for implementing a licensing program that balances protection of the homeless from inadequate conditions in shelters, against the urgent need for support to enable shelters to make improvements and provide essential services. However, it is incumbent upon State, county, and local government, particularly DCA, to ensure that there are adequate resources to provide sufficient financial and technical assistance, so that shelters are not forced to close their doors on the desperate needs of the homeless.

ASSEMBLYMAN KELLY: Thank you. Any questions?

ASSEMBLYWOMAN BUSH: No question, I just concur.

ASSEMBLYMAN ZECKER: Do you have copies of your testimony?

MR. SCIARRA: I do have copies of my testimony. Thank you.

ASSEMBLYMAN KELLY: Thank you. Reverend Don Dudley?

R E V E R E N D D O N A L D D U D L E Y: My name is Don Dudley. I am the President and Chief Executive Officer of the Volunteers of America. We provide shelter in the Camden County area. We are the shelter for Gloucester County. We are the informal shelter for Burlington County. We also provide real shelter in Somerset County. So we are probably the largest of the emergency shelter providers in the State.

I served as the Vice Chair of the Governor's Task Force on the Homeless. It was through that effort that the advocacy for the development of these standards occurred, and

that I was one of the, I believe, prime movers in saying that it was necessary for this kind of thing to be done. We are indeed grateful and applaud the Department of Community Affairs for their effort and courage to solve problems that these ----- There are, however, some problems. When this was initially proposed, it was proposed because the shelter housing stock around the State was abominable. If you compared it to what was required of rooming and boarding houses, it was shameful. It fell under the housing and hotel code. It really did not provide the kind of state-of-the art life safety that you would find in a rooming and boarding house. Since we operate both, it became very interesting that if we had a rooming and boarding house with over 20 people, whether it was two stories or not, it had to be sprinkled. If you had a housing and hotel, it could be three stories, with 100 people, and required no sprinkling.

Now apparently the rationale for that is twofold: In the development of the standards, one of the concerns was whether there would be adequate financing if these kinds of requirements were made. It had always been our thought that the financing had to be there, and that we needed to be developing as state-of-the-art life safety as we could. Why? Because in any emergency shelter population, you have a certain percentage of folks who come from fires of suspicious origin. You are apt to have an arson. We have had several fires set in shelters that we operate around the State by people with mental health problems, because of the relaxation of the commitment laws, and because they hadn't demonstrated that they were really a danger to themselves or to others. We have tried to send people through the mental health system. In one instance, a woman, after three times of being sent through the system and then being sent back to us, set a fire.

Now, the other reason we were told there was no sprinkling, was because it was assumed that the shelter

population were able-bodied people, unlike the rooming and boarding house, where you may have an elderly person who can't get out as readily. Well, that is quite an assumption, particularly when we see people with mental health problems, people who are handicapped. We have women with children and adolescents. We do not understand why we aren't striving for the establishment of state-of-the-art life safety, and the funding of it. We think that is a must in any kind of emergency shelter standards.

We also want to just sort of piggyback on the concerns about square footage; to caution that in considering square footage, we have to recognize that we are dealing, in many cases, with women and children. A woman and her baby does not need twice the amount of square footage, and yet there is no differentiation made that we can determine. It is per individual. So, conceivably, if we dealt with the housing and hotel, which has 50, and the rooming that has 60, it would require twice this much for the woman to have her baby there. We think that some sort of cutoff, recognizing adolescents, young children, or some sort of combination of that, needs to be there, because often these families are housed in large rooms -- in one single room -- so this becomes very germane, because as it stands now, many of us are in violation in our local communities.

With respect to the business of who administers, whether it is State or local, we submit that that has to be very, very much clarified. As it stands now, it is possible for the local municipality to impose stricter standards, and we have had that experience. We are having that experience in a county in the north right now, where the standards, even of rooming and boarding house, can be more strictly applied by the local community, if they have a higher standard. If this is also the case with emergency shelters, local communities can defeat that licensing.

So, we think it is very important that if, indeed this licensing standard is to be the rule, that it apply across-the-board, and that there is no opportunity for local municipalities to apply some sort of stricter code.

We submit, as has been stated before, that dining-- We have to look at dining in shifts. Right now, we shelter, just in Camden County alone, 180 people. We only have one central feeding site. We feed 250, because we also feed 70 people who are housed in a gymnasium in the City of Camden at night. If we did not deal in shifts, if we had to have the square footage to meet this, it would be impossible. Having shopped around for various feeding sites, I can tell you, to establish one that would be large enough to accommodate that entire population, and to accommodate some sort of daytime drop-in center, is prohibitive in cost. That needs to be looked at and looked at very, very seriously.

In all of these instances, I think, the missing element is, in my view, a little bit of the cart before the horse. I understand that much discussion has occurred with various providers. I am not sure how formal it is, because being the largest provider, I was not involved in any formal meetings that dealt with this kind of thing. I always assumed we would be. I assumed that when these things were put together, that they would sit down with providers and deal with the various problems. That did not occur, and I think it should have.

But, nonetheless, the thing I am concerned with now is that if we adopted -- and I, too, have a problem with delaying it, because I think there are some real needs in this State which need to be met-- But if we decide to do this prior to making a determination of the fiscal impact, it frightens me. I don't know why that is necessary. It seems to me that a solicitation while in draft from the various shelters as to what they would need in order to comply with these rules, to

me, would be prudent, before you put the rules in and then give them 45 days to demonstrate how they are going to comply. I submit you are going to cause a lot of panic, and I submit that there are going to be some less sophisticated shelter operators who are going to throw up their hands and assume that they have to close because they cannot comply. So I think there needs to be a condition precedent to the adoption of the rules that deals with this very issue.

I would also caution that there is a large movement in many parts of this State, which I support, to go away from mass shelter; to try, where possible, to decentralize. Right now, we are in a mass shelter mode, and we are trying to decentralize that. We are trying not to have Camden be the repository for all the homeless for the three-county area. We intend to open a shelter in Gloucester County. We are advocating that shelters be opened in some other municipalities.

Now, the approach to this is to encourage the faith communities to become more involved in dealing with the homeless. In many instances, that is going to mean nighttime only shelter; an ability to take people in the evening, and then some centralized daytime place for them to go during the day. We have found that in order to avoid loitering, and all of the kinds of things that can occur, there has to be something, after programing and counseling and services to the homeless, going on during the day.

Now, if we are trying to encourage faith communities to get involved, and they are talking about setting up cots in the fellowship hall, or something of that sort, how are they going to comply with the standards as we see them? At the same time that I am definitely suggesting that in the standard 24-hour shelter the life safety is not adequate for women and children, and having gone through fires, and having to get them out of there, and been frightened to death, and yet up the street to have a rooming and boarding house with less people

fully sprinkled, with iron and steel fire escapes, as opposed to treated wood--I can tell you, that makes me very nervous. But, the other side of that is, if we are to get the kind of broad-based community participation that we need---because this problem is a societal problem, and not one on profit organizations or one community-- If we are going to get that kind of participation, we are going to have to develop a standard that accommodates the nighttime only, where they are not keeping them during the day. That is a staffing issue. The business of trying to have that kind of a staff during sleeping time is absurd and fiscally unsound.

So we have to be careful to know that it is necessary now, in my view, to go back to the various providers to get real input as to how they could conform to this and what the problems are, and let that determine the final thing that comes to you for adoption.

Thank you.

ASSEMBLYMAN KELLY: Thank you. How about Mr. Finn? Is Stephen Finn here? (affirmative response from audience) Come on up, Mr. Finn.

S T E P H E N F I N N: My name is Stephen Finn. I am a Project Coordinator for the Homeless Program, in the Department of Housing and Economic Development in Jersey City. In order to respond fairly to the Committee's request for comments on shelter licensing standards, the city will respond both as a provider of services and as an advocate for the homeless. It is hoped that in this manner an appropriate overview will be given of the dilemma shelter operators will face in meeting the demands posed by these regulations.

It is appropriate that DCA be concerned with protecting the health and safety of the homeless, and with obtaining the provision of services that will help to deal with their immediate, long-term needs. However, the regulations are expensive, restrictive, and a burden to shelter operators, and

for the homeless, it could be a devastating loss of an option to them when there is no other place to go. The expense to shelter operators will be considerable, and the effort to untangle the near certain bureaucratic red tape involved in complying with the proposed standards will be exhaustive. The regulations have been analyzed extensively, both in terms of their cost and programmatic impact. Selected sections will be detailed here, and that will be followed with recommendations the city believes DCA should follow.

I would like to just give you an overview of Jersey City's Homeless Program. The city responded to the homeless crisis in Jersey City by administering the Jersey City Homeless Program since December, 1985. As Mr. Catlaw mentioned before, the city has contracted with Catholic Community Services. We also contract with the NAACP, to provide shelter to people each night. We can provide for 180 people per night. Catholic Community Services operates a shelter in St. Lucy's School, which is a three-story former elementary school. We also provide sheltering to families in an adjacent rectory building. The NAACP operates a shelter with a capacity for 25 women and children. That program is divided into two portions. There is a day portion, which is done in the offices of the NAACP; the overnight portion is done in the basement of St. Paul's Lutheran Church, and families are sheltered congregate style. So you have a difference of shelter provided. You have small shelter operators, church-run shelter operators, and then you have the larger organizations.

Since 1985, we have been able to provide shelter to over 2000 people in Jersey City. The costs incurred in maintaining this program are considerable. For calendar year 1988, the city anticipates spending almost \$900,000 to administer this program. To finance the cost, the city has employed a full-time homeless coordinator to pursue applications for grants from government and various private

sources. In addition, one of the homeless coordinator's other responsibilities is to act as an ombudsman for any programmatic problems, including obtaining certificates of occupancy. ~~Because it is municipally sponsored, the homeless program enjoys privileges of funding and staffing that most shelter providers lack.~~ Most of the estimated 25,000 to 40,000 of the State's homeless are sheltered by small, church-sponsored, nonprofit agencies. Most of these programs are small in comparison to the Jersey City Homeless Program, and are located in the basements of churches.

In terms of the social impact these regulations will have, the city disputes the contention that these regulations will result in a positive social impact on people residing in emergency shelters for the homeless. On the contrary, given the expense and bureaucracy involved in regulatory compliance, the impact will be that shelters may be forced into one of three gloomy prospects: to reduce their census, stop operations temporarily, or possibly cease operations altogether. Moreover, these regulations may have a chilling effect on groups that may be considering providing services to the homeless.

As an example, if the city were to comply with the regulations outlining staff/client ratios, without providing additional funding, the residence census at St. Lucy's would drop from 125 to 40. The population served at the NAACP St. Paul's Family Shelter would be reduced from 25 beds to 19 beds, for a total loss in the homeless program census of 91 beds. This certainly would have a devastating social impact on the homeless shelter population, who lack other alternative arrangements for shelter.

The economic impact of this-- DCA's understanding that the additional cost associated with complying with the new regulations would be offset through the Emergency Shelter Grant Programs is a serious misassessment of the true costs

involved. The Jersey City Homeless Program would have to add two full-time staff at St. Lucy's, and another two at the NAACP St. Paul's Shelter. Both of these positions must be funded for seven days a week. At an average cost of \$15,000 per employee, including fringe benefits, this will add up to approximately \$105,000 in additional costs. Combined with an additional \$15,000 for painting, linens, modifications to food service areas and building standards, the total additional costs would be at least \$120,000.

The funds for the bulk of these activities must be committed on an annual basis, as well. The Emergency Shelter Grant Program will not be sufficient to pay for the increase in anticipated costs. The Emergency Shelter Grant regulations will only allow 50% of the grant to be applied for staff costs, which is the biggest single expense in providing services. Moreover, there are substantial church/State restrictions governing not only Emergency Shelter Grants, but Community Development Block Grants, which Jersey City and other communities use as alternative funding sources. For church organizations, these two grant sources will be of little use as a resource to meet regulatory compliance.

The current State/Federal funding for the Emergency Shelter Grant Program is less than \$800,000. The Federal government has informed the city that the Emergency Shelter Grant entitlements have been reduced dramatically for the new fiscal year. On the local level, the city's allocation was reduced by almost 85%, from \$122,000 in Fiscal Year 1987, to \$20,000 in Fiscal Year 1988. The State share of this program should suffer a similar fate. Given the Federal budget deficit problems, it is unlikely that future appropriations will be made to supplement the program in this fiscal year.

Jersey City's Homeless Program is funded by an appropriation of almost \$900,000 per year. This is almost \$100,000 more than the State specified in the regulations that

it would allocate for licensee compliance. The budget of the homeless program provides many of the services required in the new regulations. However, most nonprofit agencies lack the substantial funding, and consequently will suffer tremendously in trying to bring their shelter programs into compliance.

Legislative uncertainty makes reliance by shelter providers on other government funding sources very risky. The Federal government has threatened to only pay its matching share for emergency assistance under the welfare programs for only 30 days. The response of the State to continue emergency assistance, benefits this regulation, which is presently in abeyance. When it goes into effect is not known at this time. To require shelter operators to provide additional staff and undertake building renovations, when funding sources are doubtful, is inappropriate.

I would like to just comment briefly on some selected sections within the regulations.

ASSEMBLYMAN KELLY: I take it you oppose the regulations?

MR. FINN: Do we oppose them? Well, yeah, okay. In the interest of brevity, just moving along here--

Everyone has talked about the space requirements. In Jersey City, they will certainly be a problem. The building and fire code regulations-- Those, again, are going to be a problem in Jersey City.

Some of the regulations were just very, very vague in terms of the language. There was a section that talked about emission standards. You would have to comply with the social, religious, cultural, or dietary regimen, and this has to be met by the facility. We are really wondering what that means. Does that mean that a person who requires a salt free or a vegetarian diet has to be served by the shelter, and if they can't be, then that person is going to be turned away? Religious, social, or cultural regimen-- I mean, what does that mean?

If the shelter cannot provide a level of medical and nursing care a person needs, the person should not be allowed in the facility, and a person should be ambulatory to go up and down the stairs. That is really great, and we should really have things like that. Unfortunately, we don't, and if we turn someone away from the shelter, where else is he or she going to go? Our shelter is just a hodgepodge of all kinds of people. We have the mentally ill; we have people with substance abuse; we have people with AIDS; we have the handicapped. By denying the homeless access to shelter, in effect what you are doing is blaming the victim, and we don't want to get into that.

Regarding the enumeration of rights, we think most of them are pretty good. We heard they were taken from New York. That is where we have taken our enumeration of rights from, which we have in our contract, as well.

With regard to the recommendations the city has for DCA, which we would encourage this Committee to also offer DCA-- First, we want to issue an admonishment that DCA must be careful not to create standards that an unsupportive local administration could use to force shelters to close down. As an example, the last administration in Jersey City said there were less than 10 homeless people in the entire city. They forced a shelter that was operating in the basement of a church to close down. This church was sheltering approximately five times that many people each night, and obviously, on a political level, the administration did not agree with what was going on. They used all kinds of fire code regulations in order to force that shelter to close down.

So, we urge DCA not to adopt regulations that will have the same kind of an impact. We would also like to encourage DCA to continue to hold public hearings on these shelter standards. These hearings should be held in several locations around the State. Just having them during the day here is fine for people like me who get paid to come down here,

but for a lot of the volunteers who staff these shelters, it would be easier if they were held in the evenings, or even on the weekend.

We also urge that there be created a blue-ribbon committee to study the economic impact and the physical feasibility of the regulations on shelter operations and future homeless efforts. The panel should be comprised of representatives from government funding sources; for example, DCA, HUD, DHS. There should be local construction code officials, homeless advocates, such as the Right to Housing, and operators of large and small shelters -- for example, Catholic Community Services -- local church-related homeless groups, and operators of congregate shelters and shelters that have individual rooms. We also feel that the Department of the Public Advocate should be represented on this panel.

We feel the regulations should be held in abeyance pending the findings of the public hearings and the advisory panel. We would also like a study to be conducted of the proposed shortening to 30 days of emergency assistance by the Federal government, and its impact as a funding source to shelter operators. We urge there be created a permanent funding source -- for example, a five-year appropriation -- to finance shelter improvements and provide annual operating subsidies, including payment for staff costs. We urge there be established State-operated shelters -- they shouldn't even be shelters; they should be some kind of transitional facilities -- between DCA and the Department of Human Services, to deal with the specialized populations we have in the shelters; for example, people with AIDS and the homeless mentally ill.

The next recommendation I feel is really important. That deals with the issue of proprietary versus nonprofit shelters. There are many private boarding home operators and hotel owners who are receiving reimbursement under Emergency Assistance for Homeless Clients. The reimbursement rate is

usually quite profitable, and owners try to capitalize on this by increasing the amount of clients they take in. Consequently, overcrowded conditions result, as well as crime problems. ~~We~~ A separate set of standards should be placed on these proprietary providers, which would protect the health and safety of residents. Moreover, the standards should call for the provision of social services to these clients.

ASSEMBLYMAN KELLY: Thank you.

MR. FINN: Thank you.

ASSEMBLYMAN KELLY: We are getting near the end of the hour here. Is Kathleen Stanton here?

KATHLEEN STANTON: Yes.

ASSEMBLYMAN KELLY: Come on up.

ASSEMBLYMAN SHINN: Come on down.

ASSEMBLYMAN KELLY: Come on down. I just want to find out if anybody-- Is Liz O'Hara here? (no response) How about Michael Gerhardt? (affirmative response from audience) Okay. You are going to be the last speaker, it looks like.

MS. STANTON: Well, Michael and I have programs that run together.

ASSEMBLYMAN KELLY: Are you together? Well, have him come on up here with you.

MS. STANTON: Do you want to come up, Michael? (affirmative response)

ASSEMBLYMAN KELLY: Do you have written testimony for us?

MS. STANTON: I have a copy of a letter I sent to Mr. Michael Ticktin. It really expresses-- Unfortunately, I don't have an extra copy, but I can send this to you.

ASSEMBLYMAN KELLY: All right, you can send it to us. Or Debbie can make copies for us.

MS. STANTON: She can make copies, okay. That would be good. That would save us a lot of trouble.

I am Kathy Stanton. I am the Executive Director of the Interreligious Fellowship for the Homeless of Bergen County. We are running a program, much of which was referred to by the Reverend Dudley, I believe, when saying the small churches are taking responsibility for the homeless people in Bergen County.

My letter was written to Mr. Ticktin. It says: "This is to express the concern of the Fellowship for the homeless," and it is regarding the proposed new rules for emergency shelters for the homeless. We see the homeless situation in Bergen County as a serious one, and are greatly concerned about the impact these new rules will have on those seeking emergency shelter. In Bergen County, there is currently one shelter, which provides services for 32 individuals. We know the rules will impact on this shelter through the space requirements, and wonder what will become of the 24 or so people who will be returned to the street.

We note the availability of funds through the Emergency Shelter Grant Program, but these funds cannot be used to make the space requirements immediately available. We are seriously concerned about the advisability of improving and expanding shelters, when the answer for so many of the homeless is affordable housing near their place of employment.

The Interreligious Fellowship also provides shelter for homeless people in Bergen County. These are the overflow to the county shelter. Our program provides nighttime shelter in various religious facilities throughout the county, and is staffed entirely by volunteers, after the guests have been carefully screened by the agency running the county facility. The program has worked well, and has had many side benefits for both guests and volunteers. We can see no direct conflict with the new proposed rules, since we have been careful that our congregational shelters comply with the suggested guidelines outlined in the letter to construction officials by Paul Stout of the Department of Community Affairs.

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The one concern is the eight hours of basic first aid training required for at least one staff member on duty. Probably many of our volunteers have had this training, but surely not all of them, and it would be difficult to require this of them. This is something I have not heard mentioned before.

All of the sheltering congregations are in towns with local, well-trained ambulance corps who are minutes away. All of our shelters have logbooks, which explicitly explain emergency procedures to be followed. Also, in the three years we have been sheltering, we have never had an incident requiring an ambulance.

As we contemplate these proposed rules and their impact on our county shelter, and how the rules will impact on a family sheltering program we are beginning in April -- it was just begun last week -- which does not easily fit into any of the classifications of shelter listed in the proposed rules, we see the overall intent of these rules as good, but we feel they need more flexibility, which will enable people in New Jersey, not just government, to reach out to their fellow human beings, and to try to understand and improve the quality of life for all.

ASSEMBLYMAN KELLY: Thank you. Mr. Gerhardt?

M I C H A E L G E R H A R D T: I don't want to add anything. Actually, what I had planned to say, everyone has said already.

ASSEMBLYMAN KELLY: Good.

MR. GERHARDT: So I may just say one little thing. We house 84 people a night in Bergen County. Given the interpretation of these rules, tonight we could house 26 if they were enforced today. I want the Committee to clearly hear that, because that has been the story of every county representative of homeless people today.

That's it.

MS. STANTON: If I may just add one thing. My concern, too, is being at the mercy of local officials, because our program is going into the different communities in Bergen County and sheltering in different religious congregation facilities all throughout the county. We now have 22 congregations that are sheltering throughout the county, and we expect to run this program year-round, this particular year. But we run into communities-- We have congregations that say, "We want to shelter. We have felt that this is a thing we need to be doing." We have checked their facilities. We know they are in compliance with the various guidelines that have come up. But one of the things they say, is that they should get a C of O from the community. That's it; that's it, folks. That is really where the battle is. I am really concerned about what the local communities can do in this.

ASSEMBLYMAN KELLY: Thank you.

MS. STANTON: Thank you.

ASSEMBLYMAN KELLY: Do we have a Rick Bellis here? (no response) Is there anyone else who wishes to testify? (no response) I think we have heard everyone on our list.

I don't want to pick on Community Affiars. I think their intention really was to do the best they could for the homeless. I think these particular regulations would make it the Cadillac for the homeless, but right now I think we have to be satisfied with possibly the Volkswagon type of homeless solution.

I think, Mr. Zecker, you have something you would like to present.

ASSEMBLYMAN ZECKER: Yes, but first I would like to know from the Department of Community Affairs, does the testimony you have heard today-- You know, is that going to have any effect on what action you may take?

MR. CONNOLLY (speaking from audience; no microphone): Very much so. The only qualification I would make is, much of

the testimony goes to, "We can't do it now." We can't do this to it now, or we can't do that to it now. We would like some advice from the same kinds of people, not just based on what they provide now to eliminate the atmosphere of fear, but what they think is necessary, so we could have a reasonable goal. In all of the testimony this morning, as in all of the written testimony we have received, no one has spoken about what they feel is necessary, only what they have now, and how what they have now is less than what the standards require. I think by the issue of the standards, we have a great deal of flexibility. I can see the proposals that were made with regard to staffing being scaled down. But again, we want to meet with these people to really understand their concerns a little bit better than we have been able to thus far, so we can strike better standards.

ASSEMBLYMAN KELLY: Mr. Connolly, my only complaint is, maybe they should have done this before they had the regulations. I mean, I am not being critical of you. I am just saying, maybe they should have had the providers come in, to come up with some so-called solutions or recommendations. I know how State government works. Sometimes you overlook that which is obvious.

MR. CONNOLLY: I am not sure it is totally harmful to do it on the public record, to have your Committee become aware of it.

ASSEMBLYMAN KELLY: We are aware of it.

ASSEMBLYMAN ZECKER: Well, what we would be entertaining -- and we don't want to make it seem as if we are on an adversary relationship with DCA-- but it would be-- I couldn't give you the exact wording, because I have been trying to draft it from the testimony. It would be the preparation of a resolution that would call upon DCA to, you know, take heed of the voluminous testimony that we have received today, and ask them to delay, for a sufficient period of time, until they have had an opportunity to do an impact study, number one, of

what the cost factors would be to comply with DCA standards, and also ask DCA to report back to this Committee, and provide for a funding mechanism that would, you know, pay for all of these improvements to eliminate the atmosphere of fear. But what I think you see what many of us in the Assembly and Senate are looking for, in that if it is a State mandate, the State pays. I have said all along that I think \$2 million or \$3 million to solve the problems of the homeless would be just scratching the surface. So I think what this Committee is going to want, we are going to do by a resolution calling upon DCA to report back to us, and to certainly move slowly and not adversely impact the agencies that are in effect.

It is not meant in an adversarial nature. So, what the wording will be, we will have hopefully today. But that would be my motion.

ASSEMBLYWOMAN BUSH: I second that.

ASSEMBLYMAN KELLY: Mr. Shinn?

ASSEMBLYMAN SHINN: On the question-- You can second it, but on the question, I have been writing down some comments as we have gone along. The suggestion I would like to add to the resolution is that the proposed standards be put out there with modifications, as per the technical comments we have heard today. That would allow you to determine the funding requirements, so you could respond to that without the regulations being firmly in place, and then provide phasing, something like a 24-month implementation. The first year concentrate on life-safety standards, because we are not going to have funding enough to do the whole program. We know that. And we don't want to have a disincentive out there to bring more shelters, more housing on-line. The second year concentrate on less essential standards, like square footage, and those types of requirements. Give us a chance to get more housing for the homeless. Get the standards out there, so people know what they have to achieve down the line, and then

phase it in over a period of time. I don't know whether it should be two years, or three years, or whatever. You have to determine the funding and how you are going to deal with that.

I think we need a phasing program.

ASSEMBLYMAN ZECKER: And I don't really think we could honestly introduce the resolution today to get the proper wording, so it will probably be introduced next Monday, but I don't think speed is of the essence here. You are not going to be moving--

MR. CONNOLLY: We're not rushing it, no. We can wait.

ASSEMBLYMAN ZECKER: Okay.

ASSEMBLYMAN KELLY: We have your assurance you are not rushing, right?

MR. CONNOLLY: That's right.

ASSEMBLYMAN KELLY: Okay.

ASSEMBLYMAN ZECKER: Okay, thank you.

ASSEMBLYMAN KELLY: This hearing is adjourned.

(HEARING CONCLUDED)

APPENDIX

PROPOSED REGULATIONS - HOMELESSNESS SHELTERS

ASSEMBLY HOUSING COMMITTEE APRIL 18, 1988 HEARING

OPENING REMARKS

ASSEMBLYMAN JOHN V. KELLY

Over the past several months and more recently, the consciousness level of the public-at-large as well as the public sector has been raised considerably regarding the problem of the homelessness population in New Jersey as well as nationally. According to a recent Star Ledger/Eagleton Poll, a clear majority of New Jerseyans believe that the homeless population has increased during the past five years. The poll further indicates that the public feels strongly that government has the responsibility to provide for homeless shelters as well as other services like job training, education, job placement and the gamut of social services that will assist in the short-term and longterm remediation of this overwhelming problem.

Most of you here today are aware of the fact that the Assembly Housing Committee recently released a two bill package to provide for a \$13.7 million supplemental appropriation for such purposes as increasing housing facilities such as shelters and boarding homes as well as to provide monies for social services that will further assist the homeless beyond the physical provision of shelter. I am heartened to know that the Senate has moved this legislation out of committee in a prompt fashion so that the legislation is in position for the full Senate to favorably pass this initiative as soon as possible.

This legislation is a beginning step and I am encouraged by the bi-partisanship interest and support in finding new avenues for the remediation and resolution of this problem. Assembly Speaker Chuck Hardwick recently announced the creation of a new Task Force on Homelessness which will have bi-partisan legislative representation, executive department and public membership.

This Task Force's role will crystallize those areas that need to be reformed including the improvement of social services delivery through INTER-AGENCY COORDINATION, to ensure that the most efficient and effective ways to provide day care, literacy, job training and transportation are implemented. This task force should work in conjunction with the New Jersey Rental Housing Study Commission to ensure proper coordination and use of already existing information concerning the best means to increase AFFORDABLE RENTAL HOUSING STOCK in our State so that those homeless individuals who succeed in training programs and job placement never have to fall into these circumstances again.

Today's hearing which focuses on the proposed regulations of the Department of Community Affairs and its social and economic impact on homelessness shelter operations is one very important issue within the larger issue of homelessness. I look forward to hearing your comments. This forum as well as the past submission of your comments to the DCA represents the dynamic interplay between the public-at-large, the executive agencies and the Legislature to respond to issues in a democratic fashion.

While I commend the Department of Community Affairs for having extended the public comment period until March 31st for organizations such as yours to provide input, I only hope that the Department utilizes the constructive criticism gained during that period as well as today to make any necessary changes so that VOLUNTEER AND NON-FOR-PROFIT GROUPS such as yours don't have to pay a price for filling in the gaps and supplementing the State government's role in this area.

This problem cannot be solved by any one sector but can only be approached in terms of cooperation between the private and public sector. Regulatory flexibility and other incentives are clearly major components of a Strategy plan dealing with this major social issue.

My thanks again for having taken time out of your schedule to share your experiences with the Assembly Housing Committee members. We appreciate your constructive insights about the newly proposed regulations and hope that this discourse will lead to the department's consideration of revisions that have merit.

STATEMENT OF

DEPARTMENT OF COMMUNITY AFFAIRS

LEONARD S. COLEMAN, JR., COMMISSIONER

BY

**WILLIAM M. CONNOLLY
DIRECTOR, DIVISION OF HOUSING AND DEVELOPMENT**

HEARING ON THE PROPOSED SHELTER LICENSING STANDARDS

ASSEMBLY HOUSING COMMITTEE

APRIL 18, 1988

I want to thank you, Mr. Chairman, and the other members of the Committee for giving me an opportunity to speak with you this morning regarding the proposed Emergency Shelter Rules.

Let me say at the outset that we do not intend to adopt regulations that will result in the immediate closing of shelters due to a lack of funds to make necessary improvements.

We are dismayed at suggestions we read in the press and elsewhere that we would even consider such a thing.

- o Commissioner Coleman and the Department of Community Affairs have long been the state government's most ardent advocates of increased state funding on behalf of the homeless.
- o Commissioner Coleman championed the first comprehensive plan designed to deal with the needs of the homeless. We are pleased that legislation which would make it possible to implement that plan may receive final and favorable legislative consideration later today.
- o We have called for an increased state effort to deal with the housing affordability crisis which is one of the root causes of homelessness, and we have advocated the kind of comprehensive assistance to the homeless that will enable them to break the cycle of dependency and find true self-sufficiency. We have had some success with those efforts.
- o We took steps more than four years ago to ensure that excessively rigid enforcement of our state's building codes at the local level would not prevent the opening or operation of badly-needed shelters.

- o We conceived and implemented the state's award-winning Homelessness Prevention Program which has helped more than 10,000 individuals and families who would have become homeless if we had not intervened.
- o Over the last three years we have provided more than \$2 million in assistance to expand and improve shelters and will provide another \$2 million in the coming year.

We understand the problem of homelessness and have supported the often heroic efforts of private non-profit organizations to assist the homeless. We are certainly not the kind of people who would, according to one report, "force us to close some of our shelters and drastically curtail the population in others." We understand the fears and even the resentments that might cause such a reaction on the part of a non-profit shelter provider, but we have to remind those who have such concerns just how long we have worked to increase governmental support for those private organizations which have met this public obligation.

We cannot, however, allow our understanding of the attitudes or needs of shelter providers to lead us to forget that the homeless have rights. In the last quarter of the 20th century, in the wealthiest nation on earth, there should be no homelessness. While homelessness exists, however, homeless persons should be able to find shelter with dignity. No one wants to institutionalize homelessness. We have to eliminate it by eliminating its causes. But, while the need for shelters remains, we have an absolute obligation to ensure that these shelters meet minimum standards of safety and decency.

No homeless person or family should ever have to conclude that it is safer to sleep upon a grate in the street than in a shelter. That has seldom been the case in New Jersey and we must ensure that it never is again.

In recognition of that responsibility, the Legislature passed Chapter 48 of the Laws of 1985. It was a difficult law which gave us a difficult task. Our actions prior to proposing these regulations were guided by two considerations:

1) that existing shelters not be forced to close or reduced in size or capacity until adequate "conforming" shelter space was available to meet the demand and,

2) that the State provide a level of funding sufficient to begin the process of providing shelter operators with the means to meet the standards.

Based upon these principles we have proceeded to offer a set of standards which will ensure both adequate bed space while enabling the homeless to find shelter with dignity.

Let me bring you up to date on where we stand with the rules needed to implement the law.

The proposed standards were published for public comment on February 16, 1988. The proposed standards were shared with the Departments of Health and of Human Services before publication as well as with the Public Advocate.

The proposal incorporates the recommendations of the Departments of Health and of Human Services.

It is important to understand that we didn't just make the proposed standards out of whole cloth. They are based on standards presently in use by the City of New York. Those standards are the result of extensive litigation between the City and advocates for the homeless. Conditions in New York City shelters have often been very bad. Those conditions led to litigation designed to establish the rights of the homeless with regard to the quality of shelter. The settlement of that litigation led to the standards we used as a basis for ours. Accordingly, these proposals are not just an Executive branch view but something which has been tested in the courts.

I do want to point out, however, that while we based our work on the New York standards, we did greatly simplify them while maintaining the essential policy.

Not unexpectedly, we received considerable comment from those who provide shelter. While the official deadline was March 17, 1988, we have continued to receive and consider comments. We have clarified a considerable number of points in response to the many sound technical comments we received. A revised draft has been prepared. We are planning to meet with all those groups and individuals who filed extensive comments in order to make sure we fully understand the comments and, just as importantly, to ensure that the misunderstandings which some of the comments reflect are cleared up. The first such meeting, with representatives of the Catholic Conference, Catholic Charities of the Diocese of Metuchen, and Catholic Community Services of Essex County, is scheduled for this Wednesday, April 20, 1988.

The proposed rules cover the rights of residents, facility requirements, space and staffing requirements, as well as procedural aspects of the program. They also make distinctions between the three types of shelters, overnight, 24 hour a day, and family shelters. Key areas of concern have been:

1. The cost of staffing requirements;
2. The effect of space requirements;
3. The nature of service requirements; and
4. Fear of local enforcement.

STAFFING - As I indicated earlier, the staffing standards are based on those in use by the City of New York. Our proposal slightly increased those standards based upon recommendations received from the Department of Human Services. We are prepared to reduce the proposal to the level required in New

York City and would like to get the advice of current providers on what they believe is adequate. We didn't receive that advice in any of the written comments. I believe the mistaken notion that we would close shelters which did not meet standards at once caused a reluctance to support or suggest anything but what already exists. Accordingly, most who commented made no recommendations. Clearly, adequate staffing is essential to the operation of safe and decent shelters. We need to agree on adequate staffing levels in an atmosphere free of fear and then pursue that goal through the standards and with funding.

SPACE - Once again, the proposals are based on a slight increase over that provided by New York City, based upon a Department of Human Services recommendation. We are prepared to reduce the requirement to the 40 square feet per person plus 12 square feet dining and recreation space (in 24 hour a day shelters) without further discussion. Here also, we look to shelter operators to advise us based on what they think they should be able to provide - not what they actually have now.

It is important to understand just how minimal 40 square feet is. The nearest equivalent I am aware of is the 70 square feet per person in sleeping areas which the armed services require for recruit barracks. That figure is based on extensive empirical research conducted in the late 1940's which indicated that there was a significant increase in sickness when less space was provided. Our proposal is well under the 100 square feet per person required by most minimum housing codes.

Finally, I should point out that some of the suggestions you might have seen in the press that the number of beds in a shelter might be reduced from 40 to 6 are greatly exaggerated.

SOCIAL SERVICES - In a number of cases the proposal has been interpreted as requiring shelter providers to provide social case management services which are more appropriately provided by existing social service agencies. The language of the proposal will be modified to make it clear that shelter providers should make referrals and establish linkages. We do not expect to require that they be full service social service agencies.

LOCAL ENFORCEMENT - There is a fear that local enforcement of the standards will not be fair. The law permits local enforcement at the option of the locality. We can do nothing about that. Quite frankly, we expect very few towns to take up the option. What we have done, however, is to provide that any decision or action of a local enforcing agency can be appealed to the Department. This will ensure uniformity of enforcement and fairness in the application of the rules.

Let me say a few words about the Department's implementation plans. We never intended to close shelters. This intention is set forth clearly in the waiver provision of the rules. The proposed rules provide that waivers will be granted whenever there is a need for the shelter. There is no requirement that the shelter provide equivalence to the requirements or that any minimum standard at all be met - only that there be an unmet need for the shelter. I don't know how we could have telegraphed our intentions more clearly than that.

The rules go on to say that a waiver can be granted for 45 days even without a plan of correction, but that after 45 days the shelter operator will have to establish a plan which would include an estimate of the funding needed to comply. We are firmly convinced that with careful planning and coordination, the funds which will be available to DCA and the Department of Human Services during the next fiscal year, will enable us to meet the most urgent needs for additional financial support.

I do want to add that we have received supportive comments on the rules. We are particularly pleased to have received the support of the Public Advocate who indicated "support for many of the health and safety standards in the proposed rule, especially those which require a minimum level of service to the homeless."

We strongly believe that those comments illustrate the wisdom of the law that set us upon this course. In New Jersey, it won't be necessary for advocates to litigate these rights. The legislative branch and the executive branch of the state government are living up to their obligation to both set standards and to provide funding.

I am sure that everyone in this room recognizes that shelters are not an answer to the problem of homelessness. They only treat the symptom. The Department of Community Affairs has made great strides in beginning to attack the root causes. Governor Kean has recommended that more of the tax revenues of this state be committed to meeting housing needs, in FY 1989 alone, than was committed by all of his predecessors in all of their terms combined. We are also mounting a real attack on the underlying economic causes of poverty and welfare dependency.

We will, however, need shelters for the near term. A firm and unyielding commitment to provide decent shelters for all is needed. That is our commitment as I am sure it is yours.

NEW JERSEY CATHOLIC CONFERENCE

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Diocese of Camden
Diocese of Metuchen
Diocese of Paterson
Diocese of Trenton
Eparchy of Passaic

William F. Bolan, Jr.
Executive Director

April 18, 1988

TO: Members, Assembly Housing Committee

FROM: Regina M. Purcell *RP*
Associate Director for Social Concerns

RE: Rules of Department of Community Affairs Concerning
Emergency Shelters for the Homeless

The New Jersey Catholic Conference is vitally interested in the regulations because the Catholic Dioceses of New Jersey operate forty-six per cent of the shelter beds in our State. We support the need to ensure the health, safety and welfare of the shelter residents. Nevertheless, we oppose the regulations in their present form. Revisions must be made in several crucial issues: most importantly, the staff and space requirements. We believe that the proposed regulations impose such a severe burden on the shelter licensees that many would be forced to shut their doors.

We detect a bit of irony when we look at why the regulations were written in the first place. On March 31, 1983 this Committee heard testimony from nonprofit organizations about the obstacles that they were meeting at the local level in opening shelters. Some localities were requiring shelters to meet stringent standards for hotels and motels. This was allowed since there were no uniform procedures for the licensing and inspection of emergency shelters. So as the need for shelters was growing, the difficulty if not impossibility remained in obtaining approval for them at the local level. Likewise, the Governor's Task Force on the Homeless in 1983 recommended that a centralized shelter licensing system and uniform shelter standards be established to "supplant conflicting and sometimes cumbersome local building codes." (page 10) This Committee subsequently introduced legislation with the purpose of "expediting the establishment of shelters for homeless persons." (Committee Statement to Assembly 300, 1/30/84) The legislation which was ultimately signed into law in 1985 states: "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 government procedures be expedited if this shelter is to be provided."

How then did we end up with such strict, prohibitive regulations which have the opposite effect, i.e., forcing the closing of shelters? When we asked the Department of Community Affairs the

source of the regulations (since the shelter operators had no input into them), we were told they were patterned after those governing shelters in New York. There are, however, several marked differences between the two States. One of the most important is that the shelters in New York are given one hundred per cent of the funding needed to comply with the regulations. As a matter of fact, procedures for getting those monies are written into the regulations. No such funding mechanism exists in our regulations. Another distinction is that New York's regulations were promulgated prior to the opening of most of the shelters so shelters were able to plan accordingly. Some of our shelters which have been in existence for several years are unable to comply with the regulations because of the physical structure or layout of the building in which they are located. Even if the funding was available to make renovations, which it is not, these shelters would still be unable to come into compliance with the regulations.

Interestingly enough, the regulations our Department of Community Affairs wants to impose not only have no assurances of adequate continual funding but are more stringent in many respects than those in New York. For example, the shelters in New York are not required to serve meals. If the shelter does not have kitchen facilities, residents are given a restaurant allowance. In adult shelters in New York, substantial sections of the regulations can be permanently waived for "desirable or necessary" reasons. Our regulations allow for a waiver for forty-five days only. Shelters in New York with under twenty beds or fewer than ten families are exempt from the regulations altogether. I might also add that the cities in New York have assumed their responsibility to the homeless by opening and operating their own shelters. Unfortunately, we cannot say the same for our own cities.

I am not suggesting that we issue identical regulations. Rather, the Department's proposed regulations must be reconsidered so as to strike a balance between the health, safety and welfare of the residents and the shelters' realistic ability to serve the critical needs of the homeless. I emphasize that of paramount importance is the availability of a sufficient and stable source of funding for the shelters.

When he received the recommendations in the report of the Task Force on the Homeless in 1983, Governor Kean stated:

"I believe that, with these steps (recommendations of the Task Force) our state and our society can move toward the goals outlined by the Task Force, namely 'all persons, regardless of fault, are entitled to the basis human needs for shelter and food and it is the obligation of government to ensure that these needs are met.'" (page 6)

We call upon the Department of Community Affairs to assume its obligation to the homeless by delaying adoption of the proposed regulations until a more balanced solution can be reached with the input of the shelter licensees and until ongoing funding sources and technical assistance is publicly and permanently assured.

I have enclosed for the record a copy of the New Jersey Catholic Conference's comments on the regulations which we submitted to the Department of Community Affairs. These comments detail many other areas of concerns to us.

Enclosure

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William F. Bolan, Jr.
Executive Director

March 17, 1988

Michael L. Ticktin, Esq.
Administrative Practice Officer
Department of Community Affairs
CN 804
Trenton, New Jersey 08625

RE: Emergency Shelters for
the Homeless Maintenance
and Operation Standards
Proposed New Rules:
N.J.A.C. 5:15

Dear Mr. Ticktin,

These comments are filed by the New Jersey Catholic Conference on behalf of the Catholic Bishops. The dioceses in New Jersey operate emergency shelters for the homeless which supply approximately 46 percent of the total shelter beds in the State. Our review of these regulations leads us to conclude that, if enacted as proposed, they would have an extremely deleterious effect on our ability to provide shelter to the homeless, even to the extent of being forced to cease operation of shelters and to terminate services provided therein. Because of the numerous serious implications of the regulations, we request their adoption be delayed until such time as the Department of Community Affairs has the opportunity to reconsider them after a public hearing and a meeting with the licensees of the shelters.

We are all painfully aware of the growing numbers of homeless in our State. The Department of Community Affairs estimates the present number at 25,000 to 28,000. More than 60% are children. Increasing numbers of homeless are among the "working poor" evicted by a landlord or unable to find affordable housing. The statistics on the lack of affordable housing, especially rental apartments, in our State are staggering. New Jersey's housing crisis is the third worst in the nation. At the

New Jersey State Library

same time, government subsidies for housing affordable to low and moderate income residents have been drastically reduced. Moreover, it is estimated that only 10% of the low income housing needed between now and 2003 will be met through conventional housing supply initiatives. Paramount to easing this crisis is a government housing policy that will provide affordable housing.

In the interim we are faced with the reality of homelessness. Many are forced to seek refuge in emergency shelters of which there are far too few. There are less than 1,300 shelter beds in New Jersey. Over 600 of them come under the auspices of the Catholic Church. All the churches and other nonprofit agencies which have opened shelters have done so to fill the void created by the lack of government response to the alarming housing crisis.

We commend the Department of Community Affairs for recognizing the need to ensure the health, safety, and welfare of the shelters' residents and believe firmly that the dignity of every individual in the shelters must be protected. We contend, however, that the proposed regulations governing the shelters pose an undesirable situation of further institutionalizing a temporary and an emergency solution to homelessness. Furthermore, the regulations place the burden of responsibility for providing adequate building space and services squarely on the shoulder of the non-profit agencies without provision for technical assistance from the State nor with any assurance of funds from the State. The regulations are overly stringent and inflexible. They create excessive burdens on those trying to reach out to help the homeless. We fear that as a result it is the homeless themselves who will suffer the most when shelters are forced to close.

We are concerned also that the regulations were written without consultation or input from the shelter operators. We believe it vitally important that the licensees have an opportunity to meet with the Department of Community Affairs to discuss their concerns so that realistic and practical alternatives to the present regulations may be found. We reiterate our request that the regulations not be adopted until such alternatives are found.

Next, we turn to the economic and social impact of these regulations. The statements presented in the regulations display a serious lack of understanding of the impacts. For instance, complying with the space requirements will necessitate a drastic reduction in the number of shelter beds. In one shelter alone, there will be a reduction of over 50% of the number of beds. This creates severe social impact on the homeless who will be forced on the streets or placed in motels or hotels which are not covered under these regulations and which are not required to provide even basic social services. We are especially concerned with the funding level cited in the regulations at \$800,000. Simply put, this level of funding will not cover the costs of

complying with the regulations. For example, one shelter estimates that meeting just the staffing requirements will cost an additional \$100,000 a year. Obviously, there are substantially higher financial impacts than the Department has acknowledged.

Consequently, we call upon the Department to ascertain these costs and to provide full funding for both capital and operating expenses prior to the adoption of regulations.

The following are our specific comments with respect to the text of the rules as proposed in 20 N.J.R. 341-347.

- 5:15-1.3 We request that this section be amended to provide a right of appeal to the Department of Community Affairs from the decision of a municipal officer.
- 5:15-1.4 We are concerned that the inflexibility of this provision will necessitate the immediate closure of our shelters. We request the following section be added: "An extended grace period will be allowed for shelters to come into compliance with the regulations. During the grace period, the Department of Community Affairs must make provision for the necessary funds and technical assistance required for shelters to comply with the regulations."
- 1.9 (a) It is unclear whether the terms "exemption, modification" and "postponement" of the rules are interchangeable and whether they are distinct from a "waiver" which is granted for a maximum of 45 days. Because of their severe impact on the shelters, we believe the rules must allow for an indeterminate modification or postponement as long as the health, safety, and welfare of the residents will not be jeopardized. We, therefore, request that "for an indeterminate period" be added after "postponing."
- 1.9 (d) The time period of 45 days is inadequate and places an unreasonable burden of responsibility on the shelter. In fairness to the shelters, and in order for the government to ensure the fulfillment of its obligations, the waiver should be extended until after such time as any necessary contracts with the Department are signed and the necessary funds to implement the rules are received.
- 3.1 (c) We concur that residents' rights must be protected. Nevertheless, we believe that

unrestricted access of visitors may have a disruptive influence on a shelter, especially one with limited space. The licensee must be permitted the right to restrict visitors who may or are causing a disruption to the operation of the shelter.

3.8 (c)8. Clarification of "confidential treatment" of records is needed. We agree with the importance of confidentiality but are certain the regulations are not meant to prohibit shelter staff from providing records to other social service agencies. We suggest the section be amended to read, "except insofar as is necessary to further the information and referral services pursuant to N.J.A.C. 5:15-3.7."

3.1 (c)13. Clarification is needed of the term "bona fide contract." Who determines if contracts presently existing in the shelters are "bona fide." And, if a contract does not specifically state the particular job a resident may be asked to perform, is that resident exempt from responsibility.

3.5 (f) There is no indication as to how many staff are required. We assume the intention is to have one person designated as supervisor at all times.

3.5 (g) What is the basis for the ratio of staff to residents? We do not understand the rationale for staff requirements and believe they are excessively high, particularly during the night hours. We are especially concerned that although additional staff will be needed in many shelters during the night to comply with the rule, one of the staff may be permitted to sleep. In essence, the shelter is now required to pay a staff member to sleep.

The additional staff will require a substantial increase in operational expenses. As cited previously, the cost to one shelter alone is \$100,000. Yet the shelters do not have the assurance that financial assistance on a permanent basis is forthcoming from the government. For those shelters able to provide services adequately with present staff, these increases are excessively burdensome. Idealism must in some cases yield to reality, especially fiscal reality.

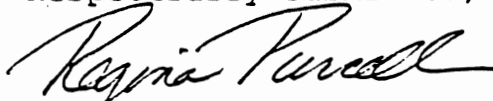
- 3.5 (k) We repeat the comment here which we made in our comment to N.J.A.C. 5:15-3.5(g).
- 3.7 The duties prescribed under "Information and referral services" are in fact case-management services requiring a higher level of staff training. We request that the section therefore be titled, "Case Management Services."
- 3.7 (a) We are concerned that the burden of responsibility is placed on the licensee. Government social service agencies must assume their responsibility to establish contact with the residents in shelters. We request the rule be amended to read, "municipal, county, or state social service agencies (or service providers) must maintain contact with shelters to assist each resident to maintain ..."
- 3.8(b)2. We are confused as to the meaning of the terms "social, religious, or cultural regimen" and cannot comprehend the intent of this section. Furthermore, are we to assume that a shelter must refuse to accept an individual who, for example, is a vegetarian and so requires a specialized diet? We must remember that the residents are free to make choices themselves. It is inappropriate for a decision of this type to be made by the licensee. We request that subsection (b)2. be deleted.
- 3.8(b)5. It is unclear whether teenage mothers, who are emancipated minors, are allowed admission to a shelter.
- 3.8(c) It is unreasonable to expect that caseworkers will be available on weekends. We, therefore, request that an amendment be made from 24 hours to 72 hours.
- 3.8(h)3. Given the conditions set forth, i.e., snow emergencies, excessive cold, or other circumstances we believe the requirement to meet census-based staffing is unreasonable and request that it be deleted. Not only does it place an unfair burden on the shelters to locate and hire qualified additional staff for in what these circumstances would be a limited period, it also creates excessively high financial burdens on the licensee.

- 3.9(a) We submit that this requirement is inappropriate. For example, under N.J.A.C. 5:15-3.2.(a)9., residents are subject to removal for "destruction of property, drunkenness, use of alcohol or drugs, violence or inappropriate activity that causes a disturbance." It is clearly unwarranted to impose the burden upon the licensee when faced with these emergent and dangerous conditions. We recommend that subsection (a) be amended to provide that such notice be given if practicable.
- 4.10(b) The fact that space may not be used for both sleeping and dining is excessively restrictive and unrealistic. We emphasize that many people live in desirable studio or efficiency apartments where dining, sleeping, and leisure facilities are in the same room. Why then are the shelters, which we stress are established as a short term, emergency response to the housing crisis, be held to such restrictive standards. We request that subsection (b) be deleted.
- 4.10(e) Because of the excessive burden to the shelters, we request the requirement for prior written approval be removed.
- 4.12 The requirements for space will decrease drastically the number of beds in the shelters. In some shelters, the reduction will be so severe that it will be unrealistic for the facility to remain open. The capacity in one shelter will be reduced from 100 beds to 25 beds. This particular facility had planned on equipping each separate bedroom with two bunkbeds to allow a family to sleep in a single room. The regulations would prohibit this from happening.
- We question the wisdom of creating a situation where shelters will close and additional numbers of homeless will be forced into motels or hotels often far removed from the residents' neighborhoods, access to social services, potential apartments, jobs, and schools.
- The shelters we operate are physically incapable of being modified to accomodate the space requirements. We request that the requirements be altered substantially after consultation with the licensees so that a realistic solution may be reached.

4.16(b) ^{SECTION} We request that subsection (b) be amended to read. "A sufficient number of staff ..." Our rationale is that the ability to speak the predominate language should be dependent on the function which the staff person serves. For example, the cook need not be multi-lingual.

All of this technical discussion detracts from the most critical consideration which is the continued delivery of services to the homeless who are in need of our shelters. We repeat that adoption of these regulations in their present form will force us to close some of our shelters and drastically curtail the population in others. We believe it is important that the Department conduct public hearings so that the social and economic impact of these regulations can be addressed adequately. In addition, we submit that a meeting between the licensees and the Department would serve to clarify many of the problems raised by these regulations. It is worth noting here that the enabling legislation N.J.S.A. 55:13C-1 et seq., prescribed no standards for licensing but left them to the discretion of the Department. Thus, the Department is free to amend these proposed regulations. We appeal to the Department not to exercise its rule making authority in an arbitrary, unreasonable or capricious manner. Rather, the Department should reconsider these regulations so as to strike a balance between the health, safety and welfare of the residents and the shelters' ability to serve the critical needs of the homeless.

Respectfully submitted,



Regina Purcell
Associate Director
for Social Concerns

RP:kms



CATHOLIC CHARITIES

DIOCESE OF METUCHEN

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Associate Executive Director

Mr. Michael L. Ticktin, Esq.
Administrative Practice Officer
Department of Community Affairs
CN 804
Trenton, N.J. 08625

RE: N.J.A.C. 5:15
Emergency Shelters for the Homeless
Maintenance and Operation Standards

Dear Mr. Ticktin:

We have reviewed the proposed new rules regulating the operation of shelters for the homeless and we are compelled to respond.

It is clear that the intent is one to improve the circumstances that the homeless find themselves in, to improve the "safety net." Some grave concerns surface - both in general and most specifically to this agency's shelters.

To begin, something does not "feel right" about addressing issues of housing and poverty through the establishment of rules and regulations for the operation of emergency shelters to house those whom our social and economic policies have failed. Instead of thinking of shelters as temporary emergency solutions, they have become such a part of our mutual frame of reference that they are now being institutionalized and, therefore, must be regulated. This is sad.

Much concern for the care of the homeless appears to be present in the proposed regulations. In the best of all worlds, with little exception, we would welcome government concern for the physical well being of the homeless. Unfortunately, this is not the best of all worlds. No level or department of government in the State of New Jersey is responsible for the full operational funding of homeless shelters. Consequently, most shelters are badly structured, inadequately supported, poorly staffed, underserved, and fortunate each year not to close because of inadequate funds. To impose on such fragile institutions an array of physical, staffing, and service requirements without access to the needed resources for compliance will not benefit the homeless. It will only cause the closing of many shelters. This is a grave concern.

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To best illustrate the impact of the proposed regulations, we will comment on the various impacts these regulations will have on our two shelters. One shelter is a 72 bed family and single woman facility that utilizes dormitory style quarters at a summer camp. The other shelter is a 40 bed men's shelter which was formerly a sewage treatment plant. Neither building is owned by the agency. Neither building can be enlarged or substantially improved. By the close of 1988 with great cooperation from Middlesex County, the Department of Defense and the Economic Development Administration, the family shelter will move to a new 100 bed facility at Camp Kilmer. Not one of the three facilities is even marginally in compliance with the proposed regulations:

5:151.3 (a) Municipalities are given first responsibility to appoint a public officer to enforce the proposed regulations. Most municipalities resist having a shelter. To empower municipalities in this way is to insure fewer shelters in the future. In our case there is question about whether the two municipalities in which we have shelters would allow our continued operation.

5:151.5 (b) The New Brunswick shelter has a temporary Certificate of Occupancy. The family shelter has no certificate (neither does the camp from whom we rent the dormitory, nor the County of Middlesex from whom the camp rents the property.)

5:151.9 A 45 day period is allowed by formal application as the time frame for a shelter to be brought into compliance. Assuming that the agency's shelters are not in physical, service, staffing, and paperwork compliance, 45 days is not sufficient time to secure the hundreds of thousands of dollars in both capital and operational funds needed for compliance. Even if adequate time were granted and funds were provided, neither structure can be substantially changed physically to bring it into compliance.

5:153.1 (c1) More homeless people exist than can be sheltered. Some 1200 to 1500 beds are insufficient for over 20,000 homeless. To deal with this a length of stay policy has been established. It would appear that the proposed regulations makes this no longer valid and a resident can only be asked to leave for cause. This would be a serious problem.

5:153.1 (c8) We believe confidentiality is important, but in the case of many of the homeless, the severity of their problems, the urgency of their needs and the long and complicated history they have had with multiple public and private human service agencies, make it impractical to treat the issue of confidentiality with the same import it would be given in a counseling case. Even your own regulations at various times contradict the homeless individual's right for confidentiality and his need for help.

5:15-3.1 (c-13) We require that residents at our shelters assist in cleaning the facility. The regulation provides them with a right to decline. This seems incomprehensible.

5:153.3 and 5:153.4 We endorse the idea that on site rehabilitative services be provided at shelters. In fact over the course of five years our shelters have included many resident services such as information/referral, casemanagement, homefinding, crisis mental health services, medical screening, and transportation. Over the years we have also established linkage and cooperative service ties with many human service agencies. None of this existed initially. Had the regulations existed at the time of our opening, we could not have been licensed. We also wonder why the obligation for service provision is the responsibility of the shelter operator and not on the applicable part of the public sector i.e. DYFS, Welfare, DMH&H.

5:153.5 (a-9) There is no difficulty with the activities suggested as general supervision. Though we should point out that items 8 and 9 address "Guidance" to assure residents' nutrition and hygiene. This is counseling, not supervision. Given 112 residents with many serious problems at our shelters, our counselors have hardly enough time. To add nutrition and hygiene counseling as a legal requirement of a shelter operator may necessitate additional staff.

5:15-3.5 (e) Again we have no problem in assisting in facilitating applicable evaluations for shelter residents; but should it be a law that this kind of custodial responsibility belongs to a shelter operator, not the public sector. Isn't this also a violation of the residents legal rights and of confidentiality for a shelter operator to "arrange" and "notify"? (5:15-3.1 (c-3 and c-8) Shouldn't this be the resident's responsibility or decision?

5:15-3.6 (d) Our family shelter has 72 residents. We successfully have operated this shelter for five years. The staffing pattern consists of shelter coordinator, caseworkers, mental health clinician, nurses, and van driver who are available Monday through Friday 8 AM to 9 PM and "on call" during other hours. From 9 PM to 8 AM weekdays and all day on weekends two staff members are present. They assist and supervise the residents, resolve problem situations, do off hours admissions, maintain order and attend to medical/psychiatric emergencies. Two staff are all that is needed to accomplish this. We are at a loss for what four employees would do, particularly overnight. The cost increase to us for two needless additional staff at any point in time would be \$115,516 per year and would require the hiring of ten employees to fill the two unnecessary slots. Who will pay for it? Why? Regulation 5:15-3.5 3(k) allows one of these people to sleep. Why is this employee needed?

5:15-3.7 (a,b,c & d) Again we believe these services are important as part of a shelter program, but they are not "information and referral services." More accurately they are casemanagement services. Item 3-1 requires "establishing linkage" and "arranging services." Hardly is this simply informing the resident. The worker then needs to be quite sophisticated, knowledgeable, and skilled because of the population to be served. The cost for such a worker would be \$16,000 or more per year.

With a population of over 100 residents and client worker ratio of 20 residents to one worker, we would need at least two more caseworkers. We understand these are important services for a shelter to have, but why require it by law? And why require it of the shelter operator, not the public sector?

5:15-3.7 (b-2, c-3, c-4) Again, no problem is found with the idea except for those mentioned above. Doesn't "cooperating with providers," "identify persons," "assist external service providers" and "executing a plan," seem to contradict the resident's exercise of civil, constitutional, or legal rights (5:15 3.1 c-3) or at the least violate his right to confidential treatment (5:15-3.1-c-8)?

5:15-3.8 (b-2) We are not clear on what this means, but it sounds like an area for grave discrimination issues.

5:15-3.8 (b-5) Usually our shelter will not house a minor who is without parent or guardian. An exception is an emancipated minor, one who is under 18 but legally the guardian of her own minor child(ren). Should such a parent and child be denied care?

5:15-3.8 (c & d) Each resident at our shelter is provided with a comprehensive screening interview with a professional intake worker. These are usually done prior to admission and in all other cases by the next work day. On occasion 72 hours can go by before the formal intake is done. The resident is informed of the conditional status pending the intake. The new law would require a weekend intake worker to insure that the intake is done within 24 hours. The additional cost would be about \$7,000 per year. Why?

5:15-3.8 (e) The shelter staff gladly assists in finding alternative settings for inappropriate clients. The difficulty is that no alternatives really exist. Further it should not be the shelter operators legal responsibility but rather the responsibility of the public sector. An example is a homeless mentally ill individual discharged from an in-patient setting to the shelter. At intake it is apparent the individual is inappropriate for the shelter. Why now does it become the shelter operator's responsibility to relocate this person within 72 hours? Where would he be relocated to? Why isn't it the responsibility of the mental health facility that discharged him (or dumped him)?

5:15-3.8 (h-3) Emergency response is an understandable shelter function. It is something that we do try to accommodate. Again to have to hire yet more staff in order to respond to an emergency seems inappropriate.

5:15-3.9 (a) We are glad the shelter can legally retain the right to "remove a resident" who violates the shelter's rules. To do so, the shelter must "notify social services, advocacy or other involved groups" "before moving a resident." This would make rule enforcement impossible and prevent the handling of emergency situations. It is an unnecessary intrusion on shelter functioning. Also it is unclear who are the "social services" to be notified and how do we identify "other involved groups"?

5:15-3.9 (b) The shelter operator is required to "send identifying information and identification of the resident's representative and physician" when a resident is transferred from the shelter. What happened to civil rights and confidentiality (5:15-3.1-c 3 & 8)?

5:15-3.11 (b & f) We too have come to see the benefit of shelter residents saving while at the shelter to facilitate a new start when they leave. Since our second year of operation we have required that at least 50% of resident's income be saved. This is part of the admission contract. It became a requirement when we saw that virtually none of the residents saved and they left the shelter with as little resources as when they entered. We witnessed poor judgement, alcohol and drug use increase and waste. The new regulations prohibit mandatory savings. How does this benefit the resident or prepare for independent living?

5:15-4.1 The shelter is required to provide access to the residents and to "books and papers" to "any officer or duly authorized employee or agent of the public officer or DCA" at any time. Isn't this a violation of the resident's civil rights, confidentiality, and an intrusion upon the operator?

5:15-4.10 (a-e) Neither of our shelters has both a dining and leisure space. Although it would be nice, it is not a physical possibility. Given a census of 72 people at the family shelter, an 820 square foot (roughly 30 X 30) dining room and a 864 square foot leisure room (another 30 X 30 room) would be needed. Other than sleeping area, our multi-purpose dining/leisure room is only 1000 square feet. How do we comply? Do we reduce our census by 30 people making them homeless again so that the remaining 42 have an appropriately sized leisure room? In New Brunswick at our men's shelter the situation is even more drastic. Given a census of 40, we need two 480 square foot rooms, but all we have is one 323 square foot room. Again do we decrease our census? Why? Even our planned new facility will not be able to comply with this dining and leisure room requirement. With a predicted 100 bed capacity we need an 1100 square foot dining room and 1200 square foot leisure room or two 35 X 35 rooms. Sufficient space exists for one but not both. Our room will be 51 feet by 37 feet or 1887 square feet. Clearly it is a rather large room but not the 2300 square feet required.

5:15-4.12 The space requirements for sleeping areas have major impact on both of our existing shelters and even at the future family shelter site. The men's shelter sleeps 40 men on bunk beds in a large dormitory room which is about 704 square feet or 44 feet long by 16 feet wide. Given the need for 3 foot wide aisles it becomes impossible to have more than one row of beds in the 16 foot wide space since two aisles or six feet of space are needed. This leaves only ten feet which is not large enough for two six foot beds. Needing also to have the three feet between each bed and given each bed is three feet wide, the dorm can only have seven bunk beds. This still doesn't mean 14 men can be served since the space requirements for 14 men are 700 square feet not counting aisles. When we remove the three foot passage way all that is left of our 704 square foot room is 653 square feet or enough space for 13.06 men. Where do we put the other 26.94 men?

Mr. Michael L. Ticktin, Esq.

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5:15-4.13 Our family shelter has three dormitories, each of which is 20 feet by 36 feet or 720 square feet. Again using bunk beds 24 people sleep in each dorm. The requirement of 50 square feet per person reduces each dorm to a 14 person capacity. As a consequence, we make another 30 people homeless. We cannot understand how during the summer this facility is allowed to sleep 90 campers but during the winter it can only sleep 42 homeless. Is this reasonable?

While the process of reviewing our comments on the impact of the proposed regulations on our shelters has been time consuming, we appreciate the opportunity. Our shelters comprise about ten per cent of the shelter beds in the State of New Jersey. Having to close these because of an inability to comply with the new regulations would be a tragedy for the homeless.

It is also important to point out that our shelters are among the most sophisticated in the State. They provide food and lodging as well as a wide range of core services. Most other shelters are much less sophisticated. The service provision, staffing pattern, personnel policies, and records requirements may prove to be for other shelters what finding a leisure room would be for us.

I would like to suggest that the adoption of these rules and regulations be postponed until the Department of Community Affairs has the opportunity to meet with shelter operators to discuss the implications of these regulations in more detail. We would welcome the opportunity of such a meeting.

If we can be of further assistance, please call. We look forward to your response.

Very truly yours,

Sister Florence Edward

Sister Florence Edward Kearney, DC
Executive Director

Nicholas R. Giordano

Nicholas R. Giordano, MSW
Associate Executive Director

CC: Most Rev. Edward Hughes
Majority Leader John A. Lynch
Commissioner Leonard S. Coleman, Jr.
William F. Bolan, NJCC

CATHOLIC COMMUNITY SERVICES
Essex County Division
ARCHDIOCESE OF NEWARK

TESTIMONY TO THE ASSEMBLY HOUSING COMMITTEE OF THE NEW JERSEY
STATE LEGISLATOR ON PROPOSAL #PRN 1988-65 - NEW RULES FOR EMERGENCY
SHELTERS FOR THE HOMELESS.

PRESENTED BY: WILLIAM B. WATSON, ESSEX COUNTY DIRECTOR, ON 4/18/88

Social Impact

While we wholeheartedly support a "positive social impact" on homeless residents and strongly support good standards of care, the rigidity of these proposed rules institutionalizes and sets into concrete a social service delivery system which by its very nature must have flexibility and fluidity. This is particularly true in the development of new facilities to meet this State's most pressing social problem; the suffering homeless now living in immense numbers on the streets of our cities. We maintain that the "social impact" statement is understated in terms of the maintenance of present services and development of critically needed new ones. WE RECOMMEND THAT THE ADOPTION OF THESE RULES BE SUSPENDED UNTIL THE DEPARTMENT OF COMMUNITY AFFAIRS CONDUCTS A SOCIAL IMPACT STUDY WITH PARTICIPATION OF ALL SHELTER OPERATORS IN THE STATE.

Economic Impact

As hereafter indicated, these rules will result in considerable capital costs to the private agency shelter operators, as well as increased operating costs, recurring on an annual basis. We believe shelters will be closed, or care substantially reduced. While the rules indicate "offset" by DCA, there is no need assessment to determine present and future costs. Furthermore, if there are available funds, they should be released immediately for operational costs which are needed desperately by many of the Shelters.

WE RECOMMEND THAT THE ADOPTION OF THESE RULES BE SUSPENDED UNTIL THE DEPARTMENT OF COMMUNITY AFFAIRS DEVELOPS A REALISTIC AND COMPREHENSIVE ECONOMIC IMPACT STATEMENT; BASED ON A PRECISE STUDY AND ASSESSMENT OF INCREASED CAPITAL AND ANNUAL OPERATING COSTS THAT THESE RULES WILL GENERATE.

Sub-Chapter I - Administration and Enforcement

We support this sub-chapter in its entirety but must point out that the experience of private agencies in obtaining Certificate of Occupancies on a timely basis is far from positive, primarily due to overworked and understaffed building inspection services in our major cities. Furthermore, delays in securing funding - both capital and, to a lesser degree, operational, will further mitigate against present and future development of beds for the homeless. THEREFORE, WE RECOMMEND, UNDER 5:15.9, THAT WAIVERS WILL BE GRANTED TO ALL PRIVATE, NON-PROFIT PROVIDERS OF SHELTER CARE UNTIL SUCH TIME THAT GOVERNMENTAL OR OTHER MONIES ARE PROVIDED AND THE MANDATED RENOVATIONS COMPLETED.

We further recommend, as to recurring annual operating costs, such as proposed increased staffing patterns and space requirements, that "WAIVERS WILL BE GRANTED TO ALL PRIVATE, NON-PROFIT PROVIDERS OF SHELTER CARE ON AN ANNUAL BASIS UNTIL GOVERNMENTAL FUNDING IS SECURED TO MEET THE INCREASED ANNUAL COSTS THAT THESE RULES GENERATE. It is our contention that the same State that mandates increased costs, however good the intention, should pay for them. The typical private, non-profit social service agency simply cannot.

Sub-Chapter 2 - DEFINITIONS

We support this section but point out that while "Limited Period of Time" is herein defined, nowhere else in the rules is it mentioned. What does it mean and why? Are such shelters exempt?

Sub-Chapter 3 - RIGHTS OF RESIDENTS

We support this section in its entirety except for the following:

1. 5:15-3.1(2) add(1) Resident staff will, at its discretion, exclude visitors which they reasonably judge will be disruptive (2) Shelters shall set its visiting hours schedules consistent with space availability and orderly administration of the facility.
2. 5:15-3.1(13) Cost of care for many clients is not provided by governmental funding and clients do perform services to cut costs as well as an aid in rehabilitation. A "bona fide contract" will require legal costs and consultation.
WE RECOMMEND INSTEAD A WRITTEN MEMO OF UNDERSTANDING BE SUBSTITUTED.
3. 5:15-3.3(b) Change to "shall demonstrate that attempts have been made to secure cooperative arrangements with...." The shelter operator cannot be held responsible for other agency functioning.
4. It is in 5:15-3.5(g) where annual staffing costs in many cases will be tripled since shelters operate on a 7 day, 3 shift, 8 hour basis. For example, a 121 size shelter will require 15 "supervision" staff members per day, 7 days per week, or a total weekly FTE of 840 supervising hours per week. The same arithmetic applies to the other categories. While we applaud the proposed staffing pattern, assurances of governmental cost reimbursement is needed on an annual basis. We are doubtful of the feasibility of this increased funding on an annual basis. Thus, our previous recommendation on "WAIVERS" is repeated.
5. In regard to 5:15-3.6(e) security staff or services are an integral part of "supervisory staff" needs and should not be eliminated in calculating requirements. Likewise, transportation personnel act as supervisory staff when they are not driving and should not be fully eliminated.

6. In regard to 5:15-3-8(b) a certificate of occupancy should be flexible. In one shelter, on frigid, cold nights, temporary cots are set up in a dining room as many come to the door. The alternative is to lock the door, leave them in the freezing weather in order to comply with the regulations.

WE RECOMMEND THAT EMERGENCY SHELTERS CAN EXCEED THEIR CERTIFICATE OF OCCUPANCY REQUIREMENTS WHEN THE TEMPERATURE FALLS BELOW FREEZING, UPON NOTIFICATION OF THE LOCAL FIRE AND POLICE DEPARTMENTS.

Sub--Chapter 4 - FACILITY REQUIREMENTS

There is no requirement for or responsibilities defined of a Board of Trustees for private, non-profit social agencies operating homeless shelters. We feel this is essential for the assurance of quality of care and fiscal responsibility in serving the homeless. WE RECOMMEND THAT ALL SHELTERS FOR THE HOMELESS BE GOVERNED BY A LEGALLY INCORPORATED BOARD OF TRUSTEES. A good functioning Board of Directors minimizes the need for governmental mandated standards of care.

In regard to the standards of care, we again support them completely but must point out the fiscal impact. For example, 5:15-4-10 will reduce tremendously the number of homeless that can be cared for in our present shelter operations. Since funding is on a per diem per person governmental reimbursement system (\$14.50 per diem), substantial revenues will be lost with the ultimate reduction or complete closings of our present shelters. Unless there is funding for new facilities in a different building, the homeless on the streets will increase. WE REPEAT OUR PREVIOUS RECOMMENDATION ON "WAIVERS."

We also point out that the space requirements in these regulations is at variance with BOCA which states that the space per person is at a rate of 200 sq. ft. gross floor space. These rules indicate 50 sq. ft. per resident which, as indicated above, will ascerbate the fiscal dilemma. Our shelters in New Jersey, either rooms in family shelters or dormitories for men shelters, simply do not meet these standards because of both lack of funding and availability of viable facilities.

It should also be noted that the rules, in their definition of R1 and R2, are reversed from the BOCA code which specifies R1 as occupancy for less than 30 days, and R2 as in excess of 30 days.

WE RECOMMEND THAT THE BOCA CODE SQ. FT. RATIO AND TYPE OF FACILITY DEFINITION BE ADOPTED.

According to most authorities, there are 25,000 homeless in the State of New Jersey and only 1,300 homeless beds, approximately meeting the needs of only 5%, while most of the others are on the streets of our cities. The major reason for the failure of social agencies to develop resources to ameliorate these conditions is the long arduous and expensive problem of securing from local officials a Certificate of Occupancy. We believe that emergency rules should be adopted to allow facilities to open immediately with fire marshalls employed by the municipalities on duty to guard against fire outbreak, the only life threatening condition in any facility.

WE RECOMMEND THAT QUALIFIED SOCIAL SERVICE AGENCIES BE GRANTED A TEMPORARY CERTIFICATE OF OCCUPANCY TO SHELTER THE HOMELESS, WITH AN ON-SITE FIRE MARSHALL RESPONSIBLE FOR FIRE PREVENTION.

This Temporary Certificate would be valid until funding is received to meet all life-safety standards. It is hoped that municipalities would be reimbursed from State funding for its cost of these services.

SUMMARY FOLLOWS

SUMMATION

In Essex County, our Agency operates a shelter for men with a capacity of 70 beds, and a shelter for women and children with a capacity of 60 beds. This is approximately 65% of all the available shelter beds in Essex County. If the space requirements of these rules were implemented, we would have to eliminate a total of 45 of 130 beds, forcing these homeless into motels or, at worse, into the streets. We would also lose approximately \$200,000 in operating revenue since governmental reimbursement is on a per bed, per diem basis. Additional capital funding would also be necessary and it is doubtful if the facilities could handle it structurally. Surely this has a domino effect leading to potential closings as reduced revenue requires staffing and other cost cutbacks.

If the rules regarding staffing requirements were implemented in these two shelters, there would be increased annual staffing costs of \$320,000. We have no confidence that the government would pick up these increased costs on an annual basis. As a matter of fact, as an example, of the 70 beds existing in the men's shelter presently, only 26 of these beds are funded by the Department of Human Services. We receive absolutely no funding from the Department of Community Affairs. Again, we feel that the implementation of these rules will severely reduce or potentially close these shelters.

We are not here to advocate our Agency; we are here to advocate the needs of the homeless in the Greater Newark Area. These rules in no way will encourage the expansion of much needed services but, instead, will set the present minimum effort in concrete. As indicated in our written statement, we believe that the same state that mandates costly life safety and staffing standards, however good the intention, should pay for them. Private agencies do not have a wide enough fiscal base to do so. We have personally experienced, partly as a result of standards developed in a child care field, the cessation of development of new services. This is true in both child care homes and day care centers; it is true in group homes for the deinstitutionalized mentally ill, and it is true in various other residential programs operated by private social service agencies. We ask that the Assembly Housing Committee sensitize themselves to the plight of private, non-profit agencies as the laws and regulations increase their costs in these aforementioned areas. We believe that the law should differ between commercial profit making residential programs as totally different in their fiscal capacity than philanthropically supported social service agencies.

Our mission at Catholic Community Services, as it has been for over 85 years of existence as an incorporated social agency in the State, is to carry out our CORPORAL WORKS OF MERCY, particularly to shelter the homeless. Those four words were written 2,000 years ago. We ask your support in this effort; we ask your cognizance in a very precise way of how these regulations would hinder this effort.

