

CHAPTER 73

AN ACT establishing an Office of Homelessness Prevention in the Department of Community Affairs, supplementing Title 52 of the Revised Statutes, amending various parts of the statutory law, and making an appropriation.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.52:27D-287.5 Office of Homelessness Prevention.

1. a. There is hereby established within the Department of Community Affairs an Office of Homelessness Prevention to coordinate among State and local agencies and private organizations that provide services to persons who are homeless or at risk for homelessness, and to implement a Statewide strategy to address homelessness.

b. The office shall be under the immediate supervision of a director, who shall be a person qualified by training and experience to direct the work of such office. The Commissioner of Community Affairs shall appoint the director, who shall serve at the pleasure of the commissioner. The director shall administer the work of the office under the direction of the commissioner and shall perform such other functions of the department as the commissioner may prescribe.

c. In addition to other functions, powers, and duties vested in the Department of Community Affairs by P.L.2019, c.73 (C.52:27D-287.5 et al.) or by any other law, the Department of Community Affairs shall, through the Office of Homelessness Prevention:

(1) Collect, maintain, and make available information concerning persons who are homeless or at risk for homelessness, including demographics information, current services and resources available, the cost and availability of services and programs, and the met and unmet needs of this population. All entities that receive State, county, or municipal funding shall provide the office access to all data they maintain;

(2) Evaluate State and local services and resources and develop, implement, and revise, as necessary, a consolidated plan for addressing the needs of persons who are homeless or at risk for homelessness;

(3) Explore, compile, and disseminate information regarding public and private funding sources for State and local programs serving persons who are homeless;

(4) Assess and provide recommendations for coordinating the activities of State programs, including multi-State programs, and local coalitions for persons who are homeless and promote the effectiveness of programs addressing the needs of persons who are homeless;

(5) Convene meetings and workshops of State and local agencies, local coalitions and programs, and other stakeholders for developing and reviewing policies, services, activities, coordination, and funding of efforts to meet the needs of persons who are homeless, including training, counseling, and navigation services essential to enable persons who are homeless to make the transition to permanent housing; and

(6) Conduct or promote research on the effectiveness of programs addressing the needs of persons who are homeless.

d. All State, county, and municipal departments and agencies shall, upon request, make every reasonable effort to assist the Office of Homelessness Prevention in carrying out the office's functions, powers, and duties.

e. (1) On the effective date of P.L.2019, c.73 (C.52:27D-287.5 et al.), the Office of Homelessness Prevention shall have access to all information in the Homeless Management Information System administered in the New Jersey Housing and Mortgage Finance Agency.

(2) The Homeless Management Information System, administered in the New Jersey Housing and Mortgage Finance Agency, including any personnel charged with administering

and maintaining the Homeless Management Information System, may be transferred to the Office of Homelessness Prevention. If the Homeless Management Information System is transferred pursuant to this paragraph, all appropriations, grants, and other moneys available and to become available to the New Jersey Housing and Mortgage Finance Agency, which the agency uses for the maintenance and administration of the Homeless Management Information System, shall be transferred to the Office of Homelessness Prevention.

C.52:27D-287.6 Findings, declarations; “New Jersey Homelessness Prevention Task Force.”

2. a. The Legislature finds and declares that it is in the public interest for State policymakers, providers of services to people who are homeless, advocacy organizations, and other concerned representatives of the public to engage in an intensive collaborative effort to seek to devise more effective means of coordinating among various State and local initiatives that provide assistance to persons who are homeless or at risk of being homeless; to identify public and private sources of funding for programs to meet the needs of persons within New Jersey who are homeless or at risk for homelessness ; and to develop more permanent housing solutions for this population.

b. There is established the “New Jersey Homelessness Prevention Task Force.” The purpose of the task force shall be to serve as an advisory body to the Office of Homelessness Prevention in the Department of Community Affairs, to develop recommendations, through an intensive collaborative effort among representatives of State government, providers of services to the homeless, advocacy organizations, and other concerned representatives of the public, and to develop, promote, and support efforts for the most effective means of coordinating among various State and local initiatives that provide assistance to persons who are homeless or at risk of being homeless; to identify public and private sources of funding for programs to meet the various needs of persons within this State who are homeless or at risk for homelessness ; and to develop more permanent housing solutions for this population.

c. The task force shall consist of 15 members including the Director of the Office of Homelessness Prevention in the Department of Community Affairs, or the director’s designee, the Director of the Division of Family Development in the Department of Human Services, or the director’s designee, and 13 members, who shall be appointed by the Governor no later than the 60th day after the effective date of P.L.2019, c.73 (C.52:27D-287.5 et al.), and who may be government officials or members of the public with a demonstrated expertise in issues relating to the work of the task force.

d. The Director of the Office of Homelessness Prevention, or the director’s designee, shall serve as chairperson of the task force. The task force shall organize as soon as practicable following the appointment of its members and shall select a vice-chairperson from among the members. The chairperson shall appoint a secretary who need not be a member of the task force.

e. The public members shall serve without compensation, but shall be reimbursed for necessary travel expenses incurred in the performance of their duties and within the limits of funds available to the task force.

f. The task force shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission, or agency as it may require and as may be available to it for its purposes.

g. The task force may meet and hold hearings at the places it designates during the sessions or recesses of the Legislature.

h. The Department of Community Affairs shall provide staff support to the task force.

i. Vacancies in the membership of the task force shall be filled in the same manner provided for the original appointments.

3. Section 4 of P.L.1999, c.224 (C.9:12A-5) is amended to read as follows:

C.9:12A-5 Comprehensive programs for homeless youth; list of organizations, agencies participating.

4. The department shall establish and support a comprehensive program for homeless youth in the State by contracting with organizations and agencies, licensed by the department, that provide street outreach or basic center shelter or transitional living services for homeless youth. The department shall establish licensure requirements and shall contract for programs that ensure that services, as specified by this act, are provided to homeless youth in the State in an appropriate and responsible manner. The commissioner may establish such other requirements for the homeless youth programs as he deems necessary. On or before December 31 of each year, the department shall provide to the Office of Homelessness Prevention in the Department of Community Affairs a list of organizations and agencies participating in the program and any available information in the possession of the department concerning persons who are homeless or at risk for homelessness in accordance with any applicable privacy, security, and data quality standards.

4. N.J.S.18A:38-1 is amended to read as follows:

Attendance at school free of charge.

18A:38-1. Public schools shall be free to the following persons over five and under 20 years of age:

- a. Any person who is domiciled within the school district;

b. (1) Any person who is kept in the home of another person domiciled within the school district and is supported by such other person gratis as if he were such other person's own child, upon filing by such other person with the secretary of the board of education of the district, if so required by the board, a sworn statement that he is domiciled within the district and is supporting the child gratis and will assume all personal obligations for the child relative to school requirements and that he intends so to keep and support the child gratuitously for a longer time than merely through the school term, and a copy of his lease if a tenant, or a sworn statement by his landlord acknowledging his tenancy if residing as a tenant without a written lease, and upon filing by the child's parent or guardian with the secretary of the board of education a sworn statement that he is not capable of supporting or providing care for the child due to a family or economic hardship and that the child is not residing with the resident of the district solely for the purpose of receiving a free public education within the district. The statement shall be accompanied by documentation to support the validity of the sworn statements, information from or about which shall be supplied only to the board and only to the extent that it directly pertains to the support or nonsupport of the child. If in the judgment of the board of education the evidence does not support the validity of the claim by the resident, the board may deny admission to the child. The resident may contest the board's decision to the commissioner within 21 days of the date of the decision and shall be entitled to an expedited hearing before the commissioner on the validity of the claim and shall have the burden of proof by a preponderance of the evidence that the child is eligible for a free education under the criteria listed in this subsection. The board of education shall, at the time of its decision, notify the resident in writing of his right to contest the board's decision to the commissioner within 21 days. No child shall be denied admission during the pendency of the proceedings before the commissioner. In the event the child is currently enrolled in the district, the student shall not be removed from school during

the 21-day period in which the resident may contest the board's decision nor during the pendency of the proceedings before the commissioner. If in the judgment of the commissioner the evidence does not support the claim of the resident, he shall assess the resident tuition for the student prorated to the time of the student's ineligible attendance in the school district. Tuition shall be computed on the basis of 1/180 of the total annual per pupil cost to the local district multiplied by the number of days of ineligible attendance and shall be collected in the manner in which orders of the commissioner are enforced. Nothing shall preclude a board from collecting tuition from the resident, parent or guardian for a student's period of ineligible attendance in the schools of the district where the issue is not appealed to the commissioner;

(2) If the superintendent or administrative principal of a school district finds that the parent or guardian of a child who is attending the schools of the district is not domiciled within the district and the child is not kept in the home of another person domiciled within the school district and supported by him gratis as if the child was the person's own child as provided for in paragraph (1) of this subsection, the superintendent or administrative principal may apply to the board of education for the removal of the child. The parent or guardian shall be entitled to a hearing before the board and if in the judgment of the board the parent or guardian is not domiciled within the district or the child is not kept in the home of another person domiciled within the school district and supported by him gratis as if the child was the person's own child as provided for in paragraph (1) of this subsection, the board may order the transfer or removal of the child from school. The parent or guardian may contest the board's decision before the commissioner within 21 days of the date of the decision and shall be entitled to an expedited hearing before the commissioner and shall have the burden of proof by a preponderance of the evidence that the child is eligible for a free education under the criteria listed in this subsection. The board of education shall, at the time of its decision, notify the parent or guardian in writing of his right to contest the decision within 21 days. No child shall be removed from school during the 21-day period in which the parent may contest the board's decision or during the pendency of the proceedings before the commissioner. If in the judgment of the commissioner the evidence does not support the claim of the parent or guardian, the commissioner shall assess the parent or guardian tuition for the student prorated to the time of the student's ineligible attendance in the schools of the district. Tuition shall be computed on the basis of 1/180 of the total annual per pupil cost to the local district multiplied by the number of days of ineligible attendance and shall be collected in the manner in which orders of the commissioner are enforced. Nothing shall preclude a board from collecting tuition from the parent or guardian for a student's period of ineligible attendance in the schools of the district where the issue is not appealed to the commissioner;

The provisions of this section requiring proof of support, custody or tenancy shall not apply to a person keeping a child in his home whose parent or guardian is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States and who has been ordered into active military service in any of the armed forces of the United States in time of war or national emergency. In such a situation, the child shall be eligible to enroll in the district in which he is being kept, and no tuition shall be charged by the district. Following the return of the child's parent or guardian from active military service, the child's eligibility for enrollment without tuition in the district in which he or she is being kept shall cease at the end of the current school year;

c. Any person who fraudulently allows a child of another person to use his residence and is not the primary financial supporter of that child and any person who fraudulently claims to

have given up custody of his child to a person in another district commits a disorderly persons offense;

d. Any person whose parent or guardian, even though not domiciled within the district, is residing temporarily therein, but any person who has had or shall have his all-year-round dwelling place within the district for one year or longer shall be deemed to be domiciled within the district for the purposes of this section;

e. Any person for whom the Division of Youth and Family Services in the Department of Children and Families is acting as guardian and who is placed in the district by the division;

f. Any person whose parent or guardian moves from one school district to another school district as a result of being homeless and whose district of residence is determined pursuant to section 19 of P.L.1979, c.207 (C.18A:7B-12). On or before December 31 of each year, a public school shall report to the Office of Homelessness Prevention in the Department of Community Affairs an accounting of each instance in which the public school is made aware that a student enrolled in the public school because the student's parent or guardian moved from one school district to another school district as a result of being homeless.

5. R.S.26:8-63 is amended to read as follows:

Free certified copies.

26:8-63. The State registrar shall:

a. Furnish a certification or certified copy of a birth, marriage, civil union, domestic partnership, fetal death or death certificate without fee in the prosecution of any claim for public pension or for military or naval enlistment purposes; and

b. Furnish the United States Public Health Service without expense to the State, microfilm or photocopy images of birth, marriage, civil union, domestic partnership, fetal death and death certificates without payment of the fees prescribed in this article; and

c. Furnish a certified transcript of any entry in the records of the New Jersey State census without fee for certification in the prosecution of any claim for public pension, for military or naval enlistment purposes; and

d. Furnish without fee upon request for administrative use by any city, State or federal agency a certified transcript of any New Jersey State census entry, or a certification or certified copy of a birth, death, fetal death, marriage, civil union or domestic partnership certificate; and

e. Furnish without fee upon request a certified copy of a veteran's death certificate to the veteran's legal representative, the executor or administrator of the veteran's estate, or to a family member authorized to obtain a copy of the death certificate pursuant to subsection a. of R.S.26:8-62. No more than one copy of a veteran's death certificate may be provided without fee pursuant to this subsection; all other copies of the death certificate shall be subject to the statutory fee; and

f. Furnish without fee upon request by a person who is homeless a certified copy of the person's birth certificate, provided that the person submits the request through a social worker or the coordinator of the emergency shelter for the homeless where the person is temporarily residing. The request shall be transmitted on the emergency shelter's letterhead and shall include the shelter's employer identification number and an attestation by the coordinator that the person requesting the certificate is currently homeless and residing at the shelter or the request shall be submitted on the social worker's agency or professional practice letterhead and shall include the agency's or the professional practice's employer

identification number and an attestation by the social worker that the person requesting the certificate is currently homeless. A certified copy of a birth certificate furnished pursuant to this subsection shall be transmitted to the social worker or coordinator who transmitted the request. No more than one certified copy of a birth certificate furnished to a person who is homeless pursuant to this subsection shall be provided without fee; all other copies of the birth certificate shall be subject to the statutory fee. On or before December 31 of each year, the State Registrar shall report to the Office of Homelessness Prevention in the Department of Community Affairs an accounting of each instance in which the State Registrar furnished without fee a certified copy of a person's birth certificate pursuant to this subsection.

As used in this section:

"Fee" includes, but is not limited to, any search, certification, processing, authentication, standard shipping, or other fees that would ordinarily be assessed to furnish a certified copy of a certificate or transcript; and

"Person who is homeless " means a person without a domicile who is unable to secure permanent and stable housing as determined by a social worker or the coordinator of an emergency shelter for the homeless established pursuant to P.L.1985, c.48 (C.55:13C-1 et seq.).

6. Section 6 of P.L.1980, c.47 (C.39:3-29.7) is amended to read as follows:

C.39:3-29.7 Fees.

6. a. The chief administrator shall charge fees as follows:

Identification Card, Original \$18

Identification Card, Duplicate \$5

Identification Card, Renewal \$18

Digitized picture \$6, in addition to the fees required above.

b. The chief administrator may waive the fees established under subsection a. of this section for a person who is homeless who submits proof of temporary residence through a social worker or the coordinator of an emergency shelter for the homeless where the person is temporarily residing. On or before December 31 of each year, the commission shall report to the Office of Homelessness Prevention in the Department of Community Affairs an accounting of each instance in which the commission provided a fee waiver pursuant to this section. For the purposes of this section, "person who is homeless " means a person without a domicile who is unable to secure permanent and stable housing as determined by a social worker or the coordinator of an emergency shelter for the homeless established pursuant to P.L.1985, c.48 (C.55:13C-1 et seq.).

7. Section 1 of P.L.1982, c.56 (C.40:5-2.10b) is amended to read as follows:

C.40:5-2.10b Provision of services to runaway, homeless youths, families.

1. The governing body of a county or municipality annually may appropriate funds to a private, nonprofit organization for the purpose of providing services to runaway or homeless youths and their families. The services may include temporary shelter, food, clothing, medical care, transportation, individual and family counseling, and any other service necessary to provide adequate temporary, protective care for runaway or homeless youths, or to aid in reuniting the youths with their parents or guardians. On or before December 31 of each year, the governing body of a municipality shall provide to the Office of Homelessness Prevention in the Department of Community Affairs a list of nonprofit organizations to

which the governing body appropriated funds pursuant to this section and any available information in the possession of the governing body concerning persons who are homeless or at risk for homelessness in accordance with any applicable privacy, security, and data quality standards. For the purposes of this section, "runaway or homeless youth" means a person under the age of 18, who is absent from his legal residence without the consent of his parents or legal guardian, or who is without a place of shelter where supervision and care are available.

8. Section 3 of P.L.1988, c.29 (C.52:27C-24.1) is amended to read as follows:

C.52:27C-24.1 Fund for assistance to homeless.

3. a. The Commissioner of the Department of Community Affairs shall establish within the Division of Housing and Community Resources a fund for the purpose of funding programs to assist persons who are homeless pursuant to subsections f. and h. of section 24 of P.L.1944, c.85 (C.52:27C-24).

b. The fund shall consist of moneys appropriated thereto by section 4 of P.L.1988, c.29 and such other moneys as may be appropriated or otherwise made available for that purpose.

c. Not more than 5% of moneys paid into the fund during any fiscal year of the State may be used to pay the costs of the fund's administration by the Department of Community Affairs during that fiscal year.

d. Upon the effective date of P.L.2019, c.73 (C.52:27D-287.5 et al.), the fund created pursuant to subsection a. of this section may be transferred from the Division of Housing and Community Resources to the Office of Homelessness Prevention.

9. Section 4 of P.L.2009, c.123 (C.52:27D-287d) is amended to read as follows:

C.52:27D-287d Adoption of homeless housing plan by local government.

4. A local government, in consultation with the Office of Homelessness Prevention in the Department of Community Affairs, may adopt a homeless housing plan to address the housing needs of persons who are homeless within its jurisdiction, which shall be in accordance with the provisions of P.L.2009, c.123 (C.52:27D-287a et al.). The plan shall include provisions for establishing a trust fund for the purposes of receiving funds pursuant to P.L.2009, c.123 (C.52:27D-287a et al.), and shall evidence a strategic local scheme to identify and address the needs of persons who are homeless within the jurisdiction, including strategies to reduce the need for emergency room care, hospital care, law enforcement, foster care, and other social services associated with persons who are homeless and homelessness.

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

C.52:27D-287f Utilization of County Homelessness Trust Fund.

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

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

(2) rental assistance vouchers, including tenant and project based subsidies, for affordable housing projects or units within housing projects that provide permanent

affordable housing for persons who are homeless or families, including those at risk of homelessness;

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

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

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

(1) measurably reduce homelessness;

(2) demonstrate government cost savings over time;

(3) employ evidence-based models;

(4) can be replicated in other counties;

(5) include an outcome measurement component;

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

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

c. Each county that has established a County Homelessness Trust Fund shall transmit information concerning the uses of the funds to the Office of Homelessness Prevention in the Department of Community Affairs in accordance with requirements established by that office.

d. The governing body of a county may by resolution establish a preference for veterans that gives first priority, in the distribution of grants, for the benefit of homeless veterans, including those at risk of homelessness.

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

11. Section 1 of P.L.2008, c.28 (C.52:27I-8.1) is amended to read as follows:

C.52:27I-8.1 Additional powers of authority.

1. In addition to the powers granted the authority pursuant to section 8 of P.L.2006, c.16 (C.52:27I-8), the authority shall have the power to enter into any legally binding agreements with representatives of persons who are homeless that are necessary in order to comply with and implement the requirements of 32 CFR 176.30 and 24 CFR 586.30. On or before December 31 of each year, the authority shall report each agreement entered into by the authority pursuant to this section to the Office of Homelessness Prevention in the Department of Community Affairs.

12. There is hereby appropriated from the General Fund to the Department of Community Affairs the sum of \$3,000,000 to carry out the purposes of section 1 of P.L.2019, c.73 (C.52:27D-287.5).

13. This act shall take effect immediately.

Approved April 30, 2019.