

## [N.J.A.C. 5:15-1.1](#)

New Jersey Register, Vol. 49 No. 17, October 10, 2017

### **Rules Governing Emergency Shelters for the Homeless** ***SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT***

#### **§ 5:15-1.1 Title**

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

**N.J.A.C. 5:15-1.2**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT****§ 5:15-1.2 Scope and purpose**

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- (a) These rules are promulgated for the purpose of establishing standards to ensure that every emergency shelter in the State of New Jersey is constructed, maintained, and operated in such a manner as will protect the health, safety, and welfare of its occupants.
- (b) These rules shall not apply to institutions or facilities subject to the inspection and licensing of the State Department of Human Services or the Department of Corrections; facilities operated by the Division of Youth and Family Services; or facilities subject to the supervision of the Department of Health pursuant to [N.J.S.A. 26:1-1](#) et seq. of the Public Health Law.
- (c) Any person, partnership, corporation, organization, county, municipality or other entity, which operates a shelter is subject to the requirements of these rules.
- (d) The provisions of these rules apply to any facility providing shelter and services to homeless adults or families and:
  - 1. Is not a hotel or motel facility, a rooming house or a facility which provides shelter substantially similar to a house or an apartment and which includes individual private cooking areas and private bathrooms, except if the hotel, motel or rooming house space is used by a social services agency, and the space is used under a contract or lease with the hotel, motel or rooming house (including hotels and motels owned or leased by not-for-profit or charitable organizations), in which case these rules shall apply.
  - 2. Is not a boarding home whose owner is licensed pursuant to [N.J.S.A. 55:13B-1](#) et seq.

**N.J.A.C. 5:15-1.3**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT****§ 5:15-1.3 Administration and enforcement**

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- (a) It shall be the duty and responsibility of the public officer designated by the municipality to administer and enforce the provisions of these rules with regard to emergency shelters for the homeless located within the municipality, except that an emergency shelter operated by the authority appointing the public officer shall for the scope and purpose of these rules be under the sole jurisdiction of the Bureau.
1. When a municipality does not designate and appoint a public officer to administer and enforce these rules within 90 days of the effective date of these rules, it shall be the duty of the Bureau to administer and enforce them.
  2. A municipality shall notify the Bureau of the name and office telephone number of the person appointed.
  3. The construction official of a municipality shall issue a temporary certificate of occupancy on a building requiring a certificate of occupancy pursuant to the State Uniform Construction Code when the public officer or Bureau is satisfied that the shelter meets the standards set forth in these rules.
  4. The Bureau may enter into an agreement or agreements with any State Department or agency authorizing that department or agency to enforce these rules or the rules of that department or agency.

**N.J.A.C. 5:15-1.4**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

***SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT***

**§ 5:15-1.4 Continuation of lawful existing use**

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

## [N.J.A.C. 5:15-1.5](#)

New Jersey Register, Vol. 49 No. 17, October 1, 2017

### **SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT**

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

- (a) No emergency shelter for the homeless may be constructed or altered except in accordance with the Uniform Construction Code ([N.J.A.C. 5:23](#)).
- (b) No building which is not lawfully occupied and used as an emergency shelter for the homeless on May 1, 1989 shall be used as an emergency shelter for the homeless unless the owner and any operator thereof has been licensed as provided in these rules and unless a certificate of occupancy allowing use as an emergency shelter for the homeless for the number of occupants accommodated or intended to be accommodated is obtained from the construction official having jurisdiction.
- (c) A new or amended certificate of occupancy shall be required in the event of any change of use other than the following:
1. A conversion from a one or two-unit dwelling to an emergency shelter occupied or intended to be occupied by five or fewer residents.
  2. A conversion from a multiple dwelling to an emergency shelter occupied or designed to be occupied by at least six and not more than 20 residents.
  3. A conversion from a hotel to an emergency shelter occupied or intended to be occupied by no more than the designed occupant load.
  4. The use of a building, or portion thereof, that is an auditorium, gymnasium or similar assembly use as defined in the Uniform Construction Code ([N.J.A.C. 5:23-1.6\(b\)2](#)) as a Class II shelter as defined in [N.J.A.C. 5:15-1.6\(b\)2](#).
- (d) Nothing in these rules shall be construed to impair the power of the construction official or fire official to enforce any applicable provision of their respective codes pertaining to emergency shelters, including, without limitation, provisions concerning hazardous conditions in existing buildings.

**N.J.A.C. 5:15-1.6**

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**SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT****§ 5:15-1.6 Licenses**

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- (a) No person or agency shall own or operate an emergency shelter for the homeless without a license from the public official having jurisdiction, or the Bureau.
- (b) There shall be three classes of shelters, which shall be as follows:
  - 1. Class I--adult individuals, 24 hour a day shelter;
  - 2. Class II--adult individuals, providing shelter during the night time hours only;
  - 3. Class III--facilities with children.
- (c) The annual fee for licenses shall be \$ 10.00.
- (d) Except as otherwise provided in the Rehabilitated Convicted Offenders Act ([N.J.S.A. 2A:168A-1](#) et seq.), no license shall be issued to any person who has at any time been convicted of embezzlement, extortion, crimes against the person or other like offenses, or to any partnership of which such person is a member, or to any association or corporation which said person is an officer, director, employee who will be responsible for the operation of the facility or in which, as a stockholder, such person has or exercises a controlling interest either directly or indirectly.
- (e) No license shall be issued to any person who is not qualified pursuant to [N.J.A.C. 5:15-4.15\(e\)](#).

**N.J.A.C. 5:15-1.7**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT****§ 5:15-1.7 License applications**

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- (a) The following information shall be required of a person applying for a license:
1. Name of applicant;
  2. Address;
  3. Telephone number;
  4. Social Security, federal I.D. number or non-profit I.D. number;
  5. Date of birth;
  6. Names and addresses of all partners, officers, directors and stockholders owning a controlling interest if the applicant is a partnership, association or corporation;
  7. Name and home address of the person upon whom any orders or notices shall be served;
  8. The following information regarding the structure to be used:
    - i. Street address;
    - ii. Tax map lot and block;
    - iii. Number of stories;
    - iv. The maximum number of residents;
    - v. The date the building received its certificate of occupancy for its use as an emergency shelter for the homeless and a copy thereof.

**N.J.A.C. 5:15-1.8**

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**SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT****§ 5:15-1.8 Administrative hearings**

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- (a) Any person aggrieved by any ruling, action or order of the public officer or the Bureau shall be entitled to an administrative hearing in accordance with the Administrative Procedures Act, [N.J.S.A. 52:14B-1](#) et seq., and the Uniform Administrative Procedure Rules, [N.J.A.C. 1:1](#).
- (b) When the ruling, action or order complained of was issued by the public officer in a municipality the parties to the hearing shall be the municipality and the person aggrieved.
- (c) When the ruling, action or order complained of was issued by the Bureau the parties to the hearing shall be the Bureau and the person aggrieved.
- (d) In accordance with the Administrative Procedure Act, the Commissioner or his designee shall issue the final decision in all cases.
- (e) The request for a hearing shall be filed with the public officer or the Bureau within 15 days of the receipt of the ruling, action or order. When the request is sent to the public officer a copy shall be sent to the Bureau by the complainant.



**N.J.A.C. 5:15-1.9**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT****§ 5:15-1.9 Exceptions and waivers**

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(a) Exceptions to the requirements of this chapter may be granted as follows:

1. An owner may request an exception modifying or postponing the application of any rule contained in this chapter which may be granted upon the showing that strict compliance would result in an undue hardship for residents of the facility and that the safety of the residents would not be unreasonably jeopardized if granted.
2. Requests for exceptions shall be filed with the local officer or Bureau, as appropriate, within 20 days of the receipt of the ruling, action or order at issue but in no case after the date for abatement of any violation. The request shall state the rule that the owner wishes to be modified or postponed, the reasons for the request and how the health, safety and welfare of the residents will not be jeopardized if the exception were granted.

(b) Waivers may be granted as follows:

1. A licensee may request a waiver of all or part of the requirements of this chapter. The request may be submitted to the local officer or Bureau at any time, shall be in writing and shall be granted or denied within 15 days of its receipt.
2. The local officer or Bureau shall grant the waiver requested if there are insufficient facilities that meet the requirements of this chapter available for particular populations.
3. Any waiver granted pursuant to this section shall be effective for a period of no longer than 60 days unless the local officer or Bureau has received and approved a plan, submitted by the licensee, which demonstrates how the emergency shelter will be brought into compliance with these rules.
4. The local officer or Bureau shall not disapprove a plan submitted unless the local officer or Bureau determines that there are sufficient funds available to bring the facility into compliance with these rules without decreasing the resident capacity or increasing the staff and the licensee, although eligible, is unable or unwilling to apply for and obtain such funds.

(c) Hospitality rooms shall be exempt from these rules, provided they maintain minimum health and safety standards.

**N.J.A.C. 5:15-1.10**

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**SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT****§ 5:15-1.10 Search warrants**

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- (a) In the event that any local officer or Bureau representative is denied access to any emergency shelter for the homeless, a search warrant shall be obtained by the local officer or Bureau representative in any court having jurisdiction.
- (b) The application for the search warrant shall state that access to the premises is required in order to enforce the Act or these rules and shall specify whether the desired inspection is a regular inspection in response to information received indicating the possible existence of a condition in violation of the Act or of applicable rules.

**N.J.A.C. 5:15-1.11**

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***SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT***

**§ 5:15-1.11 Tense, gender, and number**

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Words in this chapter which are used in the masculine include the feminine and neuter; words used in the singular include the plural; and words used in the plural include the singular, all except where the context clearly indicates otherwise.

**N.J.A.C. 5:15-1.12**

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***SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT***

**§ 5:15-1.12 Severability**

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If any provisions of these rules shall be held invalid or ineffective in whole or in part, or inapplicable to any person or situation, it is the purpose and intent of these rules that all other provisions thereof shall nevertheless be separately and fully effective.

**N.J.A.C. 5:15-2.1**

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**SUBCHAPTER 2. DEFINITIONS****§ 5:15-2.1 Definitions**

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The following words and terms used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Act" means the Act concerning emergency shelters for the homeless (P.L. 1985 c.48, [N.J.S.A. 55:13C-1](#) et seq.).

"Adult shelter" means a facility established and operated for the purpose of providing temporary shelter or food and shelter for households without children.

"Alteration" means a change or rearrangement in the structural parts or in the egress facilities of any building or structure, or any enlargement thereof or the moving of such building or structure from one location to another.

"Bureau" means the Bureau of Rooming and Boarding House Standards in the Division of Housing and Development of the Department of Community Affairs.

"Commissioner" means the Commissioner of the Department of Community Affairs.

"Competent staff" means persons able, both physically and mentally, to carry out the duties assigned to them and includes persons who are full or part time paid or volunteers.

"Director" means the Director of the Division of Housing and Development of the Department of Community Affairs.

"Egress" means path by which a person can travel safely and without assistance from a unit of dwelling space along a continuous and unobstructed line to an exterior open area.

"Emergency shelter" means emergency shelter for the homeless.

"Emergency shelter for the homeless": see N.J.S.A. 55:13C-2.

"Exception" means an instance where a particular rule does not apply.

"Exit" means a means of egress from the interior of a building to an open exterior space.

"Financial services" means any assistance permitted or required by these rules to be furnished by an owner or operator to a resident in the management of personal financial matters, including, but not limited to, the cashing of checks, holding of personal funds for safekeeping in any manner or assistance in the purchase of goods or services with a resident's personal funds.

"Habitable room" means a residential room or space in which the ordinary functions of domestic life are carried on, including bedrooms, living rooms, studies, recreation rooms, kitchens, dining rooms, and other similar spaces, but excluding closets, stairways, laundry rooms, toilet rooms, and bathrooms.

"Hospitality room" means a room or space that is incidental to a religious use wherein 14 or fewer persons are provided shelter for 14 or fewer consecutive days for no more than 49 days in a year.

"Licensee" means any person licensed by the public officer or the Bureau as either an owner or an operator.

"Limited period of time" means providing shelter for less than 24 hours a day or until such persons can find and occupy affordable housing on a permanent basis.

"Means of egress": see the definition of "egress" above.

"NFPA" means the National Fire Protection Association.

"Public officer" means the person designated by a municipality pursuant to the Act and these rules who shall be responsible for the licensure, regulation and inspection of emergency shelters for the homeless.

"Resident" means a person residing in an emergency shelter for the homeless, exclusive of the owner and his family, any bona fide employees, and the operator and his family.

"Shall" as used in these rules, is always to be construed as mandatory.

"Story" means that portion of a building that is between a floor level and the next higher level or roof above.

"Travel distance" means the maximum length of exit-way access travel, measured from the most remote point to an approved exit along the natural and unobstructed line of travel.

"Volunteers" means persons who provide services without charge to emergency shelters, to licensees or to residents, and may include residents, provided their obligations are set forth in the facility's rules.

**N.J.A.C. 5:15-3.1**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 3. RIGHTS OF RESIDENTS****§ 5:15-3.1 Enumeration of rights**

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- (a) The licensee must promulgate reasonable resident rules governing day-to-day life and activities in the facility and post these rules in a location readily accessible to residents and visitors.
- (b) Upon admission, residents must be notified as to the location of the facility rules setting forth their rights and responsibilities while residing in the facility.
- (c) At a minimum, the facility must afford each resident the following rights and protections which shall be set forth in the resident rules. The residents shall be permitted to exercise these rights without fear of reprisal.
  - 1. To remain in the facility and not to be involuntarily removed without cause as set forth in [N.J.A.C. 5:15-3.9](#).
  - 2. To receive visitors in designated areas of the facility during reasonable hours and under such conditions as the licensee shall specify in the resident rules.
  - 3. To exercise one's civil, constitutional, or legal rights.
  - 4. To reasonable privacy in caring for personal needs.
  - 5. To have private written and verbal communications including the right to meet with legal representatives and legal counsel. The resident rules must not unreasonably restrict access by legal representatives and legal counsel to any areas of the facility. Any requirements as to prior notice, hours of access, or access to private family areas shall be set forth in the resident rules.
  - 6. To present grievances on one's own behalf, or on behalf of other residents, to the licensee and to the local social services agencies.
  - 7. To manage one's own financial affairs, unless the person freely agrees to other arrangements with the shelter operator or unless the requirement of maintaining a personal account is a condition of occupancy.
  - 8. To confidential treatment of personal, social, financial and medical records except as is necessary to further the information and referral services pursuant to [N.J.A.C. 5:15-3.7](#).
  - 9. To be free from restraint or confinement.
  - 10. To receive and send mail or any other correspondence without interception or interference.
  - 11. To leave and return to the facility and grounds at reasonable hours in accordance with the rules of the facility.
  - 12. To a safe, healthful, and decent living environment that recognizes the dignity and individuality of the resident.
  - 13. To refuse to perform services for the licensee except normal housekeeping and supervision in accordance with [N.J.A.C. 5:15-3.2\(a\)](#)4 and 6 as provided in the facility's rules.

**N.J.A.C. 5:15-3.2**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 3. RIGHTS OF RESIDENTS****§ 5:15-3.2 Facility rules**

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- (a) The facility rules inform residents of the obligations upon which their continued residence in the shelter depends. Such rules must clearly set forth the resident's obligations concerning compliance with the resident rules and the sanctions for non-compliance. At a minimum, rules concerning the following obligations shall be set forth in the resident rules:
1. Seeking permanent housing;
  2. Seeking employment;
  3. Ensuring school attendance of school-age children in their family;
  4. Supervising minor family members;
  5. Utilizing child care, when such care is available or if offered, to enable the parent or caretaker relative to seek employment and/or permanent housing or to attend school or training;
  6. Maintaining cleanliness of their own sleeping and living areas, including bathroom and cooking areas, if any;
  7. Using communal areas appropriately;
  8. Notifying facility staff of any illness of themselves or any member of their family; and
  9. That residents are subject to removal for destruction of property, drunkenness, use of alcohol or drugs, violence or inappropriate activity that causes a disturbance.
- (b) When a resident has a physical or mental handicap that may impede them from adhering to the facility rules, they must adhere to them only to the extent that appropriate assistance and services are available.
- (c) Each resident shall have the responsibility of complying with all reasonable rules of the facility and to respect the personal rights and private property of the other residents.



**N.J.A.C. 5:15-3.3**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 3. RIGHTS OF RESIDENTS****§ 5:15-3.3 Resident services, general**

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- (a) The licensee shall be responsible for the development and provision of resident services which shall include, at a minimum, those services set forth in [N.J.A.C. 5:15-3.5](#), General supervision services, and [N.J.A.C. 5:15-3.6](#), Services at family shelters, and the information and referral services set forth in [N.J.A.C. 5:15-3.7](#), Information and referral services.
- (b) A licensee who proposes to serve a population with particular needs exclusively, for example, the aged, substance abusers, alcoholics or alcohol abusers, ex-offenders, or the mentally or physically disabled, shall demonstrate that cooperative arrangements have been made with appropriate providers of funding or services and that a program of service and staff sufficient to meet the needs of the population:
  - 1. Is planned at the time of application; and,
  - 2. Is in place at the start of operations and is continued thereafter.
- (c) The licensee shall establish procedures and assign staff sufficient to carry out the activities required in this section, as required in [N.J.A.C. 5:15-3.5\(g\)](#).

**N.J.A.C. 5:15-3.4**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 3. RIGHTS OF RESIDENTS****§ 5:15-3.4 Resident services; facilities with children**

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- (a) In all emergency shelters wherein children reside, the following services shall be provided as a minimum:
1. Sleeping area and an area outside of the sleeping area where families may socialize;
  2. Access to three meals a day;
  3. Appropriate levels of supervision, as required in [N.J.A.C. 5:15-3.6\(b\)](#);
  4. Referral services for medical care, mental health care, employment counseling and social service needs as are required.
- (b) Children shall not be permitted to reside in Class II facilities.

**N.J.A.C. 5:15-3.5**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 3. RIGHTS OF RESIDENTS****§ 5:15-3.5 General supervision services**

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- (a) Supervision services shall include, but shall not be limited to:
1. Intake;
  2. Recording a daily census;
  3. Monitoring residents to identify abrupt or progressive changes in behavior or appearance which may signify the need for assessment and service;
  4. Surveillance of the grounds, facility, and activities of residents to prevent theft and resident harm;
  5. Handling individual emergencies including arranging for medical care or other services;
  6. Conduct and supervision of evacuation and monthly fire or evacuation drills;
  7. Investigation and recording of incidents involving resident endangerment;
  8. Guidance to assure residents attend meals if available and maintain appropriate nutritious intake;
  9. Guidance to assure that necessary personal hygiene and grooming activities are performed.
- (b) All staff shall be trained in the means of rapidly evacuating the building.
- (c) At least one staff person on each shift shall be designated as responsible for the conduct and supervision of any evacuation.
- (d) In the event that a resident develops a medical condition which requires immediate or continued medical or skilled nursing services which cannot be provided on an outpatient basis or which constitutes a danger to self or others, the licensee shall:
1. Make arrangements for transfer of such residents to an appropriate medical facility; and,
  2. Notify the resident's representative, or next of kin, if known.
- (e) In the event that a resident exhibits behavior which constitutes a danger to self or others, the licensee shall:
1. Refer the resident for appropriate professional evaluation of the resident's condition;
  2. Notify the resident's representative or next of kin, if known; and,
  3. If necessary, arrange for transfer of the individual to a facility providing the proper level of care.
- (f) Each licensee shall designate staff to perform supervision functions during all hours of operation.
- (g) The minimum number of supervision staff per adult facility required when being occupied shall be two, both of whom shall be paid staff.
- (h) For the purposes of calculated minimum staff requirements food service and transportation personnel are not counted.
- (i) Staff shall be immediately physically accessible at all times while on duty.

- (j) Staff may be assigned other duties in the facility which do not interfere with their physical accessibility, provided that such staff remain responsible for, and available for, the supervision of residents.

**N.J.A.C. 5:15-3.6**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 3. RIGHTS OF RESIDENTS****§ 5:15-3.6 Supervision; facilities with children**

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- (a) In addition to the requirements of [N.J.A.C. 5:15-3.4](#), supervision of the program and resident families with children in facilities shall include but shall not be limited to:
1. Maintaining a list of school-age children currently residing in the facility and the location of the school each child attends. The facility must verify departure for school on a daily basis during the school year;
  2. Handling and documenting individual emergencies, including referring residents for medical care or other emergency services and maintaining records of any special medical needs or conditions, the prescribed regimen to be followed and the names and phone numbers of medical doctors to contact should an emergency arise concerning these conditions;
  3. Handling and documenting incidents involving resident endangerment, injury, or death;
  4. Reporting or causing a report to be made to the Division of Youth and Family Services for child abuse and mistreatment involving a resident under age 18;
  5. Instituting fire safety measures and arranging for fire safety training for facility staff and residents; fire drills must be held with staff and residents on a monthly basis and a record of such drills must be maintained; and
  6. Securing the facilities. Such security may include locking the facility to control access and egress during specified nighttime hours, provided the door is steadily openable from the inside without a key.
- (b) A sufficient number of competent staff must be on-site at all times to supervise, operate, and maintain the premises in a safe and sanitary condition and to render the services the facility is required to provide pursuant to the provisions of these rules.
- (c) A minimum of two staff persons must be on duty and on site at all times. One of the staff persons may be a volunteer.
- (d) Any staff member or volunteer who has contracted an infectious or contagious disease shall cease work at the facility. Return to work by personnel who have been diagnosed to have a communicable disease may, at the request of the facility director, be subject to a physician's written approval.
- (e) The licensee shall orient and train employees in residents' rights and facility rules, procedures and/or rules relative to the specific duties to be performed, and emergency procedures.

**N.J.A.C. 5:15-3.7**

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**SUBCHAPTER 3. RIGHTS OF RESIDENTS****§ 5:15-3.7 Information and referral services**

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- (a) The licensee shall have knowledge of, and provide referrals to, community resources which can assist each resident to maintain or improve his or her level of functioning.
- (b) Information and referral services shall include:
  - 1. Making referrals to services from public and private sources for medical, housing, social, legal, and welfare services;
  - 2. Cooperating with providers of services essential to residents; and
  - 3. Assisting residents to secure services needed if reasonably possible.
- (c) The licensee shall utilize and cooperate with external legal and social service providers and shall:
  - 1. Permit residents to meet in private with service providers;
  - 2. In no way inhibit access to residents who need and desire services, unless such access is denied based on the criteria set forth in [N.J.A.C. 5:15-3.8](#);
  - 3. Cooperate with service providers in executing a plan for service for individual residents.

**N.J.A.C. 5:15-3.8**

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**SUBCHAPTER 3. RIGHTS OF RESIDENTS****§ 5:15-3.8 Admission standards**

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- (a) Except as set forth in (e) below, the licensee shall admit and care for only those individuals who do not require services beyond those permitted by law and rules.
- (b) The licensee shall not accept, except on an emergency basis, nor permit to remain in the facility any person who:
  - 1. Causes danger to himself or others or interferes with the care and comfort of other residents;
  - 2. Is in need of a level of medical or nursing care that cannot be rendered safely and effectively at the facility;
  - 3. Is incapable of ambulation on stairs without personal assistance, unless such a person can be assigned a room on a floor with ground level egress; or,
  - 4. Is under 18 years of age (unless part of a family), or unless the person is an emancipated minor.
- (c) The person designated by the licensee as responsible for admission decisions shall interview each resident within 72 hours of entry to determine the immediate needs of the resident and whether or not the facility can meet or continue to meet those needs.
- (d) Within 24 hours of entry, the person designated by the licensee shall inform the resident of the conditions and rules governing residency and termination of residency, of the services to be provided and of the charges for services, if any.
- (e) The licensee shall assist in so far as possible persons who are accepted on an emergency basis, and who are not appropriately placed, to relocate within 72 hours of their admission.
- (f) A licensee shall not permit occupancy to exceed the number of persons specified as the licensed capacity or on the certificate of occupancy.
- (g) Notwithstanding (f) above, the Department may authorize a licensee to provide short-term emergency shelter to a number of persons in excess of the certified capacity of the facility. At the time of licensing, or at the request of a currently licensed facility, the local authority or the Bureau shall establish a limit on the number of persons that may be admitted to a given shelter in emergency situations. This emergency capacity shall be predicated upon the physical layout of the facility and the conditions set forth in (h) below. Emergency capacity shall be posted in writing next to the facility license and the certificate of occupancy.
- (h) The licensee may provide short-term emergency shelter to persons in excess of certified capacity only if all the following conditions are met:
  - 1. Snow emergencies, excessive cold, or other circumstances create an emergency need for additional shelter space;
  - 2. The licensee is able to meet the food and shelter needs of all persons in residence;
  - 3. The licensee, as far as possible, assigns staff sufficient to insure the safety of the residents; and
  - 4. The number of persons admitted is not in excess of the authorized emergency limit.

- (i) No licensee shall deny admission to a person, nor remove a resident, based upon race, religion or national origin.



**N.J.A.C. 5:15-3.9**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 3. RIGHTS OF RESIDENTS****§ 5:15-3.9 Discharge or removal**

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- (a) A licensee may remove a resident under the terms set forth in the facility rules, which rules may provide for a time limit for occupancy. The licensee shall notify the County Board of social services, municipal welfare, advocacy or other involved groups for assistance and advice for alternate living arrangement before moving a resident.
- (b) In the event of transfer to a health, mental health, or other facility, the licensee shall send identifying information and identification of the resident's representative and physician, if available.
- (c) Prior to removal of a resident for breach of the house rules the licensee shall explain to the resident(s) the basis for removal and give the resident an opportunity to correct the behavior. A resident who is a danger to him or herself or another may be removed without the notice required in (a) above.
- (d) The licensee shall return to the resident, representative, or other appropriate individual or agency any monies, property, or items of value which came into the possession of the operator or licensee after discharge or transfer of the resident.

**N.J.A.C. 5:15-3.10**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

***SUBCHAPTER 3. RIGHTS OF RESIDENTS*****§ 5:15-3.10 Resident funds and valuables**

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A licensee who receives any funds or property from a resident or who acts in any way as a financial agent for a resident, either formally or informally, shall issue a signed receipt to the resident noting the date, amount, or description of property and the nature of the transaction. Records of all transactions shall be maintained as part of the operator's permanent records.

**N.J.A.C. 5:15-3.11**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 3. RIGHTS OF RESIDENTS****§ 5:15-3.11 Resident fund accounts**

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- (a) The licensee may offer a resident an opportunity to place personal funds in a facility-maintained account;
- (b) The licensee shall not require a resident to maintain a personal fund account at the facility against the resident's wish, unless it is required by the facility's rules;
- (c) The licensee shall provide for the safekeeping and accountability of resident funds;
- (d) The licensee shall hold resident funds in trust for the sole use of the resident and shall not use these funds for any other purpose;
- (e) Resident funds shall not be commingled with the personal funds of the licensee or the operating funds of the facility or become an asset of the licensee;
- (f) The resident may terminate the personal fund account at any time unless it is a condition of occupancy, in which case termination of the personal fund account is a cause for removal;
- (g) No service fee shall be charged by the licensee for maintaining a fund account for a resident;
- (h) Each resident shall have the opportunity, during regular business hours, to examine his or her personal fund account records upon request.

**N.J.A.C. 5:15-4.1**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 4. FACILITY REQUIREMENTS****§ 5:15-4.1 General requirements**

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

## [N.J.A.C. 5:15-4.2](#)

New Jersey Register, Vol. 49 No. 17, October 17, 2017

### **SUBCHAPTER 4. FACILITY REQUIREMENTS**

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

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- (a) A building newly constructed after May 1, 1989, shall be in compliance with the Uniform Construction Code for R-1 occupancy, if residency is for less than 30 days or R-2 if residency is for 30 days or more.
- (b) A shelter existing on May 1, 1989, shall be in compliance with the Uniform Fire Code (N.J.A.C. 5:70-4) for R-1 use group structures, if residency is for less than 30 days, or for R-2 if residency is for 30 days or more.
- (c) A structure used as a shelter for women and children where residency is for 30 days or more, and which has not been certified as lead-free pursuant to [N.J.A.C. 5:17](#) and which was constructed before 1978, shall be maintained in accordance with the lead-safe maintenance requirements for multiple dwellings established at [N.J.A.C. 5:10-6.6](#).

**N.J.A.C. 5:15-4.3**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 4. FACILITY REQUIREMENTS****§ 5:15-4.3 Equipment and furnishings requirements**

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- (a) The licensee shall provide equipment and furnishings which support daily activities and do not endanger resident health, safety, and well-being.
- (b) All equipment and furnishings shall be durable, clean, and appropriate for their intended function.
- (c) The facility must furnish each resident, whether an adult or a child, with a clean bed (or cribs for infants) a minimum of 27 inches in width, solidly constructed, and in good repair which has clean and well-constructed bedding.
- (d) Each resident shall be supplied with:
  - 1. Sheets;
  - 2. A pillow case;
  - 3. At least one blanket;
  - 4. Towels;
  - 5. Soap;
  - 6. Toilet tissue; and,
  - 7. A toothbrush and toothpaste.
- (e) Bed linens, blankets, and towels shall be clean and washable; and sufficient in number for changes when necessary.
- (f) All operable windows must be equipped with screens and locks.
- (g) Light fixtures must be shaded to prevent glare. All electrical outlets accessible to children must be adequately protected.
- (h) Dining areas must be furnished with dining tables and chairs appropriate to the size and function of the facility.
- (i) Living rooms, sitting rooms, lounges, and recreation areas must be furnished with tables, chairs, lighting fixtures, and other equipment appropriate to the size and function of the specific area and of the facility.
- (j) Heating systems must be maintained in good working order and shall be able to maintain a temperature of at least 65 degrees Fahrenheit when the outside temperature is zero degrees Fahrenheit.
- (k) All family shelters shall insure that all painted interior areas are free from chipping, peeling or flaking paint and that all paint used in these areas is lead-free.

**N.J.A.C. 5:15-4.4**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

***SUBCHAPTER 4. FACILITY REQUIREMENTS***

**§ 5:15-4.4 Laundry facilities**

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

**N.J.A.C. 5:15-4.5**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

***SUBCHAPTER 4. FACILITY REQUIREMENTS***

**§ 5:15-4.5 Posting areas**

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



**N.J.A.C. 5:15-4.6**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 4. FACILITY REQUIREMENTS****§ 5:15-4.6 Housekeeping**

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- (a) All areas of the facility shall be free of vermin, rodents, and trash.
- (b) All areas of the facility, including, but not limited to, the floors, walls, windows, doors, ceilings, fixtures, equipment, and furnishings shall be clean and free from strong odors.
- (c) Blankets and pillows shall be laundered as often as necessary for cleanliness and freedom from odors.
- (d) Adequate, properly maintained supplies and equipment for housekeeping functions shall be provided.

**N.J.A.C. 5:15-4.7**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 4. FACILITY REQUIREMENTS****§ 5:15-4.7 Maintenance**

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- (a) The licensee of each facility shall ensure the continued maintenance of the facility.
- (b) The building and grounds shall be maintained in a clean, orderly condition and in good repair.
- (c) All equipment and furnishings shall be maintained in a clean, orderly condition and in good working order.
- (d) Walls and ceiling covering shall be free of peeling paint.
- (e) Floors and floor coverings shall be free of cracks and missing or raised portions which constitute a safety hazard.
- (f) Electrical systems including appliances, cords, and switches shall be maintained in good working order.
- (g) Plumbing and plumbing fixtures shall be maintained in good working order.
- (h) Ventilation, air conditioning, and air-changing systems, if provided, shall be maintained in good working order.
- (i) Windows and screens shall be kept clean and in good repair.

**N.J.A.C. 5:15-4.8**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 4. FACILITY REQUIREMENTS****§ 5:15-4.8 Safety procedures**

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- (a) Chain locks, hasps, bars, padlocks, and similar devices must not be used in any communal area in a way that would inhibit access to an exit.
- (b) Doors in residents' rooms in Class III facilities must be able to be secured by the resident, provided such doors can be unlocked from the outside and the inside and keys are available to supervisory and security staff at all times.
- (c) Residents shall not have access to storage areas used for cleaning agents, bleaches, insecticides, or any other poisonous, dangerous, or flammable material, unless necessary for work they are performing.
- (d) Hallways and corridors shall not be used for storage of equipment or trash.

**N.J.A.C. 5:15-4.9**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 4. FACILITY REQUIREMENTS**

**§ 5:15-4.9 Kitchens; sanitation and sanitary procedures**

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- (a) All kitchens or food services and preparation areas shall be well-lighted and ventilated, and provided with essential and proper equipment adequate for the number of residents to be served, for storage, refrigeration, freezing, preparation, and serving of food.
- (b) Food service areas must be provided with sufficient and suitable space and equipment to maintain efficient and sanitary operation of all required functions.

**N.J.A.C. 5:15-4.10**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 4. FACILITY REQUIREMENTS****§ 5:15-4.10 Space requirements for shelters**

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- (a) Every Class I and III emergency shelter for the homeless shall contain at least 80 square feet of space for each occupant which shall be calculated on the basis of total gross floor area. For the purposes of this subsection children under the age of 36 months shall not be considered occupants.
- (b) Every Class II emergency shelter for the homeless shall contain at least 60 square feet of space for each occupant which shall be calculated on the basis of total gross floor area.
- (c) Every Class I and III emergency shelter providing food services shall have space for dining and leisure activities.
- (d) When not in use, dining space may be used as leisure space.

**N.J.A.C. 5:15-4.11**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 4. FACILITY REQUIREMENTS****§ 5:15-4.11 Bath and toilet facilities**

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- (a) There shall be a minimum of one tub or shower for every 20 individual residents and one sink and one toilet for every 20 residents. Urinals may be substituted for no more than one half of the total toilets required. Separate bathrooms shall be provided for male adults and female adults in ratios appropriate to the percentage of male adults and female adults in the facility census.
- (b) Facilities shall provide adequate space and equipment, such as bathtubs, portable tubs, and basins, for the bathing and changing of infants and young children.
- (c) Facilities shall assure that bathing and toilet facilities are accessible and in working order with hot and cold water 24 hours a day.
- (d) Curtains, dividers, partitions, private stalls, or other similar devices shall be utilized to afford residents privacy when using toilets, showers, and tubs. Private areas for changing clothes shall be provided.
- (e) Bathrooms shall be cleaned as often as is necessary to maintain sanitary conditions.
- (f) Hot water for bathing and washing shall be maintained at a temperature of 120 degrees Fahrenheit.

**N.J.A.C. 5:15-4.12**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 4. FACILITY REQUIREMENTS****§ 5:15-4.12 Sleeping rooms; adult shelter facilities**

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- (a) Sleeping rooms for two or more residents shall conform to the following:
1. A minimum of two feet shall be maintained between beds and for aisles;
  2. Sleeping rooms shall have no more people sleeping therein than can be adequately provided for;
  3. Separate sleeping rooms shall be provided for men and women;
  4. If partitions are used to subdivide sleeping areas within the same room, their minimum height shall be sufficient to afford individual privacy, approximately five feet high;
  5. Partitions separating sleeping rooms from other rooms shall be ceiling high and smoke tight;
  6. All sleeping rooms shall be adequately lighted and adequately ventilated;
  7. Bedrooms shall open directly into exit corridors or into a common area leading to an exit corridor;
  8. A passageway or corridor may not be used as a bedroom;
  9. Bedrooms shall have individual, lockable storage lockers for resident belongings. Each locker shall be large enough to accommodate winter clothing;
  10. Adequate storage space for cleaning supplies and equipment shall be provided.

**N.J.A.C. 5:15-4.13**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

***SUBCHAPTER 4. FACILITY REQUIREMENTS***

**§ 5:15-4.13 (Reserved)**

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**N.J.A.C. 5:15-4.14**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 4. FACILITY REQUIREMENTS****§ 5:15-4.14 Food and dietary requirements**

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- (a) The licensee of Class III emergency shelters shall provide residents three well balanced and nutritious meals a day. The meals may be provided on-site or off-site, either directly or through contractual arrangement or through the provision of food that the residents prepare themselves.
- (b) No more than 15 hours shall elapse between meals.
- (c) In Class III emergency shelters, the licensee shall provide refrigeration and cooking equipment capable of being used for the storage and preparation of infant formula, baby food, milk and juices.

**N.J.A.C. 5:15-4.15**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 4. FACILITY REQUIREMENTS****§ 5:15-4.15 Personnel**

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- (a) The licensee shall provide staff sufficient in number and qualified by training and experience to render those services mandated by these rules.
- (b) A current, written staffing schedule shall be maintained on site.
- (c) The licensee shall maintain personnel records which are current, contain sufficient information to support placement in any position required by these rules and record all wages, benefits, reimbursements, bonuses, gifts, or payments given any employee or resident.
- (d) Any person working in the food service area shall have a tuberculosis skin test or a chest x-ray at the time he or she begins work and at least every 24 months thereafter. A person having a positive skin test shall be required to have a chest x-ray.
- (e) No individual who is suffering from a degree of mental illness or habituation or addiction to alcohol or other drugs such that the individual causes, or is likely to cause, danger to himself or others or is unable to perform his or her assigned duties, shall be employed or permitted to work as either an employee or volunteer.
- (f) No individual shall be permitted to work, either as an employee or volunteer, if infected with a communicable disease that might endanger the health of residents.

**N.J.A.C. 5:15-4.16**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 4. FACILITY REQUIREMENTS****§ 5:15-4.16 Staff qualifications**

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- (a) Each staff member shall be capable of associating with, and providing services and supervision to, the population served by the facility.
- (b) A sufficient number of staff who have contact with residents shall be able to communicate in the language of most of the residents, understand and carry out directions and instructions, record messages and keep records.
- (c) No person under 18 years of age shall be:
  - 1. Charged with direct responsibility for the supervision of residents; or
  - 2. Permitted to work in an on-site supervision position.

**N.J.A.C. 5:15-4.17**

New Jersey Register, Vol. 49 No. 12, June 19, 2017

**SUBCHAPTER 4. FACILITY REQUIREMENTS****§ 5:15-4.17 Records**

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- (a) Licensees shall maintain records that accurately reflect the number of persons and their names:
1. Residing in the shelter;
  2. Who sought admission and were not admitted to the shelter; and
  3. Who were discharged from the shelter.
- (b) The licensee shall prepare and keep an emergency incident report indicating the following:
1. The name or names of the person(s) involved;
  2. The date and time of the emergency;
  3. The type of emergency; and
  4. The disposition.
- (c) The records required in (a) and (b) above shall be maintained on the premises and retained for one year.