

SENATE, No. 2354

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 13, 2008

Sponsored by:

Senator DANA L. REDD

District 5 (Camden and Gloucester)

Co-Sponsored by:

Senator Stack

SYNOPSIS

Permits counties to create County Homelessness Trust Funds.

CURRENT VERSION OF TEXT

As introduced.



S2354 REDD

2

1 AN ACT addressing homelessness by permitting the establishment
2 of County Homelessness Trust Funds, amending N.J.S.22A:4-17,
3 and supplementing P.L.1984, c.180 (C.52:27D-280 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) This act shall be known and may be cited as
9 the "County Homelessness Trust Fund Act."
10

11 2. (New section) The Legislature finds and declares:

12 a. The creation of county homelessness trust funds in counties
13 that have completed and endorsed a plan to end homelessness will
14 provide some of the additional funds necessary to move homeless or
15 formerly homeless individuals toward the goal of permanent
16 affordable housing and self-sufficiency.

17 b. Despite laudable efforts by all levels of government, private
18 individuals, nonprofit organizations, and charitable foundations to
19 end homelessness, the number of homeless persons in New Jersey is
20 unacceptably high. The State's homeless population, furthermore,
21 includes a large number of families with children, youth, veterans,
22 the elderly, and employed persons.

23 c. Fiscal and social costs of homelessness are high for both the
24 public and private sectors and declares that ending homelessness
25 should be a joint goal for State and local government.

26 d. A myriad of factors contribute to homelessness, including a
27 shortage of affordable housing; a shortage of jobs that pay wages
28 and benefits sufficient to support a family; high property taxes
29 which undermine housing affordability; a lack of an accessible and
30 affordable health care system available to all who suffer from
31 physical and mental illnesses and chemical and alcohol dependency;
32 domestic violence; and a lack of education and job skills necessary
33 to acquire adequate wage jobs in the economy of the twenty-first
34 century.
35

36 3. (New section) As used in this act:

37 "Community based organization" means a nonprofit, private, or
38 public organization funded with public or private funds, or both,
39 that provides housing and services to families and individuals who
40 are homeless.

41 "County homeless housing grant program" means the vehicle by
42 which competitive grants are awarded by the governing body of the
43 county, utilizing moneys from the homeless housing account, for
44 activities directly related to housing homeless individuals and
45 families, preventing homelessness, and other efforts directly related

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

S2354 REDD

1 to permanently housing homeless persons, as administered by the
2 local government or its designated subcontractor.

3 “County Homelessness Trust Fund Task Force” means the
4 voluntary local committee created to advise a local government on
5 the creation of a local homeless housing plan and participate in a
6 local homeless housing program. It shall include a representative of
7 the county, representatives from each of the three municipalities in
8 the county with the largest populations of homeless people,
9 representatives from the organization responsible for developing,
10 implementing, or both, the local plan to end homelessness, at least
11 three homeless or formerly homeless persons, and three
12 representatives of local private or nonprofit organizations with
13 experiencing in assisting the homeless or providing low-income
14 housing. Among the responsibilities of the County Homelessness
15 Trust Fund Task Force is to assess priorities for funding, review of
16 applications, and preparation of an annual report and an annual
17 measurement of the progress of the trust fund.

18 “Department” means the Department of Community Affairs,
19 unless otherwise designated.

20 “Director” means the Director of the Division of Housing in the
21 Department of Community Affairs.

22 “Homeless person” means an individual living outside, or in a
23 building not meant for human habitation or in which the person has
24 no legal right to occupy, in an emergency shelter, or in a temporary
25 housing program which may include a transitional and supportive
26 housing program if habitation time limits exist, or temporarily in
27 the home of another household, or in a motel.

28 “Housing authority” means any of the public corporations
29 created pursuant to section 17 of P.L.1992, c.79 (C.40A:12A-17).

30 “Housing continuum” means the progression of individuals along
31 a housing-focused scale with homelessness at one end and home
32 ownership at the other.

33 “Homeless housing plan” means the plan approved by a local
34 government to address housing for homeless persons that includes
35 measurable and achievable objectives to end homelessness in that
36 community and has been approved by the governing body of the
37 county or municipality.

38 “Local government” means a county or municipal government.

39 “Outcome measurement” means the process of comparing
40 specific measures of success against ultimate and interim goals.

41

42 4. (New section) A local government may adopt a homeless
43 housing plan to the address housing needs of homeless persons
44 within its jurisdiction, which shall be in accordance with the
45 provisions of P.L. , c. (C.) (pending before the Legislature
46 as this bill). The plan shall include provisions for establishing a
47 trust fund for the purposes of receiving funds pursuant to
48 P.L. ,c. (C.) (pending before the Legislature as this bill),

S2354 REDD

1 and shall evidence a strategic local scheme to identify and address
2 the needs of the homeless within the jurisdiction, including
3 strategies to reduce the need for emergency room care, hospital
4 care, law enforcement, foster care, and other social services
5 associated with the homeless and homelessness.

6
7 5. (New section) a. Amounts raised by the surcharge imposed
8 pursuant to section 8 of P.L. , c. (C.) (pending before the
9 Legislature as this bill) shall be deposited into a “County
10 Homelessness Trust Fund” to be created by the county and shall be
11 used exclusively for the purposes authorized by P.L. , c. (C.)
12 (pending before the Legislature as this bill). Any interest or other
13 income earned on monies deposited into the county trust fund shall
14 be credited to the fund to be used for the same purposes as the
15 principal. A county may deposit other funds into the County
16 Homelessness Trust Fund, as it may, from time to time, deem
17 appropriate.

18 b. No monies in the trust shall be utilized to pay or discharge
19 the principal or interest on any indebtedness incurred for any
20 purpose by the trust or any other governmental entity.

21 c. Amounts raised by the surcharge must be expended for the
22 purposes detailed in section 9 of P.L. , c. (C.) (pending
23 before the Legislature as this bill) within four years of being
24 collected.

25 d. Any monies in the trust that are not expended after four
26 years will be transferred to the New Jersey Interagency Council on
27 Homelessness which will contract with a community based
28 organization in the same county where the Homelessness Trust
29 Fund exists for the purposes of P.L. , c. (C.) (pending before
30 the Legislature as this bill).

31
32 6. (New section) a. Each county shall utilize its County
33 Homelessness Trust Fund for the operation of a homeless housing
34 grant program. This program is established in order to provide:

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

39 (2) rental assistance vouchers, including tenant and project based
40 subsidies, for affordable housing projects or units within housing
41 projects that provide permanent affordable housing for homeless
42 persons or families, including those at risk of homelessness;

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

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

S2354 REDD

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

- 3 (1) measurably reduce homelessness;
4 (2) demonstrate government cost savings over time;
5 (3) employ evidence-based models;
6 (4) can be replicated in other counties;
7 (5) include an outcome measurement component;
8 (6) are consistent with the local homeless housing plan; or
9 (7) fund the acquisition, construction, or rehabilitation projects
10 that will serve homeless individuals or families for a period of at
11 least 30 years or the equal to the longest term of affordability
12 required by other funding sources.

13 c. Each county that has established a County Homelessness
14 Trust Fund shall transmit information concerning the uses of the
15 funds to the New Jersey Housing and Mortgage Finance Agency in
16 accordance with requirements established by that agency.

17

18 7. (New section) A county may collaborate with any other
19 county that has established a County Homeless Trust Fund to
20 provide joint funding for projects permitted under P.L. , c. (C.)
21 (pending before the Legislature as this bill).

22

23 8. N.J.S.22A:4-17 is amended to read as follows:

24 22A:4-17. a. All fees, costs, allowances, percentages and other
25 perquisites of whatever kind which surrogates, county clerks in
26 their several capacities, registers of deeds and mortgages, and
27 sheriffs or persons employed in their offices are entitled to charge
28 and receive for any official acts or services they may render shall be
29 for the sole use of the county and shall be accounted for regularly to
30 the county treasurer; however, such monies shall be utilized to
31 increase the salaries of surrogates, county clerks, registers of deeds
32 and mortgages and sheriffs, except as provided in section 6 of
33 P.L.2001, c.370 (C.22A:4-8.1), section 7 of P.L.1985, c.422
34 (C.22A:4-17.1) and section 4 of P.L.1988, c.109 (C.22A:4-17.2).

35 Such accounting shall be made on or before the fifteenth day of
36 each month on form blanks supplied by the county treasurer. The
37 statement of account shall clearly set forth all sums charged or
38 taxed or which shall have accrued or become payable during the
39 preceding month. Such statements shall be made under oath and
40 filed in the office of the county treasurer as public records.

41 Such statements when received by the county treasurer shall be
42 forthwith audited by the county auditor or other proper officer.

43 On or before the twentieth day of each month surrogates, county
44 clerks, registers of deeds and mortgages, and sheriffs shall pay over
45 the amount of such fees and moneys to the county treasurer and
46 such officers shall be personally liable to the county for such fees
47 and moneys.

S2354 REDD

1 The penalty for each day's neglect to file the required statement
2 of account or to pay over such moneys shall be one hundred dollars
3 (\$100.00) to be recovered in the name of the board of chosen
4 freeholders of the county in a civil action in the Superior Court, and
5 said officers may also be proceeded against by proceeding in lieu of
6 prerogative writ.

7 b. (1) In addition to the fees authorized in N.J.S.22A:4-4.1, and
8 except as provided in paragraph (2) of this subsection, upon
9 resolution or ordinance of the county governing body, as
10 appropriate, a surcharge of three dollars shall be charged for each
11 document recorded, which will be in addition to any other charge
12 allowed by law. The county treasurer shall deposit the surcharges
13 so collected into a fund that shall be used by the county to
14 accomplish the purposes of P.L. , c. (C.) (pending before the
15 Legislature as this bill). This fund shall be known as the
16 “Homelessness Housing Trust Fund.” Five percent of the fund may
17 be used annually by the county for administrative costs related to
18 administration of the fund and the grant program established
19 pursuant to P.L. , c. (C.) (pending before the Legislature as
20 this bill), and the remainder only for homelessness housing
21 programs as described in P.L. , c. (C.) (pending before the
22 Legislature as this bill).

23 (2) The surcharge imposed in this section does not apply to
24 assignments or substitutions of previously recorded deeds of trust.
25 (cf: P.L.2001, c.370, s.7)

26

27 9. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 This bill permits local governments to create homelessness
33 prevention trusts funds and establish programs to address
34 homelessness. The bill also permits counties to establish a county
35 homelessness trust fund.

36 The bill permits the county to impose a surcharge of \$3 on each
37 document recorded with a county, for deposit into a county
38 homelessness trust fund, five per cent of which may be used
39 annually for administrative costs related to the administration of the
40 fund, and the remainder of the monies in the fund may be used
41 solely for the operation of a homelessness housing grant program
42 established in order to provide:

- 43 • for the acquisition, construction, or rehabilitation of
44 housing projects, or units within housing projects, that
45 supply permanent affordable housing for homeless
46 persons or families, including those at risk of
47 homelessness;

S2354 REDD

- 1 • rental assistance vouchers, including tenant and project
2 based subsidies, for affordable housing projects or units
3 within housing projects that provide permanent
4 affordable housing for homeless persons or families,
5 including those at risk of homelessness;
- 6 • supportive services as may be required by homeless
7 individuals or families in order to obtain or maintain, or
8 both, permanent affordable housing; and
- 9 • prevention services for at risk homeless individuals or
10 families so that they can obtain and maintain permanent
11 affordable housing.

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

- 14 • measurably reduce homelessness;
- 15 • demonstrate government cost savings over time;
- 16 • employ evidence-based models;
- 17 • can be replicated in other counties;
- 18 • include an outcome measurement component;
- 19 • are consistent with the local homelessness housing plan;
- 20 or

21 fund the acquisition, construction, or rehabilitation of projects that
22 will serve homeless individuals or families for a period of at least
23 30 years or equal to the longest term of affordability required by
24 other funding sources.