

[Second Reprint]

SENATE, No. 2354

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED NOVEMBER 13, 2008

Sponsored by:

Senator DANA L. REDD

District 5 (Camden and Gloucester)

Senator BRIAN P. STACK

District 33 (Hudson)

Co-Sponsored by:

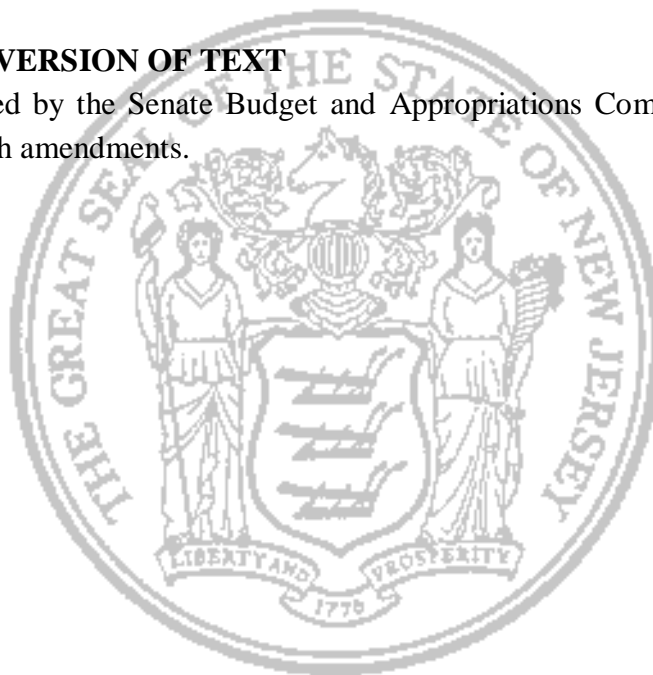
**Senators Singer, Buono, Vitale, Rice, B.Smith, Beach, Ruiz and
Cunningham**

SYNOPSIS

Permits counties to create County Homelessness Trust Funds.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on May 14, 2009, with amendments.



(Sponsorship Updated As Of: 5/22/2009)

S2354 [2R] REDD, STACK

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 ²**[homeless housing account]**
44 Homelessness Housing Trust Fund², for activities directly related to

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCU committee amendments adopted December 8, 2008.

²Senate SBA committee amendments adopted May 14, 2009.

1 housing homeless individuals and families, preventing
2 homelessness, and other efforts directly related to permanently
3 housing homeless persons, as administered by the local government
4 or its designated subcontractor.

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

20 “Department” means the Department of Community Affairs,
21 unless otherwise designated.

22 “Director” means the Director of the Division of Housing in the
23 Department of Community Affairs.

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

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

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

35 “Homeless housing plan” means the plan approved by a local
36 government to address housing for homeless persons that includes
37 measurable and achievable objectives to end homelessness in ²[that
38 community and has been approved by the governing body of the
39 county or municipality] the county².

40 “Local government” means a county ²[or municipal]²
41 government.

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

44

45 4. (New section) A local government may adopt a homeless
46 housing plan to ¹[the]¹ address ¹the¹ housing needs of homeless
47 persons within its jurisdiction, which shall be in accordance with
48 the provisions of P.L. , c. (C.) (pending before the

1 Legislature as this bill). The plan shall include provisions for
2 establishing a trust fund for the purposes of receiving funds
3 pursuant to P.L. , c. (C.) (pending before the Legislature as
4 this bill), and shall evidence a strategic local scheme to identify and
5 address the needs of the homeless within the jurisdiction, including
6 strategies to reduce the need for emergency room care, hospital
7 care, law enforcement, foster care, and other social services
8 associated with the homeless and homelessness.

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

21 b. No monies in the trust ²fund² shall be utilized to pay or
22 discharge the principal or interest on any indebtedness incurred for
23 any purpose by the ²trust county² or any other governmental
24 entity.

25 c. Amounts raised by the surcharge must be expended for the
26 purposes detailed in section ¹[9] 6¹ of P.L. , c. (C.)
27 (pending before the Legislature as this bill) within four years of
28 being collected.

29 d. Any monies in the trust ²fund² that are not expended after
30 four years will be transferred to the ²[New Jersey Interagency
31 Council on Homelessness] Department of Community Affairs²
32 which will contract with a community based organization in the
33 same county where the Homelessness Trust Fund exists for the
34 purposes of P.L. , c. (C.) (pending before the Legislature as
35 this bill).

36
37 6. (New section) a. Each county shall utilize its County
38 Homelessness Trust Fund ¹, with the advice of the County
39 Homelessness Trust Fund Task Force,¹ for the operation of a
40 homeless housing grant program. This program is established in
41 order to provide:

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

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

1 housing projects that provide permanent affordable housing for
2 homeless persons or families, including those at risk of
3 homelessness;

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

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

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

12 (1) measurably reduce homelessness;

13 (2) demonstrate government cost savings over time;

14 (3) employ evidence-based models;

15 (4) can be replicated in other counties;

16 (5) include an outcome measurement component;

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

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

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

26

27 7. (New section) A county may collaborate with any other
28 county that has established a County ²~~Homeless~~ Homelessness²
29 Trust Fund to provide joint funding for projects permitted under
30 P.L. , c. (C.) (pending before the Legislature as this bill).

31

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

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

44 Such accounting shall be made on or before the fifteenth day of
45 each month on form blanks supplied by the county treasurer. The
46 statement of account shall clearly set forth all sums charged or
47 taxed or which shall have accrued or become payable during the

1 preceding month. Such statements shall be made under oath and
2 filed in the office of the county treasurer as public records.

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

5 On or before the twentieth day of each month surrogates, county
6 clerks, registers of deeds and mortgages, and sheriffs shall pay over
7 the amount of such fees and moneys to the county treasurer and
8 such officers shall be personally liable to the county for such fees
9 and moneys.

10 The penalty for each day's neglect to file the required statement
11 of account or to pay over such moneys shall be one hundred dollars
12 (\$100.00) to be recovered in the name of the board of chosen
13 freeholders of the county in a civil action in the Superior Court, and
14 said officers may also be proceeded against by proceeding in lieu of
15 prerogative writ.

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

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

35
36 9. This act shall take effect immediately.