**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**Emergency Shelters for the Homeless**

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

Proposed: April 7, 2025, at 57 N.J.R. 637(a)

Adopted: , 2025 by Jacquelyn A. Suárez, Commissioner, Department of Community Affairs

Filed: , 2025 as R.2025 d. , **without changes**

Authority: N.J.S.A. 55:13C-1 et seq.

Effective Date:

Expiration Date: July 15, 2031

_____

Jacquelyn A. Suárez

**Commissioner**

**Summary** of Public Comments and Agency Responses

Comments were received from Mitch Malec and "Jean Public";

**Comments received from Mitch Malec**

1. COMMENT: The commenter notes that P.L.2023, c.303, is specific to female residents, whereas N.J.A.C. 5:15-4.3(d) is applicable to all residents. The commenter explains that the proposed amendment is incorrectly co-mingled into N.J.A.C. 5:15-4.3(d) and could be worded or inserted into the regulations in a better way to reflect the Law. The commenter recommends a new section, such as a new 4.3(e) stating, "Each female resident, in addition to the items contained in N.J.A.C. 5:15-4.3(d) and subject to the availability of funds in the shelter's general budget, shall be supplied with feminine hygiene products including, but not limited to, sanitary napkins, tampons, and panty liners, free of charge."

RESPONSE: The Department respectfully disagrees that the proposed amendment is incorrectly codified. Due to N.J.A.C. 5:15-4.3(d) containing the requirements for personal items supplied to residents, the Department has determined that this location within the regulations is the most appropriate for other personal items supplied to residents. Additionally, the language in the proposed amendment to N.J.A.C. 5:15-4.3(d) aligns with the language utilized in P.L.2023, c.303, as it states that these items are required for emergency shelters that serve female residents.

2. COMMENT: The commenter explains that according to the Law, the availability of feminine hygiene products free of charge to resident females is contingent on the availability of funds in the shelter's general budget. The commenter questions what the Department's estimate on the impact of requiring these feminine products to be included in a shelter's general budget. The

commenter also questions whether any homeless shelters are currently providing these provisions and if these shelters are required to continue to provide the services.

RESPONSE: The Department's estimate of the impact of feminine hygiene products on a shelter's general budget is minimal due to the low costs associated with these products. A bulk order of feminine hygiene products can be purchased with an individual per product price of less than $0.25, which is comparable to the other required personal hygiene products that are mandated for these shelters. Additionally, other shelters may provide feminine hygiene products, however, the proposed amendments only require that emergency shelters for the homeless which serve female residents to provide these products to their residents.

3. COMMENT: The commenter notes that based on the Law, the obligation to satisfy the requirements is contingent upon the availability of additional funds in the shelter's budget. The commenter states that this obligation appears to be a means to continue period inequity and not provide the needed assistance to women and girls residing in emergency shelters for the homeless. The commenter questions whether it is possible for the Department to allocate funds for this need or to mandate these items in a shelter's budget.

Additionally, the commenter states that to their understanding, the current items listed in N.J.A.C. 5:15-4.3(d) are not specifically required by law. The commenter requests the Department provide background for the inclusion of these items and the reasoning that feminine hygiene products or period care kits cannot simply be added.

RESPONSE: The Department respectfully disagrees that the proposed amendment is continuing period inequity and not providing assistance to residents of emergency shelters. The cost and availability of these products is a greater burden on those in need of emergency shelters than on

facilities that provide these products to residents. When purchased in bulk, feminine hygiene products are a minimal expenditure on a shelter's general budget.

Additionally, because this rulemaking is being made to incorporate the provisions of P.L.2023, c.303 into regulation, the Department cannot mandate these items into a shelter's budget because it is not a requirement of the Law. The requirement for the shelter to provide sheets, pillowcases, blankets, towels, soap, toilet tissue, and toothbrushes and toothpaste for each resident was adopted in 1989 and was done in consultation with the New Jersey Department of Health and the New Jersey Department of Human Services to ensure that residents were provided with necessary hygiene and sleeping supplies.

4. COMMENT: The commenter recommends that the Department should consider the inclusion of diapers and infant formula for family shelters. The commenter states that the Department should think outside the box and revise N.J.A.C. 5:15-4.3(d) to require that each resident shall be supplied with bed linens such as, but not limited to, sheets, a pillow with pillow case, at least one blanket; towels, personal care products, such as, but not limited to: soap and shampoo, a toothbrush and toothpaste, shaving cream and razor, menstrual care products, hand sanitizer, diapers, and first aid supplies as needed.

RESPONSE: The Department thanks the commenter for their recommendation and will review the regulations accordingly. However, the Department respectfully disagrees with amending N.J.A.C. 5:15-4.3(d) as requested by the commenter, due to redundancy of items such as bed linens which are covered by regulation at N.J.A.C. 5:15-4.3(c), and due to the requirements of law, such as those covered by P.L.2023, c.303, which state that feminine hygiene products shall be provided by emergency shelters for the homeless that serve women.

5. COMMENT: The commenter notes that N.J.A.C. 5:15-4.3(d)2 requires that each resident be supplied with a pillowcase and questions if a pillow is also required to be supplied. The commenter recommends that the Department further review N.J.A.C. 5:15-4.3 to see if additional items should be included that support and are necessary for a resident's health, safety, and well-being.

RESPONSE: The Department thanks the commenter for their recommendation and will review N.J.A.C. 5:15-4.3 to determine if further amendment supporting resident's health, safety, and well-being is needed. Additionally, N.J.A.C. 5:15-4.3(c) requires facilities to supply each resident with a bed that has clean and well-constructed bedding. Due to this requirement and what is commonly considered bedding, a sheet, blanket, and pillow are required.

6. COMMENT: The commenter questions if the listing at N.J.A.C. 5:15-4.3(d) is recognized by the Department as a minimum to be supplied but not the maximum allowed. Further, the commenter questions if there is a prohibition on supplying items not within N.J.A.C. 5:15-4.3(d) if they are not specifically included in the shelter's general budget.

RESPONSE: The listed items at N.J.A.C. 5:15-4.3(d) are those that are required to be supplied to residents of applicable facilities and are not a listing of the maximum allowed. Facilities may provide items not included within the N.J.A.C. 5:15-4.3(d) at their discretion and in accordance with N.J.A.C. 5:15-4.3(a) and (b), which states that facility provided equipment and furnishings shall not endanger resident health, safety, and well-being, in addition to requiring all provided equipment and furnishings to be durable, clean, and appropriate for their intended function.

**Comments received from Jean Public**

7. COMMENT: The commenter opposes this amendment and the new spending by the Department. The commenter recommends that the Department look into the voluntary contributions from religious organizations and other charities rather than requiring a new item that would be used to increase taxes.

RESPONSE: The Department thanks the commenter for their recommendation; however, the amendment to N.J.A.C. 5:15-4.3 requires emergency shelters for the homeless to provide feminine hygiene products to female residents and not the Department. As such, the Department is not providing these products to emergency homeless shelters and is not anticipating an increase in taxes. Furthermore, many of the emergency shelters that are required to comply with the proposed amendment are operated by charitable or religious organizations.

## Federal Standards Statement

No federal standards analysis is required for the adopted amendments because the amendments are not being adopted in order to implement, comply with, or participate in any program established under federal law or under a state law that incorporates or refers to federal law, standards, or requirements.