

P.L. 2021, CHAPTER 134, *approved June 30, 2021*  
Senate, No. 1676 (*Fourth Reprint*)

1 AN ACT concerning hospitals <sup>4</sup>**[**, amending P.L.1992, c.160,**]**<sup>4</sup> and  
2 supplementing P.L.1971, c.136 (C.26:2H-1 et seq.).  
3

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

7 <sup>4</sup>**[**1. Section 19 of P.L.1992, c.160 (C.26:2H-7a) is amended to  
8 read as follows:  
9

10 19. Notwithstanding the provisions of section 7 of P.L.1971,  
11 c.136 (C.26:2H-7) to the contrary, the following are exempt from  
12 the certificate of need requirement:

- 13 Community-based primary care centers;
- 14 Outpatient drug and alcohol services;
- 15 Hospital-based medical detoxification for drugs and alcohol;
- 16 Ambulance and invalid coach services;
- 17 Mental health services which are non-bed related outpatient  
18 services;
- 19 Residential health care facility services;
- 20 Dementia care homes;
- 21 Capital improvements and renovations to health care facilities;
- 22 Additions of medical/surgical, adult intensive care and adult  
23 critical care beds in hospitals;
- 24 Inpatient special psychiatric beds used solely for services for  
25 patients with co-occurring mental health and substance use  
26 disorders;

26 Housing and wrap-around services for <sup>1</sup>**[the]** individuals who  
27 are<sup>1</sup> homeless <sup>1</sup>or housing insecure<sup>1</sup> <sup>3</sup>**[provided]**<sup>3</sup> pursuant to  
28 section 2 of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill);

- 30 Replacement of existing major moveable equipment;
- 31 Inpatient operating rooms;
- 32 Alternate family care programs;
- 33 Hospital-based subacute care;
- 34 Ambulatory care facilities;
- 35 Comprehensive outpatient rehabilitation services;
- 36 Special child health clinics;
- 37 New technology in accordance with the provisions of section 18  
38 of P.L.1998, c.43 (C.26:2H-7d);

**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:

<sup>1</sup>Senate SHH committee amendments adopted September 14, 2020.

<sup>2</sup>Senate floor amendments adopted October 29, 2020.

<sup>3</sup>Assembly AHE committee amendments adopted March 8, 2021.

<sup>4</sup>Senate amendments adopted in accordance with Governor's  
recommendations June 21, 2021.

1       Transfer of ownership interest except in the case of an acute care  
2       hospital;  
3       Change of site for approved certificate of need within the same  
4       county;  
5       Additions to vehicles or hours of operation of a mobile intensive  
6       care unit;  
7       Relocation or replacement of a health care facility within the  
8       same county, except for an acute care hospital;  
9       Continuing care retirement communities authorized pursuant to  
10      P.L.1986, c.103 (C.52:27D-330 et seq.);  
11      Magnetic resonance imaging;  
12      Adult day health care facilities;  
13      Pediatric day health care facilities;  
14      Chronic or acute renal dialysis facilities; and  
15      Transfer of ownership of a hospital to an authority in accordance  
16      with P.L.2006, c.46 (C.30:9-23.15 et al.).  
17      (cf: P.L.2017, c.94, s.1)]<sup>4</sup>

18  
19      <sup>4</sup>[2. (New section)] 1.<sup>4</sup> a. A general acute care hospital  
20      licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) may adopt  
21      as part of its mission the goal of addressing issues related to  
22      homelessness <sup>4</sup>['and] or<sup>4</sup> housing insecurity<sup>1</sup> . A hospital that  
23      chooses to address issues related to homelessness <sup>4</sup>['and] or<sup>4</sup>  
24      housing insecurity<sup>1</sup> as part of its mission pursuant to <sup>1</sup>[subsection a.  
25      of]<sup>1</sup> this section shall be authorized to construct <sup>1</sup>, rehabilitate, or  
26      remediate<sup>1</sup> housing <sup>4</sup>, or enter into a partnership or other contractual  
27      arrangement therefor,<sup>4</sup> and provide wrap-around services for  
28      <sup>1</sup>individuals who are<sup>1</sup> homeless <sup>1</sup>[persons] <sup>4</sup>['and] or<sup>4</sup> housing  
29      insecure<sup>1</sup> <sup>4</sup>, or enter into a partnership or other contractual  
30      arrangement therefor,<sup>4</sup> who are treated at the hospital, which wrap-  
31      around services may include:

32      (1) referrals to outpatient primary care and behavioral health  
33      care services;

34      (2) appropriate follow-up care and treatment management  
35      assistance;

36      (3) assistance identifying and procuring sources of health  
37      benefits coverage, including, but not limited to, coverage under the  
38      State Medicaid and NJ FamilyCare programs pursuant to  
39      P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.2005, c.156  
40      <sup>1</sup>[(C.30:4J-1 et al.)] (C.30:4J-8 et al.)<sup>1</sup> ; and

41      (4) assistance in identifying and accessing appropriate social  
42      services, including, but not limited to, food, transportation, housing,  
43      employment, and child care assistance.

44      <sup>4</sup>Such hospital shall notify the Department of Health as to the  
45      wrap-around services intended to be provided pursuant to this  
46      section and if any such service is subject to the Department of  
47      Health's healthcare facility licensing requirements the service shall  
48      be licensed prior to it being provided. To the extent practicable, a

1 hospital may collaborate with a regional health hub to provide the  
 2 wrap-around services described in paragraphs (1) through (4) of this  
 3 subsection.<sup>4</sup>

4 b. <sup>4</sup><sup>3</sup>The number of housing units that are constructed,  
 5 rehabilitated, or remediated in a particular municipality pursuant to  
 6 this section shall be subtracted from the total number of affordable  
 7 housing units that may be required in that municipality by the  
 8 Council on Affordable Housing in the Department of Community  
 9 Affairs.<sup>3</sup><sup>4</sup> Housing for<sup>1</sup>the individuals who are<sup>1</sup>homeless<sup>1</sup>or  
 10 housing insecure<sup>1</sup>constructed<sup>1</sup>, rehabilitated, or<sup>2</sup>remediated<sup>1</sup>]  
 11 remediated<sup>2</sup>by a hospital<sup>4</sup>, or its partners or contractors,<sup>4</sup>pursuant  
 12 to subsection a. of this section shall be<sup>1</sup>:

13 (1)<sup>1</sup> deemed a permitted use in all residential and nonresidential  
 14 districts of a municipality and shall be exempt from local zoning  
 15 restrictions<sup>1</sup>; and

16 (2) exempt from the Department of Health's health care facility  
 17 licensing requirements, provided that, if wrap-around services  
 18 provided in connection with the housing are provided in a health  
 19 clinic or other comparable health care facility licensed pursuant to  
 20 P.L.1971, c.136 (C.26:2H-1 et seq.), the clinic or facility shall  
 21 comply with the department's health care facility licensing  
 22 requirements<sup>1</sup>.

23 c. Commencing one year after the date a hospital<sup>4</sup>, or its  
 24 partners or contractors,<sup>4</sup> first constructs<sup>1</sup>, rehabilitates, or  
 25 remediates<sup>1</sup> housing and begins providing wrap-around services for  
 26 the individuals who are<sup>1</sup>homeless<sup>1</sup>or housing insecure<sup>1</sup>  
 27 pursuant to subsection a. of this section, and annually thereafter, the  
 28 hospital shall report to the<sup>1</sup>Legislature, pursuant to section 2 of  
 29 P.L.1991, c.164 (C.52:14-19.1), the<sup>4</sup>Departments Department<sup>4</sup>  
 30 of Health<sup>4</sup>and Human Services<sup>1</sup><sup>4</sup> concerning any reductions in  
 31 the number of<sup>1</sup>charity care<sup>1</sup> inpatient<sup>1</sup> admissions<sup>1</sup>and  
 32 emergency department visits<sup>1</sup> at the hospital<sup>1</sup>and increased usage  
 33 of preventative care related to the construction, rehabilitation, or  
 34 remediation of housing and the provision of wrap-around services  
 35 by the hospital<sup>4</sup>or its partners or contractors,<sup>4</sup> to individuals who  
 36 are homeless<sup>4</sup>and<sup>4</sup> or<sup>4</sup> housing insecure<sup>1</sup> over the previous year.  
 37 <sup>1</sup>The report shall include data based on each payer type for inpatient  
 38 admissions and emergency department visits, including charity care  
 39 <sup>4</sup>. A health care system shall be permitted to submit the report  
 40 required under this subsection to the departments on behalf of one  
 41 or more of the hospitals that are part of the health care system] and,  
 42 to the extent practicable, shall include input from local  
 43 stakeholders, including regional health hubs, on program design and  
 44 implementation. The report may be shared with regional health  
 45 hubs to assist the Department of Health in program design,  
 46 population analysis, strategic planning, and other appropriate  
 47 functions<sup>4</sup>.

1       d. The <sup>4</sup>[Departments] Department<sup>4</sup> of Health <sup>4</sup>[and Human  
 2 Services]<sup>4</sup> shall annually provide to the Legislature <sup>4</sup>[an analysis of  
 3 the] a report aggregating the data contained in the<sup>4</sup> reports  
 4 submitted to the <sup>4</sup>[departments] department<sup>4</sup> by a hospital <sup>4</sup>[or  
 5 health care system, as applicable,]<sup>4</sup> pursuant to subsection c. of this  
 6 section <sup>3</sup>for five years following the effective date of  
 7 P.L. , c. (C. ) (pending before the Legislature as this  
 8 bill) <sup>4</sup>[. Thereafter, the Departments of Health and Human Services  
 9 shall provide the Legislature the analysis of the reports submitted to  
 10 the departments by a hospital or health care system] and<sup>4</sup>  
 11 quinquennially<sup>3</sup> <sup>4</sup>thereafter<sup>4</sup> .

12       e. As used in this section, “individual who is <sup>4</sup>homeless or<sup>4</sup>  
 13 housing insecure” means a person <sup>4</sup>[; whose housing costs are  
 14 more than <sup>2</sup>[50] 30<sup>2</sup> percent of the person’s monthly income; who  
 15 lives in substandard or poor quality housing <sup>2</sup>which impacts the  
 16 person’s health and safety<sup>2</sup> ; who lives in a house or apartment with  
 17 overcrowded conditions which impact the person’s health and  
 18 safety; <sup>2</sup>[who lives in a house or apartment with other individuals  
 19 or families in order to share housing costs;]<sup>2</sup> who is experiencing  
 20 housing instability, including, but not limited to, periods of living in  
 21 shelters or hotels or frequent moves from house to house due to  
 22 economic reasons; or] or household<sup>4</sup> who <sup>4</sup>is homeless or<sup>4</sup>  
 23 experiences periods of homelessness <sup>4</sup>as either of those terms is  
 24 defined pursuant to the federal McKinney-Vento Homeless  
 25 Assistance Act, (42 U.S.C. s.11301 et seq.), the Qualified  
 26 Allocation Plan adopted by the New Jersey Housing and Mortgage  
 27 Finance Agency, or any other State or federal program specifically  
 28 designed to assist such persons or households; or a person or  
 29 household eligible for and occupying very-low-income housing,  
 30 low-income housing, or moderate-income housing as those terms  
 31 are defined in section 4 of P.L.1985, c.222 (C.52:27D-304).

32       f. This section shall not be construed to invalidate or otherwise  
 33 limit the credit or bonus credit for which a municipality may  
 34 otherwise be eligible to receive in accordance with P.L.1985, c.222  
 35 (52:27D-301 et seq.) or any court order issued or settlement  
 36 agreement executed consistent therewith.

37       g. This section shall not be construed to invalidate or otherwise  
 38 limit the authority or ability to facilitate or enter into such  
 39 arrangements, or agreements, or projects under existing law<sup>4</sup> .<sup>1</sup>

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 41       <sup>4</sup>[3.] 2.<sup>4</sup> This act shall take effect immediately.  
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45  
 46       Allows hospitals to construct housing and provide wrap-around  
 47       services for individuals who are homeless or housing insecure.