

# RULE ADOPTIONS

## AGRICULTURE

### (a)

#### DIVISION OF MARKETING AND DEVELOPMENT

##### Notice of Readoption Stores

###### **Readoption: N.J.A.C. 2:53**

Authority: N.J.S.A. 4:12A-1 et seq., specifically 4:12A-7 and 20.

Authorized By: Thomas L. Beaver, Director, Division of Marketing and Development, the State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Effective Date: March 29, 2018.

New Expiration Date: March 29, 2025.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 2:53 were scheduled to expire on May 26, 2018.

The purpose of these rules is to assure that the dairy industry and consumers receive the benefit of effective milk control, which helps to assure a stable milk market and fair competition.

The rules require New Jersey licensed stores to display current retail milk prices and set forth the display requirements to ensure that consumers are properly informed and to maintain accurate records on milk transactions to assist the Division of Marketing and Development in its evaluation of the licensee's business operations concerning the licensee's adherence to applicable New Jersey statutes and Division rules; outline the reports required to be maintained and the report filing and record retention criteria; and protect confidential information obtained in implementing the rules that constitute proprietary commercial or financial information, or is otherwise protected under State or Federal law.

To prevent predatory pricing, the rules define "variable cost" and make it unlawful and a violation to offer for sale or to sell milk or milk products below variable cost.

In addition, the rules define "supplier of record" and outline the requirements to be followed for a licensed store to change its supplier of record or engage an additional supplier of milk and milk products; including giving adequate notice and paying all its indebtedness for milk and milk products purchased to their current supplier of record. The rules also list the conditions under which notice is not required and the requirements for giving notice to the Division of Marketing and Development and the violation, mediation, and hearing processes for failure to comply with the rules.

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), this chapter is readopted and shall continue in effect for a seven-year period.

## COMMUNITY AFFAIRS

### (b)

#### DIVISION OF HOUSING AND COMMUNITY RESOURCES

##### Homelessness Prevention Program

###### **Readoption with Amendments: N.J.A.C. 5:41**

Proposed: August 7, 2017, at 49 N.J.R. 2351(a).

Adopted: March 27, 2018, by Lt. Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs.

Filed: April 10, 2018, as R.2018 d.099, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3), **and with proposed new N.J.A.C. 5:41-1.4 not adopted.**

Authority: N.J.S.A. 52:27C-24, 52:27D-280, and 52:27D-287.2.

Effective Dates: April 10, 2018, Readoption;  
May 7, 2018, Amendments.

Expiration Date: April 10, 2025.

##### Summary of Public Comments and Agency Responses:

Comments were received from Legal Services of New Jersey, HomeFront, and Melissa Bellamy.

1. COMMENT: Legal Services of New Jersey opposed the durational residency requirement of proposed new N.J.A.C. 5:41-1.4. It suggested that if the Department was inclined to adopt language pertaining to residency, it should adopt language similar to the Work First New Jersey Program (see, N.J.A.C. 10:90-2.11).

RESPONSE: The Homelessness Prevention Program is a State program designed to provide temporary assistance to persons who are homeless or in imminent danger of homelessness for reasons beyond their control. Since it focuses on assisting State residents, the Department has decided not to adopt proposed new N.J.A.C. 5:41-1.4.

2. COMMENT: Legal Services of New Jersey opposed the Department's addition to N.J.A.C. 5:41-2.1(a)2 of the phrase "for nonpayment of rent," stating that it would exclude many people in imminent danger of homelessness due to being evicted pursuant to any of the 17 separate grounds for a landlord to evict a tenant pursuant to N.J.S.A. 2A:18-61.1 et seq., or due to an ejectment action, since they could still lack the financial means to secure or maintain housing, regardless of any stated reason for eviction or removal.

RESPONSE: The Department respectfully disagrees with the comment and notes that N.J.S.A. 52:27D-281 specifically states that this program provides temporary rental or other housing assistance to persons who are homeless or in imminent danger of homelessness "by reason of inability to pay rent or other housing costs."

3. COMMENT: Legal Services of New Jersey opposed the Department's proposed addition to N.J.A.C. 5:41-2.1(a)2 of the language "which are not more than six months old and bear a docket number and court date, and the applicant will lose their residence within 30 days of the date of the application for homelessness prevention assistance." The commenter stated foreclosure actions last many months, if not years, and indicated that, in default cases, a court date is rarely assigned to the matter. It claimed that it appeared that borrowers in such actions would never qualify for assistance from the program.

It further stated that inclusion of the above-quoted language is inconsistent with other regulations and the intent of the program, particularly as it pertains to borrowers who have been served with a Notice of Intent to Foreclose, whom it notes the program was designed to assist.

RESPONSE: The Department has determined to revise the section as suggested by the commenter for clarity in regards to both renters and borrowers.

4. COMMENT: Legal Services of New Jersey objected to the addition of N.J.A.C. 5:41-2.1(j). It indicated bona fide landlord-tenant relationships may exist between family members. It also noted an applicant may rent from a family member due to disability.

HomeFront addressed the aforementioned section and raised the issue of "couch surfing" as a very real phenomenon in the world of homelessness. It wondered whether such an applicant could be assisted if recent proof of eviction from a prior residence or leaving a prior residence due to domestic violence or other dire circumstance were provided. It hoped that the program could provide rule waivers in justifiable and well-documented circumstances.

RESPONSE: The Department has determined to maintain this section, but has added qualifying language relating to the permanent disability of the applicant. In addition, the Department notes that if an applicant submits a restraining order or a summons or warrant of