

Therefore, a regulatory flexibility analysis is not required. The proposed readoption governs major disciplinary procedures for certain law enforcement officers and firefighters.

**Smart Growth Impact**

The rules proposed for readoption will have no impact on the achievement of smart growth in the implementation of the State Development and Redevelopment Plan.

**Housing Affordability Impact**

The rules proposed for readoption will have no impact on housing affordability in this State. The rules set forth procedures for contested case hearings.

**Smart Growth Development Impact**

The rules proposed for readoption will have no impact on the number of housing units or the availability of affordable housing in the State, and will have no effect on smart growth development in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The rules set forth procedures for contested case hearings.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 1:4B.

**COMMUNITY AFFAIRS**

**(a)**

**DIVISION OF CODES AND STANDARDS**

**Rooming and Boarding Houses**

**Proposed Readoption: N.J.A.C. 5:27**

Authorized By: Lori Grifa, Acting Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 55:13B-4, 6 and 6.1.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2010-070.

Submit written comments by August 6, 2010 to:

Michael L. Tickin, Esq.  
 Chief, Legislative Analysis  
 Department of Community Affairs  
 PO Box 802  
 Trenton, NJ 08625  
 Fax No. (609) 633-6729

The agency proposal follows.

**Summary**

Pursuant to N.J.S.A. 52:14B-5.1c, the Regulations Governing Rooming and Boarding Houses, N.J.A.C. 5:27, are scheduled to expire on April 22, 2011. The Department has reviewed these rules and finds that they continue to be necessary for the purpose for which they were promulgated and is therefore proposing that they be readopted.

The Rooming and Boarding House rules are intended to protect the health, safety and welfare of residents of rooming and boarding houses. A rooming house is a residential property in which two or more individuals living independently of each other occupy rooming units and do not have their own cooking and sanitary facilities. If the facility provides meals or personal or financial services as a rooming unit, it is a boarding house.

The chapter proposed for readoption includes 13 subchapters, which are as follows: administration and enforcement; definitions; rights of residents; general building requirements (including two appendices related to lead-safe maintenance); security; residents' comfort; maintenance of records; food and laundry services; other personal services; financial services; fire safety loans; additional rules regarding persons with Alzheimer's disease or other forms of dementia; and carbon monoxide alarms.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

**Social Impact**

These rules are necessary in order to protect persons who reside in rooming and boarding houses. Residents of rooming and boarding houses include many of the most vulnerable members of our society. Many of them have physical or mental disabilities. It is essential that these rules remain in effect in order to enable the Department to provide the protection of their health, safety and welfare that is required by statute.

**Economic Impact**

The rules provide for annual license fees for each facility and each operator in amounts varying from \$320.00 to \$600.00, depending on the services provided in the facility, the number of occupants and whether the license is issued to an individual or some other business entity. The administrative cost of providing the information required in the application is borne by the applicant. Subchapter 4 sets forth general building requirements related to water supply, plumbing facilities, garbage and rubbish storage, lighting and electrical service, ventilation, heating, maintenance, and use and occupancy of space. In addition, Subchapter 1 requires facilities to be maintained in compliance with the Uniform Fire Code (N.J.A.C. 5:70). An owner or operator whose building is not in compliance with these requirements will incur the costs necessary for compliance, which may include the cost of parts and materials and the services of, for example, plumbers, electricians and building repair contractors.

The security requirements of Subchapter 6 impose costs for various types of locks and hinges, doorbells and in-house safes or safe deposit boxes at a banking institution. The services of a locksmith may be required. Under Subchapter 7, costs may be incurred for linens, towels, housekeeping services, bedroom and common area furnishings and, possibly, recreational equipment. Certain resident information and documentation is required to be maintained under Subchapter 8. In addition, licensees must maintain detailed financial records for each facility. This recordkeeping may require the services of a bookkeeper. Subchapter 9 establishes dietary and food sanitation requirements that may require employing or contracting with food service providers. Cost would also be incurred in complying with requirements for laundry services, if provided.

Subchapter 10 sets standards for other personal services that may be offered or provided, including assistance in dressing, bathing or personal hygiene, transportation to health services, monitoring of medication, and supervision of self-administration of medicine. Cost will vary with the services provided. The provision of financial services to residents is governed by Subchapter 11. These include check cashing, holding of personal funds and assistance in purchasing. Licensees must maintain a transaction ledger for residents' personal funds entrusted to the licensee. Licensees may obtain financial assistance for making life safety improvements in accordance with the provisions of Subchapter 12. Licensees of facilities for persons with Alzheimer's disease or related disorders or other forms of dementia will incur costs for nurses and aides in order to comply with Subchapter 13. All licensees with facilities having a potential carbon monoxide hazard will have to pay the cost of installing the requisite alarms, as required by Subchapter 14.

**Federal Standards Statement**

No Federal standards analysis is required because the rules proposed for readoption are not being proposed under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State statute that incorporates or refers to Federal law, standards or requirements.

**Jobs Impact**

The enforcement of the rules proposed for readoption may create jobs for person involved in operating rooming or boarding houses and in maintaining them or otherwise provided required services to the residents.

**Agriculture Industry Impact**

The Department does not anticipate that the rules proposed for readoption would have any effect on the agriculture industry.

**Regulatory Flexibility Analysis**

The great majority of rooming and boarding houses are owned by "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules implement the statute by establishing reporting, recordkeeping and compliance requirements that all owners and operators must comply with in order to protect the health, safety and welfare of residents. No differential requirements are therefore appropriate. The requirements and attendant costs are discussed in the Economic Impact above. No professional services that would not otherwise be required by a properly operated rooming or boarding house business would be required as a result of the readoption of these rules.

**Smart Growth Impact**

The rules proposed for readoption would not have any effect upon achievement of smart growth or implementation of the State Development and Redevelopment Plan.

**Housing Affordability Impact**

The rules proposed for readoption concern the licensing, maintenance and inspection of rooming and boarding houses. The rules would be most unlikely to have any impact upon housing production costs or to affect affordability.

**Smart Growth Development Impact**

The rules proposed for readoption concern the licensing, maintenance and inspection of rooming and boarding houses. The rules would be most unlikely to have any impact upon housing production within Planning Areas 1 and 2 or within designated centers under the State Development and Redevelopment Plan.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:27.

The name and mailing address of the commenter must be submitted with all public comments.

The agency proposal follows:

**Summary**

The New Jersey Pinelands Commission proposes to amend Subchapters 2, Interpretations and Definitions, 6, Management Programs and Minimum Standards, and 10, Pilot Programs, of the Pinelands Comprehensive Management Plan (CMP). The Pinelands CMP has been guiding land use and development activities in the Pinelands since it took effect on January 14, 1981. Since that time, the CMP has been amended a number of times, most recently in June of 2010 through a set of amendments relating to long-term septic management, published elsewhere in this issue of the New Jersey Register.

The amendments now being proposed by the Commission relate to the Pilot Program for Alternate Design Wastewater Treatment Systems.

In 2000, the Pinelands Commission formed a special Ad Hoc Septic System Committee to research alternate septic system technologies that might better meet the water quality standards of the Comprehensive Management Plan (N.J.A.C. 7:50-6, Part VIII) for residential development on lots smaller than 3.2 acres, where such lots were already authorized pursuant to N.J.A.C. 7:50-5. In its research efforts, the Committee consulted wastewater engineering professionals, State and regional on-site technology demonstration projects, alternate treatment system technology manufacturers, Pinelands Area county health departments and other State and local agencies. Based on this research, the Committee identified five technologies that it determined could be expected to meet Pinelands water quality standards for residential development on lots smaller than 3.2 acres in size. The identified technologies were the Amphidrome, Ashco RFS<sup>III</sup>, Cromaglass, Bioclere and FAST treatment systems. Based upon nitrogen removal expectations and the Pinelands Septic Dilution Model, the Committee concluded the Amphidrome, Cromaglass, Bioclere and FAST systems could be permitted on lots of at least one acre and that the Ashco RFS<sup>III</sup> system could be allowed on residential lots of at least 1.5 acres. All of the identified systems utilize proven biological nutrient removal processes to reduce nitrogen levels in treated wastewater. The water quality requirements of N.J.A.C. 7:50-6, Part VIII, include provisions which are aimed at controlling the amount of nitrogen that enters the environment because nitrogen itself is a significant pollutant and because it often serves as an indicator of changes in overall water quality.

The Ad Hoc Septic System Committee unanimously recommended that an interim program be developed for the approval, installation and monitoring of the five identified wastewater treatment technologies and that the interim program include conditions and safeguards to govern their use. To implement these recommendations, the Pinelands Commission adopted a set of amendments to the Comprehensive Management Plan which authorized the use of the technologies through the establishment of the Alternate Design Treatment Systems Pilot Program (see 34 N.J.R. 2804(b)). These Comprehensive Management Plan amendments, which took effect on August 5, 2002, are codified at N.J.A.C. 7:50-10, Part IV. The Pilot Program was implemented to provide a means to test whether the five identified technologies could be maintained and operated so as to meet the water quality standards of the Comprehensive Management Plan in a manner that a homeowner can be reasonably expected to follow.

Implementation of the Pilot Program commenced on August 5, 2002. Applications for unsewered residential development on lots smaller than 3.2 acres, received by the Commission after that date, were required to use a pilot program treatment system. Completed applications received by the Commission prior to August 5, 2002 were permitted to use a pressure dosing septic system, provided the installation of that pressure dosing system was completed by August 5, 2004. Pursuant to N.J.A.C. 7:50-10.22(a)1, use of the pilot program systems was originally permitted only in those Pinelands municipalities which had adopted ordinances to reflect the standards and requirements of the Pilot Program. Although most municipalities did adopt ordinances to permit use of the pilot program systems, several did not. This led to situations where owners of unsewered parcels under 3.2 acres in size were denied the ability to develop those parcels in a manner consistent with all other municipal land

**ENVIRONMENTAL PROTECTION**

**(a)**

**PINELANDS COMMISSION**

**Pinelands Comprehensive Management Plan  
Water Quality; Pilot Program for Alternate Design  
Wastewater Treatment Systems**

**Proposed Amendments: N.J.A.C. 7:50-2.11, 6.84,  
10.21, 10.22 and 10.23**

Authorized By: New Jersey Pinelands Commission, John C. Stokes,  
Executive Director.

Authority: N.J.S.A. 13:18A-6j.

Calendar Reference: See Summary below for explanation of  
exception to calendar requirement.

Proposal Number: PRN 2010-074.

A **public hearing** concerning this proposal will be held on:

Thursday, July 15, 2010 at 7:00 P.M.  
Richard J. Sullivan Center  
15C Springfield Road  
New Lisbon, New Jersey

Submit written comments by regular mail, facsimile or e-mail by  
August 6, 2010 to:

Susan R. Grogan, P.P., AICP  
Chief Planner  
Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064  
Facsimile: (609)894-7330  
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