

SUBCHAPTER 10. OTHER PERSONAL SERVICES

5:27-10.1 Applicability

(a) This subchapter shall not apply to cooperative sober living residences.

Recodify existing (a)-(b) as **(b)-(c)** (No change in text.)

SUBCHAPTER 11. FINANCIAL SERVICES

5:27-11.1 Applicability

(a) This subchapter shall not apply to cooperative sober living residences.

Recodify existing (a)-(b) as **(b)-(c)** (No change in text.)

SUBCHAPTER 12. FIRE SAFETY LOANS

5:27-12.1 Purpose; delegation to the Bureau

(a) This subchapter shall not apply to cooperative sober living residences.

Recodify existing (a)-(b) as **(b)-(c)** (No change in text.)

SUBCHAPTER 13. ADDITIONAL RULES REGARDING PERSONS WITH ALZHEIMER'S DISEASE OR REALTED DISORDERS OR OTHER FORMS OF DEMENTIA

5:27-13.1 Appropriate placement and care

(a) This subchapter shall not apply to cooperative sober living residences.

Recodify existing (a)-(i) as **(b)-(j)** (No change in text.)

SUBCHAPTER 14. CARBON MONOXIDE ALARMS

5:27-14.1 Carbon monoxide alarms

(a) Carbon monoxide alarms shall be installed and maintained in full operating condition in the following locations:

1. (No change.)

2. As an alternative to the requirements above, carbon monoxide alarms may be installed in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23)[-3.20) with the approval of the Bureau].

(b)-(c) (No change.)

(a)

DIVISION OF FIRE SAFETY

Uniform Fire Code

Proposed Amendment: N.J.A.C. 5:70-2.9

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-198, 52:27D-198.2, and 52:27D-201.

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

Proposal Number: PRN 2017-082.

Submit written comments by August 4, 2017, to:

Geraldine Callahan
 Department of Community Affairs
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 Trenton, New Jersey 08625
 E-mail: Geraldine.Callahan@dca.nj.gov
 Fax Number: (609) 984-6696

The agency proposal follows:

Summary

The Division of Fire Safety proposes the following amendments to the Uniform Fire Code (UFC):

To fund its fire safety programs, the Department of Community Affairs (Department) proposes to increase most fees charged by the Division of Fire Safety by 29 percent. Life hazards uses (LHUs) are

defined at N.J.A.C. 5:70-2.4 through 2.4D and are subject to annual, semiannual, or quarterly Uniform Fire Code inspections, as well as to annual LHU registration fees. The Division of Fire Safety has not increased its fees since 2003. The increased fees are necessary to cover increased costs as evidenced partially by the rate of inflation since the last fee increase in 2003. Currently, the Department rebates a percentage of collected LHU fees to local agencies that perform inspections on behalf of the Commissioner, with the local agencies receiving 65 percent and the Department retaining 35 percent.

In addition to the proposed increase in LHU fees at N.J.A.C. 5:70-2.9(a) and (b), the Department proposes to increase permit fees (see N.J.A.C. 5:70-2.9(c)), the application fees for certificates of smoke detector and carbon monoxide alarm compliance (CSDCMAC) in one- and two-family dwellings upon sale or change of occupancy (see N.J.A.C. 5:70-2.9(d)), and application fees for carnival registration certificates (see N.J.A.C. 5:70-2.9(e)). These proposed increases would also be at the rate of 29 percent over the current fees. Notwithstanding these proposed increases, subsection (f) authorizes a municipality having a local enforcing agency to establish by ordinance a different permit and certificate of smoke detector compliance fee schedule based on the actual cost anticipated or incurred for the enforcement of these Code provisions; provided, however, that the permit fee for the temporary use of a commercial farm building as a place of public assembly shall not exceed \$97.00.

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

The proposed fee increases are necessary to allow Uniform Fire Safety Act programs to continue to be self-supporting as intended by the Legislature. All of these programs are necessary for the prevention of fire and the protection of public health and safety, and must be properly funded if they are to operate effectively.

Economic Impact

The proposed fee increases would generate an increase in Division of Fire Safety and local enforcing agency revenues. In the short run, the Department expects approximately an annual 29 percent increase in total fees collected. Sixty-five percent of those funds would be rebated to county, municipal, and fire district Uniform Fire Code local enforcing agencies in accordance with statute and rule. The remaining 35 percent would be used to fund the State's administration and enforcement of the Uniform Fire Safety Act.

Businesses and individuals would have to pay these increased fees. The range of fees would increase from \$84.00 through \$3,706 to \$108.00 through \$4,781 for LHU owners, from \$42.00 through \$497.00 to \$54.00 through \$641.00 for permit applicants, from \$35.00 through \$125.00 to \$45.00 through \$161.00 for certificates of smoke detector and carbon monoxide compliance, and from \$60.00 through \$120.00 to \$77.00 through \$155.00 for carnival registrations. Subsection (f) authorizes a municipality having a local enforcing agency to establish by ordinance a different permit and certificate of smoke detector compliance fee schedule based on the actual cost anticipated or incurred for the enforcement of these Code provisions; provided, however, that the permit fee for the temporary use of a commercial farm building as a place of public assembly shall not exceed \$97.00. It is unknown to the Department how many municipalities have passed or will pass ordinances in this regard, and whether the Statewide schedule of fee increases would govern most municipalities.

Federal Standards Statement

No Federal standards analysis is required because the proposed amendments 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 under a State statute that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The Department does not anticipate that any jobs would be created or lost as a result of the proposed amendments.

Agriculture Industry Impact

The Department does not anticipate that any impact on the agricultural industry would occur as a result of the proposed amendments. However, to the extent that any agricultural facility includes an LHU, it will be subject to the same increase in fees as any similar LHU that is not part of an agricultural facility.

Regulatory Flexibility Analysis

The proposed amendments do not place any reporting or recordkeeping burden upon "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The only additional compliance burden placed upon such entities, in common with all other entities subject to the same rules, is that they must pay a fee increase necessary to cover program costs and to allow the Department to better protect public health and safety. Therefore, no distinction can be made as to the size or form of organization of the fee-paying entity for fee increase purposes. The Department notes that some fee categories were initially established based on size of operation, as well as other factors.

Housing Affordability Impact Analysis

The proposed amendments concern fee increases, which would be most unlikely to have any impact upon housing production costs or to affect housing affordability.

Smart Growth Development Impact Analysis

The proposed amendments concern across-the-board fee increases. As such, the proposed amendments would be 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 proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT

5:70-2.9 Fees: registration; certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC); permit; carnival registration certificate

(a) The annual registration fee for life hazard uses shall be as follows:

- 1. Type Aa—[\$84.00] **\$108.00** per year;
- 2. Type Ab—[\$124.00] **\$160.00** per year;
- 3. Type Ac—[\$132.00] **\$170.00** per year;
- 4. Type Ad—[\$148.00] **\$190.00** per year;
- 5. Type Ae—[\$166.00] **\$215.00** per year;
- 6. Type Af—[\$199.00] **\$257.00** per year;
- 7. Type Ag—[\$250.00] **\$323.00** per year;
- 8. Type Ah—[\$298.00] **\$384.00** per year;
- 9. Type Ai—[\$397.00] **\$512.00** per year;
- 10. Type Aj—[\$497.00] **\$641.00** per year;
- 11. Type Ba—[\$132.00] **\$170.00** per year;
- 12. Type Bb—[\$250.00] **\$323.00** per year;
- 13. Type Bc—[\$397.00] **\$512.00** per year;
- 14. Type Bd—[\$497.00] **\$641.00** per year;
- 15. Type Be—[\$581.00] **\$750.00** per year;
- 16. Type Bf—[\$709.00] **\$915.00** per year;
- 17. Type Bg—[\$755.00] **\$974.00** per year;
- 18. Type Bh—[\$944.00] **\$1,218** per year;
- 19. Type Bi—[\$1,136] **\$1,465** per year;
- 20. Type Bj—[\$1,181] **\$1,523** per year;
- 21. Type Bk—[\$1,416] **\$1,827** per year;
- 22. Type Bl—[\$1,654] **\$2,134** per year;
- 23. Type Bm—[\$1,844] **\$2,379** per year;
- 24. Type Bn—[\$2,360] **\$3,044** per year;
- 25. Type Bo—[\$2,832] **\$3,653** per year;
- 26. Type Bp—[\$994.00] **\$1,282** per year;
- 27. Type Bq—[\$3,088] **\$3,984** per year;
- 28. Type Ca—[\$944.00] **\$1,218** per year;
- 29. Type Cb—[\$1,133] **\$1,462** per year;
- 30. Type Cc—[\$1,226] **\$1,582** per year;
- 31. Type Cd—[\$1,321] **\$1,704** per year;

- 32. Type Ce—[\$1,511] **\$1,949** per year;
- 33. Type Cf—[\$540.00] **\$697.00** per year;
- 34. Type Cg—[\$1,888] **\$2,436** per year;
- 35. Type Ch—[\$2,371] **\$3,059** per year;
- 36. Type Ci—[\$2,850] **\$3,677** per year;
- 37. Type Da—[\$1,882] **\$2,428** per year;
- 38. Type Db—[\$2,850] **\$3,677** per year;
- 39. Type Dc—[\$3,706] **\$4,781** per year.

(b) Where more than one life hazard use exists under one ownership at a given location, the highest life hazard use shall be registered at full fee and subsequent life hazard uses at one-half the scheduled fee.

1. No public or private K-12 educational building shall pay more than one [\$166.00] **\$214.00** life hazard use registration fee, regardless of the number or type of life hazard uses contained within the building.

2. No camp accommodating six or more children of school age shall pay more than [\$148.00] **\$191.00** life hazard use registration fee, regardless of the number or type of life hazard uses contained within the premises.

3. (No change.)

(c) The application fee for a permit shall be as follows:

- 1. Type 1—[\$42.00] **\$54.00**;
- 2. Type 2—[\$166.00] **\$214.00**;
- 3. Type 3—[\$331.00] **\$427.00**;
- 4. Type 4—[\$497.00;] **\$641.00**.

i. (No change.)

5. (No change.)

(d) The application fee for a certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC), as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupant is expected, as follows:

1. Requests for a CSDCMAC received more than 10 business days prior to the change of occupant: [\$35.00] **\$45.00**;

2. Requests for a CSDCMAC received four to 10 business days prior to the change of occupant: [\$70.00] **\$90.00**; and

3. Requests for a CSDCMAC received fewer than four business days prior to the change of occupant: [\$125.00] **\$161.00**.

(e) The annual application fee for a carnival registration certificate shall be as follows:

1. For 10 or fewer locations: [\$60.00] **\$77.00**;

2. For 11 to 25 locations: [\$90.00] **\$116.00**;

3. For 26 or more locations: [\$120.00] **\$155.00**.

(f) A municipality having a local enforcing agency may establish by ordinance a different permit and certificate of smoke detector compliance fee schedule based on the actual cost anticipated or incurred for the enforcement of these Code provisions; provided, however, that the permit fee for the temporary use of a commercial farm building as a place of public assembly shall not exceed [\$75.00] **\$97.00**.

MILITARY AND VETERANS' AFFAIRS

(a)

OFFICE OF THE ADJUTANT GENERAL

Division of Veterans Services

Proposed Readoption with Amendments: N.J.A.C. 5A:6

Authorized By: Brigadier General Michael L. Cunniff, The Adjutant General, Commissioner, Department of Military and Veterans' Affairs.

Authority: P.L. 1987, c. 444 and N.J.S.A. 38A:3-2.2 and 38A:3-6(o).
Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-080.

Submit written comments by August 4, 2017, to:

Mark Preston, Chief
Administrative Services Bureau, IASD