

buildings at the time of initial occupancy, regardless of their state of compliance with the Uniform Construction Code.

(b) (No change.)

5:70-4.9 Automatic fire and carbon monoxide alarms

(a)-(c) (No change.)

(d) *[Carbon]* ***Effective September 3, 2017, carbon*** monoxide detection equipment shall be installed in all existing buildings which contain a fuel-burning appliance or have an attached garage. An "open parking structure," as defined in the building subcode of the Uniform Construction Code, shall not be deemed to be an attached garage.

1. One- and two-family dwellings: Carbon monoxide detection shall be installed in buildings of Use Groups R-3 and R-4 in accordance with the requirements of N.J.A.C. 5:70-4.19.

2. Carbon monoxide detection equipment shall be installed in the immediate vicinity of each sleeping area in any guestroom or dwelling unit located in a building of Group I-1, R-1 or R-2 occupancies, except as provided in (d)2i or ii below.

i. Guestrooms or dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide detection equipment provided that:

(1) The guestroom or dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage;

(2) The guestroom or dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or an attached garage and the building has a common area carbon monoxide alarm system with all common area detectors connected to an approved supervisory station or other approved local visual and audible supervisory signal; and

(3) Individual detection equipment is located in every room adjacent to the room(s) containing a fuel-burning appliance; and

(A) In every corridor, hall or lobby adjacent to such room(s);

(B) In the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance; and

(C) On any story within two stories above or below the story containing the fuel-burning appliance.

ii. The building is provided with a supervised carbon monoxide detection system. Individual detectors shall be located in every room containing a fuel-burning appliance. All such detectors shall be connected to an approved supervisory station. Carbon monoxide and fire alarms may be incorporated into a common monitored system.

3. Carbon monoxide detection equipment shall be installed in all occupancies other than those listed in (d)2 above in accordance with this paragraph. Systems using detectors shall have a distinct visual and audible notification. When alarms are installed in lieu of *[detection]* ***detectors***, they shall be located such that the audible signal is not less than 15 dB above the average ambient sound level. Carbon monoxide detectors or alarms shall be installed in the immediate vicinity of all potential source(s) of carbon monoxide.

i. Carbon monoxide detection equipment shall not be required:

(1) In locations, such as repair garages, where the presence of carbon monoxide may be expected as a function of the normal use of the space;

(2) In the immediate area of large-drop battery charging;

(3) In unconditioned spaces where detectors or alarms may be subject to ambient temperatures outside the device's listed operating range or spaces where exposure to potential contaminants which may adversely affect their operation. For unconditioned spaces that require such detection, detection equipment shall be installed in approved adjacent room(s) or space(s);

(4) In other occupiable space(s) not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage, provided that the building has a common area carbon monoxide detection system with all common area detectors connected to an approved supervisory station or other approved local visual and audible supervisory signal and individual carbon monoxide alarms are located:

(A) In every room adjacent to the room(s) containing a fuel-burning appliance, and in every corridor, hall or lobby adjacent to such room(s);

(B) In the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, or ventilation shafts on the story containing the fuel-burning appliance;

(C) In the first area served by each main duct leaving the area where the appliance is located; and

(D) Any story within two stories above or below a story containing a fuel-burning appliance.

4. For carbon monoxide detection systems in occupancies other than those listed in (d)2 above, audible and visual supervisory notification shall only be provided at the detector, control panel and remote annunciator. The balance of the system installation shall comply with NFPA 720 and with the Uniform Construction Code. Carbon monoxide and fire alarms may be incorporated into a common monitored system.

5. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed and maintained in accordance with the requirements of this section and the edition of NFPA 720 currently referenced in this chapter, as applicable. Carbon monoxide alarms may be battery operated, hard wired or of the plug-in type. Expired alarms shall be immediately replaced.

6. Carbon monoxide detection systems shall comply with the edition of NFPA 720 currently referenced in this chapter. Carbon monoxide detectors shall be listed in accordance with UL 2075.

5:70-4.19 Smoke detectors for one- and two-family dwellings; carbon monoxide detectors

(a)-(c) (No change.)

(d) Carbon monoxide alarms shall be installed in all dwelling units in buildings in Use Groups R-3 and R-4, except for buildings that do not contain a fuel-burning device or have an attached garage, as follows:

1.-2. (No change.)

(a)

DIVISION OF LOCAL GOVERNMENT SERVICES

LOCAL FINANCE BOARD

Certification of Available Funds

Adopted Amendments: N.J.A.C. 5:30-5.3 through 5.5

Proposed: February 6, 2017, at 49 N.J.R. 227(a).

Adopted: May 10, 2017, by the Local Finance Board, Timothy J. Cunningham, Chair.

Filed: May 10, 2017, as R.2017 d.118, **without change**.

Authority: N.J.S.A. 52:27BB-10.

Effective Date: June 5, 2017.

Expiration Date: January 15, 2023.

Summary of Public Comment and Agency Response:

The Local Finance Board received one comment on the proposed amendments to N.J.A.C. 5:30-5.3 through 5.5. This comment was from the New Jersey Foundation for Open Government (the Foundation), the original party that petitioned for amendments to the above-referenced rules.

COMMENT: The Foundation expressed support for the amendments set forth in the notice of proposal, stating its view that the amendments constitute a common sense step toward greater transparency with respect to the maximum dollar value of a contract awarded by a local unit.

RESPONSE: The Board appreciates the Foundation's expression of support for the proposed amendments, and will adopt said amendments without change.

Federal Standards Statement

No Federal standards analysis is required because the adopted amendments are not 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.

Full text of the adoption follows:

SUBCHAPTER 5. CERTIFICATIONS OF AVAILABILITY OF FUNDS AND ACCOUNTING SYSTEM REQUIREMENTS FOR LOCAL UNITS

5:30-5.3 General requirements

(a)-(b) (No change.)

(c) If a purchase or the execution of a contract does not require, either by State law or any State or local regulation, specific authorization by formal action of the governing body, then the individual approving the contract or release of the purchase order shall be able to ascertain from an appropriate entry made into the local unit's encumbrance system by the chief financial officer or certifying finance officer, as appropriate, that there are available sufficient uncommitted appropriations to provide for the payment. The administrative official or employee shall be so authorized pursuant to N.J.S.A. 40A:11-3.

5:30-5.4 Procedure

(a) The following procedure shall be utilized for the certification of funds when a contract is to be authorized by the governing body of the local unit:

1. The chief financial officer or certifying finance officer, as appropriate, charged with the responsibility of maintaining the financial records of the contracting unit shall certify in writing to the governing body the availability, or lack thereof, of adequate funds for each contract that is pending authorization by the governing body. Said certification shall designate specifically the line item appropriation(s) of the official budget and/or appropriation from a source other than the budget to which the contract will be properly charged; ensuring that the same funds shall not be certified as available for more than one pending contract. Said officer shall be solely responsible for the accuracy of the certification. The maximum dollar value of the contract pending authorization by the governing body shall be referenced in the certification, unless a special situation set forth in N.J.A.C. 5:30-5.5 permits the certification of either no amount or an amount less than the maximum dollar value of the contract.

2. No resolution or ordinance authorizing the entering into of any contract pursuant to N.J.S.A. 40A:11-1 et seq., or any other law for the expenditure of public funds to a vendor shall be enacted unless the governing body has been provided with the written certification of available funds required by (a)1 above and the resolution or ordinance recites that the required certification of available funds has been provided to the governing body. Either the local unit's attorney or the secretary to the governing body shall ensure that the required certification of available funds has been provided to the governing body prior to it adopting a resolution or ordinance authorizing entering into a contract. The resolution or ordinance authorizing entering into the contract shall also specify the exact line item appropriation(s) and/or appropriation from a source other than the budget, which shall be charged and the maximum dollar value of the contract.

3. The certification of availability of funds shall either be incorporated into the resolution or ordinance authorizing entering into the contract or attached to an original copy of the resolution or ordinance. The certification of availability of funds shall be kept in the files of the municipal clerk, clerk of the board of chosen freeholders, or secretary to the governing body.

4. When a contract is issued as a purchase order or amendment thereto, the budgetary accounting encumbrance process set forth in N.J.A.C. 5:30-5.3(c) and (b) shall take the place of, and be used instead of, the written certification of available funds described in (a)1 above.

(b) When a contract is awarded and a resolution or ordinance of the governing body is not required, the chief financial officer or certifying finance officer shall cause an appropriate entry to be made into the local unit's encumbrance system pursuant to N.J.A.C. 5:30-5.1 and 5.2 prior to the issuance of a contract.

5:30-5.5 Methods of accounting for and certifying available funds for special situations

(a) Temporary budget: When a local unit is operating under a temporary budget, as provided for in N.J.S.A. 40A:4-19, the local unit

may enter into a contract for a period extending beyond the time period funded in the temporary budget upon compliance with the following:

1. If the full cost of that year is to be charged against the temporary budget at the time the contract is authorized by a resolution or ordinance of the governing body, the written certification of available funds required by N.J.A.C. 5:30-5.4(a) shall certify the availability of the full cost of the contract for that fiscal year in the temporary budget, which must contain sufficient appropriations therefor; or

2. If the full cost of that year would not be charged against the temporary budget at the time the contract is authorized by a resolution or ordinance of the governing body, the written certification of available funds required by N.J.A.C. 5:30-5.4(a) shall certify the availability of at least a prorated amount reflecting all liability to be incurred during the temporary budget period, and the contract must contain a clause making its continuation past the temporary budget period subject to the appropriation of sufficient funds. Immediately after the final budget is adopted, a written certification of available funds shall be prepared for the remaining balance and filed with the original ordinance or resolution authorizing entering into the contract.

(b) Open-end contracts: When a contract provides for certain goods or services to be provided upon request, up to an established maximum, and the local unit is not obligated to order, accept, or pay for said goods or services, except when it orders them, the local unit may enter into the contract upon compliance with the following:

1. If the full amount of the contract is to be charged against the budget at the time the contract is awarded by the governing body, the written certification of available funds required by N.J.A.C. 5:30-5.4(a) shall certify the availability of the full amount of the contract; or

2. If the full amount of the contract would not be charged against the budget at the time the contract is awarded by the governing body, no amount shall be encumbered until such time as goods or services are ordered, pursuant to the open-end contract. When this option is utilized, the budgetary accounting encumbrance process set forth in N.J.A.C. 5:30-5.3(c) and 5:30-5.4(b) shall take the place of, and be used instead of, the written certification of available funds set forth at 5:30-5.4(a).

(c) Contracts up to 12 months not coinciding with fiscal year: When a contract has a term of up to 12 months that does not coincide with the established fiscal year of the local unit, the local unit may enter into the contract upon compliance with the following:

1. If the contract is for a professional service or is for a single undertaking or project with one basic object (such as, but not limited to, contracts for reevaluation, codification, management studies, and feasibility surveys), rather than being divisible into separate steps or actions, which in themselves are independently acceptable as complete work products, then the full amount of the contract shall be charged against the budget and/or appropriation from a source other than the budget at the time the contract is authorized by the governing body and the written certification of available funds required by N.J.A.C. 5:30-5.4(a) shall certify the availability of the full amount of the contract. This method may also, at the option of the local unit, be followed for contracts described in (c)2 below.

2. If the contract is not for a professional service or for a single undertaking or project with one basic object and it provides for goods or services to be provided at separate intervals over the contract period, then the contract shall be charged against the budgets in the two consecutive fiscal years as follows: at the time the contract is awarded by the governing body (for the amount to be incurred during the first fiscal year) and at the time of the adoption of the temporary budget and the adoption of the final budget (for the remaining amount of the contract for the second fiscal year). The written certification of available funds required by N.J.A.C. 5:30-5.4(a) shall certify the availability of the prorated amount reflecting the liability to be incurred during the first fiscal year and a second written certification of available funds shall certify the availability of the remaining amount to be incurred during the second fiscal year.

(d) Multi-year contract requirements when a contract has a term of more than 12 months, the local unit may enter into the contract upon compliance with the following:

1. If the contract is pursuant to N.J.S.A. 40A:11-15:

i. If the contract is for construction and related services authorized by N.J.S.A. 40A:11-15(9), the full amount of the contract shall be charged against the budget and/or appropriation from a source other than the budget at the time the contract is awarded by the governing body and the written certification of available funds required by N.J.A.C. 5:30-5.4(a) shall certify the availability of the full amount of the contract;

ii. For all other contracts with a term of more than 12 months, an amount reflecting all liability to be incurred during the fiscal year shall be charged to the budget for each fiscal year covered by the term of the contract, subject to such requirements of this section as might apply with respect to temporary budgets, open-end contracts, or contracts not commencing at the beginning of the fiscal year. The written certification of available funds required by N.J.A.C. 5:30-5.4(a) for each fiscal year shall certify the availability of all funds to be charged to the budget for that fiscal year.

2. If the contract is for a multi-year lease or a contract that is not specifically exempted pursuant to N.J.S.A. 40A:11-15 or 40A:12-5(b), it shall contain a clause making the contract subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation or contain an annual cancellation clause permitting the local unit to unilaterally cancel the contract for the coming year.

(e)-(f) (No change.)

(a)

DIVISION OF HOUSING AND COMMUNITY RESOURCES

Local Housing Authority Crime Reports

Readoption: N.J.A.C. 5:44A

Proposed: December 5, 2016, at 48 N.J.R. 2515(a).
 Adopted: March 17, 2017, by Charles A. Richman, Commissioner, Department of Community Affairs.
 Filed: May 11, 2017, as R.2017 d.119, **without change**.
 Authority: N.J.S.A. 40A:12A-45 and 49.
 Effective Date: May 11, 2017.
 Expiration Date: May 11, 2024.

Summary of Public Comment and Agency Response:
There were no comments.

Federal Standards Statement

No Federal standards analysis is required because the chapter is not being readopted under the authority of or 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.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 5:44A.

EDUCATION

(b)

STATE BOARD OF EDUCATION

Commissioner Reporting Responsibilities

Adopted Amendment: N.J.A.C. 6A:2-2.4

Adopted: May 3, 2017, by the State Board of Education, Kimberley Harrington, Acting Commissioner, Department of Education and Acting Secretary, State Board of Education.
 Filed: May 4, 2017, as R.2017 d.114.
 Authority: N.J.S.A. 18A:4-22 and 52:14B-3(1).
 Effective Date: May 4, 2017.
 Expiration Date: November 15, 2019.

This organizational rule is excepted from the notice and public comment requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and is effective upon filing with the Office of Administrative Law, pursuant to N.J.S.A. 52:14B-4(b).

Full text of the adopted amendments follows (additions indicated in the boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 2. ORGANIZATION OF THE DEPARTMENT

6A:2-2.4 Reporting responsibilities

(a) The following senior managers report directly to the Commissioner:

1. The Chief of Staff/Assistant Commissioner for the Division of Executive Services. The following organizational units and/or their chief officers report directly to the Chief of Staff/Assistant Commissioner for the Division of Executive Services:

i. The Deputy Chief of Staff. The following organizational unit and its chief officer reports directly to the Deputy Chief of Staff:

(1) The Chief Administrative Officer. The following organizational units and their chief officers report directly to the Chief Administrative Officer:

- (A) The Director of the Office of Administration; and**
- (B) The Director of the Office of Human Resources;**

[i.] **ii.** The Chief Public Affairs Officer. The following organizational unit and its chief officer reports directly to the Chief Public Affairs Officer:

(1) The Director of the Office of Media Relations and Strategic Outreach; [and]

[ii.] The Chief Administrative Officer. The following organizational units and their chief officers report directly to the Chief Administrative Officer:

- (1) The Director of the Office of Administration; and
- (2) The Director of the Office of Human Resources;]

2. The Deputy Commissioner for the Division of Talent and Performance. The following organizational units and/or their chief officers report directly to the Deputy Commissioner for the Division of Talent and Performance:

i.-iii. (No change.)

iv. The Chief [Intervention] Strategic Alignment Officer of the Office of Strategic Alignment;

3. (No change.)

4. The Chief Academic Officer/Assistant Commissioner for the Division of Teaching and Learning. The following organizational units and/or their chief officers report directly to the Chief Academic Officer/Assistant Commissioner for the Division of Teaching and Learning:

i. The Deputy Chief [Academic/Post Secondary Readiness/Partnerships] **Academic Officer;**

ii.-viii. (No change.)

5.-8. (No change.)

ENVIRONMENTAL PROTECTION

(c)

LAND USE MANAGEMENT

LAND USE REGULATION PROGRAM

Highlands Water Protection and Planning Act Rules Definitions; Septic System Density Standards

Adopted Amendments: N.J.A.C. 7:38-1.4 and 3.4

Proposed: May 2, 2016, at 48 N.J.R. 677(a) (see also 48 N.J.R. 1037(a)).

Adopted: April 21, 2017, by Bob Martin, Commissioner, Department of Environmental Protection.

Filed: April 26, 2017, as R.2017 d.102, **without change**.