

the fire and/or prevent sparks from flying into the home from the fireplace.

iii. Fireplaces, as wells as wood or pellet burning stoves, if used, must be professionally inspected, and cleaned if necessary, annually, and documentation of such shall be maintained.

9. Every exhaust fan and exhaust fan filter shall be regularly cleaned from accumulated grease.

10. Attics and unfinished spaces without adequate flooring shall be rendered inaccessible to persons served.

(d) Each person served shall have access to a landline or cellular telephone.

(e)-(i) (No change.)

(j) Standby generators shall be permanently installed by a qualified technician in accordance with all local codes, permitting, and inspection requirements.

(k) Portable generators shall only be used in accordance with the following:

1. Under a permit issued by the local enforcement agency, if such a permit is required by local municipal codes;

2. Not plugged directly into the home's electrical receptacles or outlets;

3. Operated outside and away from doors, vents, or open windows leading into the home;

4. Properly grounded, dry, and shielded from contact with liquid;

5. Operated only with heavy-duty electrical cords that are rated for outdoor use, free of any punctures or exposed wiring, kept out of the way of foot traffic, and not run underneath rugs;

6. Powering only devices that, when operated simultaneously, do not draw more electrical capacity than the generator is designed to supply; and

7. Not powering devices hard-wired into the home's electrical system unless the generator is plugged into a transfer switch or panel of transfer switches installed by a qualified technician in accordance with all local codes, permitting, and inspection requirements.

10:44C-6.7 Certificate of occupancy

A certificate of occupancy or other documentation of approval shall be obtained by the licensee from the local construction official as required by the Uniform Construction Code (see N.J.A.C. 5:23) and/or local ordinance for all repairs or renovations requiring a building permit.

10:44C-6.8 Exits

(a) Exit/evacuation areas to be used for mass evacuation shall not be permitted through furnace areas, storage areas or bedrooms.]

(b)] (a) (No change in text.)

(b) No interior or exterior door, window, or opening in a community residence for persons with head injuries shall be locked, fastened, or blocked, so as to prevent or impede the egress of any person in the residence.

(c) Only commercially available security devices shall be permitted for use with sliding glass exit doors.

(d) Means of egress shall not be obstructed.

10:44C-6.9 Heat sources

(a) Space heaters, including, but not limited to, electrical, kerosene, and quartz heaters, shall be prohibited, unless a waiver is granted by the [licensing agency] Office of Licensing.

1. (No change.)

(b) Every home shall have heating facilities that are properly installed, maintained in good and safe working condition, and capable of maintaining all habitable rooms at a temperature of [65] 68 degrees Fahrenheit (18 degrees Celsius) when the outdoor temperature is zero degrees Fahrenheit (-18 degrees Celsius).

(c) (No change.)

10:44C-6.10 Water

(a) Hot and cold running potable water shall be available at all times.

1. The potable water supply from a private well shall be tested at least once every five years by a New Jersey certified laboratory.

(b) Hot water shall not exceed 120 degrees Fahrenheit (49 degrees Celsius) at the tap or be maintained lower than 105 degrees Fahrenheit.

10:44C-6.12 Windows

(a) Every bedroom shall have at least one operable window opening directly to the outside.

1. If a bedroom has only one operable window, it shall not be blocked by an air conditioner or any permanently installed device.

(b)-(e) (No change.)

10:44C-6.13 Bedrooms

(a) Occupancy shall be limited to floors on or above grade level. Bedrooms may be situated in basements under the following conditions:

1.-2. (No change.)

3. There are no other conditions that may adversely affect the health, safety, welfare, or rights of persons with head [injury] injuries.

(b)-(f) (No change.)

(g) Each person served shall be provided with the following bedroom furnishings, in good repair, the style of which is consistent with his or her preference, unless otherwise specified by the TDT:

1.-2. (No change.)

3. A box spring of sufficient size, unless a platform bed or spring bed frame is used;

i. Fold-up convertible type beds, roll-aways, cots, hide-a-beds and double deck beds shall be prohibited, unless a situation warrants short-term use[.];

ii. Vinyl or fabric mattress and box spring protectors shall be designed for that purpose and shall be of fire-resistant material. Any other form of covering, such as shipping plastic, is prohibited.

4.-6. (No change.)

7. One mirror [chosen by the person served], securely fastened to the wall and/or fastened to a dresser at a height appropriate for the use of the person(s) served occupying the room.

(h) (No change.)

(i) Every bedroom shall have an operable door for privacy.

10:44C-6.15 Kitchens

(a) Kitchens shall be clean and [well] ventilated.

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

(d) Refrigeration and storage of food shall be provided at not more than 45 degrees Fahrenheit (seven degrees Celsius). Freezer compartments shall operate at no more than [32] zero degrees Fahrenheit ([zero] -18 degrees Celsius).

10:44C-6.17 Maintenance requirements

(a) (No change.)

(b) Accumulation of garbage or waste shall be prevented.

1. All garbage collected for disposal shall be stored in water tight containers with tight fitting covers.

(c) Pest control services shall be arranged in a timely manner when there is evidence of infestation.

1. Agency staff may treat the infestation provided they have been trained by a licensed extermination company and the infestation has been determined to be under control by a licensed extermination company after treatments have been completed. The licensee shall retain documentation of all such training and service.

(d)-(e) (No change.)

CHILDREN AND FAMILIES

(a)

DIVISION OF CHILD PROTECTION AND PERMANENCY

AFDC Foster Care Plan

Proposed Repeals: N.J.A.C. 10:122A

Authorized By: Allison Blake, Ph.D., L.S.W., Commissioner,
Department of Children and Families.

Authority: N.J.S.A. 18A:70-1 et seq., 30:1-1 et seq., and 30:4C-1 et seq.

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

Proposal Number: PRN 2016-138.

Submit written comments by November 5, 2016, to:

Pamela Wentworth, M.S.W., L.S.W.
Office of Policy and Regulatory Development
Division of Child Protection and Permanency
PO Box 717
Trenton, New Jersey 08625
or electronically at rules@dcf.state.nj.us

The agency proposal follows:

Summary

As the Division 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.

This chapter was adopted as an emergency rule in 1975 and recodified to its present location in the New Jersey Administrative Code in 1981. It was adopted as exempt from expiration because it was adopted in compliance with Federal regulations. As such, the Division has not amended or readopted the rule.

Pursuant to Section 408 of the Social Security Act, the chapter sets out the requirements that the State needs to adhere to in order to be eligible for funding under the Federal Aid to Families with Dependent Children (AFDC) Foster Care program. The Federal government reimbursed the State under Title IV-A of the Social Security Act for money spent to provide placement and treatment services for eligible children at the rates of 50:50 and 75:25 Federal financial participation.

The Federal government repealed section 408 of the Social Security Act in 1980. This repealed the AFDC Foster Care program. The Adoption Assistance and Child Welfare Act of 1980 replaced it with Title IV-E of the Social Security Act. Title IV-E also provides Federal financial participation to the State for eligible children in foster care.

The Division proposes to repeal this chapter because it sets State standards for a Federal program that no longer exists.

Social Impact

The repeal of this chapter has no social impact. New Jersey's foster care program is operated in accordance with Title IV-E of the Social Security Act.

Economic Impact

The repeal of this chapter does not have any economic impact on the State. This chapter implemented a Federal statute now repealed.

Federal Standards Statement

The chapter is not subject to any Federal standards, as the relevant Federal standards were repealed in 1980. No Federal standards analysis is required.

Jobs Impact

The Division does not expect that the rules proposed for repeal will result in the generation or loss of any jobs.

Agriculture Industry Impact

The rules proposed for repeal have no impact on the agriculture industry.

Regulatory Flexibility Statement

The Division is not considered a small business under the terms of N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. Since this chapter is proposed for repeal, no reporting, recordkeeping, or other compliance requirements are imposed on small businesses.

Housing Affordability Impact Analysis

The rules proposed for repeal have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average cost associated with housing, as these rules pertain to the AFDC Foster Care Plan which no longer exists.

Smart Growth Development Impact Analysis

The rules proposed for repeal have no impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey, because the rules pertain to the AFDC Foster Care Plan which no longer exists.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 10:122A.

(a)

DIVISION OF CHILD PROTECTION AND PERMANENCY

Services

Proposed Repeals: N.J.A.C. 10:133E

Proposed Amendments: N.J.A.C. 10:120A-1.3 and 10:129-6.1

Authorized By: Allina Blake, Ph.D., L.S.W., Commissioner,
Department of Children and Families.

Authority: N.J.S.A. 30:4C-4(h).

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

Proposal Number: PRN 2016-139.

Submit written comments by November 5, 2016, to:

Debra A. Hayes
Office of Policy and Regulatory Development
Division of Child Protection and Permanency
PO Box 717
Trenton, New Jersey 08625
rules@dcf.state.nj.us

The agency proposal follows:

Summary

As the Division has provided a 60-day comment period for 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.

These rules were originally adopted on May 19, 1997, and subsequently readopted on April 26, 2002, October 23, 2007, and April 21, 2015.

The Division of Child Protection and Permanency (CP&P) proposes to repeal the rules governing the Division's provision of services, with proposed amendments to N.J.A.C. 10:120A, Dispute Resolution, and 10:129, Child Protection Investigations. N.J.A.C. 10:133E, Services, states for the public which services the Division shall provide to each client and which services the Division shall consider providing.

The Division proposes to amend N.J.A.C. 10:120A-1.3 and 10:129-6.1 to remove all references to N.J.A.C. 10:133E, Services.

The proposed repeal of N.J.A.C. 10:133E, Services, and amendment to N.J.A.C. 10:120A-1.3, definition of "Division service issue," does not alter the list of services for clients who are appealing the denial, reduction, suspension, or termination of services by a Division representative. The list of services remains part of the definition of "Division service issue."

The Division does not anticipate that the repeal of N.J.A.C. 10:133E, Services, nor the proposed amendments to N.J.A.C. 10:120A-1.3 or 10:129-6.1, will have a negative impact on the general public or the clients served by the Division. A list of services offered by the Division for its clients is available in each local office where clients are served, throughout the Division's policy manual, and on the Department of Children and Families' webpage, <http://www.state.nj.us/DCF/>.

Social Impact

The Division does not believe the social impact of the proposed repeal of these rules or proposed amendments will have a negative impact on the public. The proposed repeal of the rules will have no effect on the quality or quantity of services offered to CP&P clients. Parents, children, and